

Ordinary Council Meeting Minutes

22 September 2020



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SHIRE OF DALWALLINU

MINUTES for the Ordinary Meeting of Council to be held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday 22 September 2020 at 3.38pm.

1 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 3.38pm.

2 ANNOUNCEMENTS OF PRESIDING MEMBER

3 ATTENDANCE RECORD

3.1 Present

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

Chief Executive Officer	Ms JM Knight
Executive Assistant	Ms EJ Dutton

3.2 Apologies

Nil

3.3 Leave of Absence Previously Granted

Nil

4 DECLARATIONS OF INTEREST

Cr Brett H Boys declared a financial interest in item 9.2.3
Jean Knight declared a financial interest in item 14.1

5 PUBLIC QUESTION TIME

Nil

6 MINUTES OF PREVIOUS MEETINGS



6.1 Ordinary Council Meeting – 25 August 2020.

MOTION 9620

Moved Cr BH Boys
Seconded Cr KJ Christian

That the Minutes of the Ordinary Meeting of Council held 25 August 2020 be confirmed.

CARRIED 8/0

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 WORKS & SERVICES
9.1.1 Award of E-Quote VP198293 – Wet Mixing and Stabilisation

Report date	22 September 2020
Applicant	Shire of Dalwallinu
File ref	FM/28 - Tendering
Previous Meeting Reference	Nil
Prepared by	Will Taylor, Manager Works & Services
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

Purpose of Report

Council is request to award E-Quote VP198293 for wet mixing and stabilisation works for the 2020-2021 capital works program.

Background

E Quotes were called on 7 August 2020 and closed on 20 August 2020 through the WALGA portal. E-Quotes were received from the following suppliers:

- Downer Group
- Stabilised Pavements of Australia

Consultation

Chief Executive Officer

Legislative Implications

State

Local Government Act Section 3.57 – Provision of Goods & Services

Local Government (Functions and General) Regulations 1996

Policy Implications

Local

Policy 3.3 Regional Price Preference

Policy 3.5 Purchasing

Financial Implications

An allocation has been included in the 2020-2021 capital works program for these works.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable



Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment

The E-quote advertised on 7 August 2020 was as follows:

'The Shire of Dalwallinu is seeking prices on the following wet mixing and stabilisation works for the 2020-2021 capital works program.

Quote to include mobilisation and demobilisation, all machinery and personnel to spread cement and mix pavement including one truck.

Shire will supply one (1) water truck, traffic management, roller and all finishing machinery to complete works.

Wet mixing and cement stabilisation to a depth of 200mm and cement 2%.

Works:

Road	SLK	Brief Description	Program
<i>Bell</i>	<i>14.69 – 20.69</i>	<i>120,000 m2 wet mixing</i>	<i>Oct-Nov</i>
<i>Pithara West</i>	<i>0.46 – 6.00</i>	<i>36,400 m2 wet mixing</i>	<i>Oct</i>
<i>Pithara East</i>	<i>8.15 – 9.68</i>	<i>15,300 m2 cement stab</i>	<i>March</i>
<i>Warren</i>	<i>3.45 – 7.35</i>	<i>25,350m2 wet mixing</i>	<i>March</i>
<i>Dalwallinu Kalannie</i>	<i>8.96 – 10.48</i>	<i>15,200 m2 cement stab</i>	<i>March</i>
<i>Buntine Marchagee</i>	<i>11.71 – 15.26</i>	<i>23,075 m2 wet mixing</i>	<i>Oct</i>

The closing date for quotes was 2pm, Thursday 20 August 2020.

Quotes were assessed by the Chief Executive Officer and Manager Works and Services with the following criteria:

Criteria	Weighting
Price	30%
Relevant Experience	25%
Availability	20%
Key Personnel	25%



	QUALITATIVE CRITERIA									
Business Name	Price		Relevant Experience		Availability		Key Personnel			Rank
	30%		25%		20%		25%		100%	
	Score 0- 5	Weighted Score	Score 0- 5	Weighted Score	Score 0- 5	Weighted Score	Score 0- 5	Weighted Score	TOTAL	
Downer	5.00	30.00	5.00	25.00	4.00	16.00	4.75	23.75	94.75	1
SPA	1.00	6.00	4.25	21.25	4.00	16.00	4.00	20.00	63.25	2

A summary of the rates is as follows:

	Downer	Stabilised Pavements of Australia
Wet Mixing	153,618.75	163,860.00
Cement Stabilisation	114,375.00	112,545.00
Sub Total:	267,993.75	276,405.00

The highest rank quote was submitted by Downer Group with a score of 94.75.



Officer Recommendation/Resolution

MOTION 9621

Moved Cr MM Harms
Seconded Cr KL Carter

That Council:

1. Award E-Quote VP198293 to Downer Group with the following rates applicable:

Price (ex GST)	
Mob/Demob Stabilisation crew only	6,350
Mob/Demob wet mix crew only	5,100
Cement stabilisation of Dalwallinu-Kalannie Rd 15,200m2 at 200mm depth @2%	3.75/m2
Cement stabilisation of Pithara East Rd 15,300m2 at 20mm depth @2%	3.75/m2
Wet mixing of Bell Rd 120,000m2 @ 200mm deep	0.75/m2
Wet mixing of Pithara West Rd 36,400m2 @ 200mm deep	0.75/m2
Wet mixing of Warren Rd 25,350m2 @ 200mm deep	0.75/m2
Wet mixing of Buntine-Marchagee Rd 23,075m2 @ 200mm depth	0.75/m2
Stabilisation standby rate if asked to stand down	\$500/hr
Wet mixing standby rate if asked to stand down	\$375/hr

2. Authorise the Chief Executive Office to issue a purchase order for the works associated with E-Quote VP198293.

CARRIED 8/0



9.2 PLANNING & DEVELOPMENT

9.2.1 Shop – Lot 137 Hazlett Street, Kalannie*

Report Date	22 September 2020
Applicant	Gary Crossman
File Ref	A702
Previous Meeting Reference	Nil
Prepared by	Doug Burke, Manager Planning & Development Services
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Supporting Documentation

Purpose of Report

Council is requested to consider an application for approval to allow for the proposed development of a 'shop' on the subject land as submitted by the applicant on 7 August 2020.

The proposed development requires discretionary approval from the Council.

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

Background

Subject Property:	Lot 137 Hazlett Street, Kalannie
Land Use Zoning:	Townsite
Property Owner:	DJ Painter, MJ Davies and SC Davies
Applicant:	Garry Crossman
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Shop
Value of Development:	\$20K
Outside Consultation:	Nine property owners within 200 metre radius of the proposed development received written invitation to provide submissions.

The proposal is for the re-purposing of an existing building (18,330mm x 21,630mm) to allow for the conversion to a shop (refer to site plan).

'Shop' is defined under the *Planning and Development (Local Planning Schemes) Regulation 2015* as being:

'premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services'



The subject property is zoned 'Townsite' under the *Shire of Dalwallinu Planning Scheme N° 2*. Development of light industry is discretionary in the Townsite land use zone. The Council is required to determine an application for discretionary approval.



Site of proposed development – 6 Hazlett Street, Kalannie

Consultation

No other consultation was sought other than by way of submissions invited from adjacent landholders. Two submissions were received before the due date (26 August 2020).

The first submission provided no objection to the proposal stating that:

'We consider there to be no potential impacts that the proposal may have on our property, our amenity, if the development is approved without modification'

A second submission received during the advertising period provided a number of comments. Most of which related to the specified time period allowed for the receipt of submissions on the development and the perceived limited notice to the general community. However the gist of comments relevant to the proposed development were mainly concerned as to:

'Driving trucks or towing a caravan in town can at present, shop easily, collect mail in the main street'

Comment: The proposed development will incorporate a post office outlet including mail boxes accessible from the exterior of the building. The site presently offers substantial vehicular parking opportunities. The entrance to the site is approximately 200m from the main street (Roche Street).



'This proposed new location would also result in more traffic on small residential streets.'

Comment: Hopefully the new business will generate traffic, whether pedestrian or vehicular. The adjacent road network is not regarded as being particularly short nor narrow.

Legislative Implications

State

Planning and Development Act 2005

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

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

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	The following Schemes are applicable: <i>Shire of Dalwallinu Planning Scheme N^o 2</i> The applicable objectives for the Townsite Zone are: 'To allow a variety of uses necessary to service the normal functions of a rural townsite.' 'To provide for a mix of residential development and a range of commercial, light industrial and other uses considered appropriate in rural towns.'
The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	There are no proposed amendments in progress that would affect a determination. There are no other planning instruments currently being considered.
Any approved State planning policy	Nil identified



Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	Nil identified.
Any policy of the Commission	Nil applicable
Any policy of the State	Nil applicable
Any local planning policy for the Scheme area	Nil applicable
Any structure plan, activity centre plan or local development plan that relates to the development	Nil applicable
Any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Nil applicable
In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	Not applicable
The built heritage conservation of any place that is of cultural significance;	No items of cultural significance noted
The effect of the proposal on the cultural heritage significance of the area in which the development is located;	Nil impact
The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the effect of the height, bulk, scale, orientation and appearance of the development	The proposed development is to be situated on a developed site that is adjacent to a residential allotment and vacant crown land vested in the Shire.
The amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development	Nil issues identified
The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	Nil impact.
Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	There is no vegetation of note on the property.



The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	The land does not have a history of experiencing these types of events.
The suitability of the land for the development taking into account the possible risk to human health or safety	Nil change to the existing extent of risk
the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles	Frontage to a sealed road (Locke Street). The site has been developed with more than ample parking space for every private vehicle in the community.
The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	Nil issues identified. There is no reasons identified that would require a traffic solution.
The availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	No public transport services available. Electricity and potable water are available. Solid waste can be adequately stored and removed from site.
The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	Nil impact anticipated. There is the possibility that the site of the current general store situated on Roche Street may close as the tenant vacates on the opening and operation of the proposed shop.
The history of the site where the development is to be located	The site was previously used for a 'community purpose' insofar as being an institutional building with a purpose no longer identified as being necessary or required.
The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	Nil identified
Any submissions received on the application	Two submissions were received during the advertising period.



The comments or submissions received from any authority consulted under clause 66	No government authorities were consulted.
Any other planning consideration the Council considers appropriate	Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

A site inspection was undertaken by the reporting officer. Below is a photo taken of the frontage of the subject property. The site is has been previously developed with on-site sewage management system, ample car parking, adequate outdoor lighting and intact fencing. The building is in very good condition with very little noticeable wear.



Subject property – 6 Hazlett Street, Kalannie



Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment

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

A site inspection was conducted and consideration has been given to the potential impacts upon all lands adjoining or located nearby. The building on the subject property was built and used for a number of years as a religious meeting space for the local community.

It adjoins vacant Crown land reserves vested. On the south side and to the north-west are a number of residential properties on land zoned 'Residential'.

Council may determine an application for development approval by —

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

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



Officer Recommendation/Resolution

MOTION 9622

Moved Cr MM Harms

Seconded Cr KJ Christian

That the development application (DA 012021) for Lot 137 Hazlett Street, Kalannie, be approved pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:

1. The development is to be carried out in accordance with the documents endorsed with the Shire's stamp, except where amended by other conditions of this consent. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency;
2. Without further approval from Shire of Dalwallinu, in writing, this approval will lapse and have no force or effect after two years of the date of this permit.

CARRIED 8/0



9.2.2 Light Industrial Application– Lot 15 McConnell Street, Pithara*

Report Date	22 September 2020
Applicant	L&T DeGrussa
File Ref	A55702
Previous Meeting Reference	Nil
Prepared by	Doug Burke, Manager Planning & Development Services
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Supporting Documentation

Purpose of Report

Council is requested to consider an application for approval to allow for the proposed development of a 'Light Industry' on the subject land as submitted by the applicant on 20 July 2020.

The proposed development requires discretionary approval from the Council.

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

Background

Subject Property:	Lot 15 McConnell Street, Pithara
Land Use Zoning:	Townsite
Property Owner:	Brian Cummins
Applicant:	L&T DeGrussa
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Light Industry
Value of Development:	\$25K
Outside Consultation:	Six property owners within 200 metre radius of the proposed development received written invitation to provide submissions.

The proposal is for the construction of a building (18,000mm x 6,000mm x 4,008mm) to allow for the undertaking of light industry (refer to site plan).

'Industry' is defined under the *Planning and Development (Local Planning Schemes) Regulation 2015* as being:

premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

(a) the storage of goods;



- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes

Light industry is further defined as:

‘premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed’

The proposal is for the construction of the single 108m² building to facilitate a business whereby the owner will be:

‘repairing and servicing small motors and implements, eg chainsaws, lawnmowers, etc.’

The subject property is zoned ‘Townsite’ under the *Shire of Dalwallinu Planning Scheme N° 2*. Development of light industry is discretionary in the Townsite land use zone. The Council is required to determine an application for discretionary approval.



Site of proposed development – 14 McConnell Street, Pithara

Consultation

No other consultation was sought other than by way of submissions invited from adjacent landholders. No submissions were received before the due date (10 August 2020).



Legislative Implications

State

Planning and Development Act 2005

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

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

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	The following Schemes are applicable: <i>Shire of Dalwallinu Planning Scheme N^o 2</i> The applicable objectives for the Townsite Zone are: 'To allow a variety of uses necessary to service the normal functions of a rural townsite.' 'To provide for a mix of residential development and a range of commercial, light industrial and other uses considered appropriate in rural towns.'
The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	There are no proposed amendments in progress that would affect a determination. There are no other planning instruments currently being considered.
Any approved State planning policy	Nil identified
Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	Nil identified.
Any policy of the Commission	Nil applicable
Any policy of the State	Nil applicable



Any local planning policy for the Scheme area	Nil applicable
Any structure plan, activity centre plan or local development plan that relates to the development	Nil applicable
Any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Nil applicable
In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	Not applicable
The built heritage conservation of any place that is of cultural significance;	No items of cultural significance noted
The effect of the proposal on the cultural heritage significance of the area in which the development is located;	Nil impact
The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the effect of the height, bulk, scale, orientation and appearance of the development	The proposed development is to be situated on a developed site that is near to residential allotments and adjacent to vacant crown land.
The amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development	Nil issues identified
The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	Nil impact.
Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	There is no vegetation of note on the property.
The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	The land does not have a history of experiencing these types of events.



The suitability of the land for the development taking into account the possible risk to human health or safety	Nil change to the existing extent of risk
the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles	Frontage to a sealed road.
The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	Nil issues identified.
The availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	No public transport services available. Electricity and potable water are available. Solid waste can be adequately stored and removed from site. The property will need to incorporate an on-site sewage management system to deal with waste water generated onsite.
The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	Nil impact anticipated.
The history of the site where the development is to be located	Vacant block with minimal development evident.
The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	Nil identified
Any submissions received on the application	Nil
The comments or submissions received from any authority consulted under clause 66	None consulted
Any other planning consideration the Council considers appropriate	Nil

Policy Implications

Nil

Financial Implications

Nil



Strategic Implications

Nil

Site Inspection

A site inspection was undertaken by the reporting officer. Below is a photo taken of the frontage of the subject property. The site is greenfield with remnants of discarded vehicles and farm machinery.



Subject property – 14 McConnell Street, Pithara

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment

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

A site inspection was conducted and consideration has been given to the potential impacts upon all lands adjoining or located nearby. The subject property has had minimal previous development. It adjoins vacant Crown land reserves vested in the Shire. On the north side are a number of residential properties on land similarly zoned 'Townsite'.



Council may determine an application for development approval by —

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

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

Officer Recommendation/Resolution

MOTION 9623

Moved Cr KM McNeill

Seconded Cr KL Carter

That the development application (DA 022021) for Lot 15 McConnell Street, Pithara, be approved pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:

1. The development is to be carried out in accordance with the documents endorsed with the Shire's stamp, except where amended by other conditions of this consent. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency;
2. Landscaping areas, vehicle parking spaces, access ways, etc. are to be installed prior to occupying the proposed development and maintained thereafter by the owner/occupier to the satisfaction of Council;
3. All vehicular trafficable routes within the subject lot proposal to be treated to minimise dust generation to the satisfaction of Shire's Manager Works & Services ;
4. Without further approval from Shire of Dalwallinu, in writing, this approval will lapse and have no force or effect after two years of the date of this permit.

CARRIED 8/0

Cr Brett Boys declared a financial interest in item 9.2.3 and left the Council Chambers at 3.42pm



9.2.3 Tourist Development- Lot 9 Rayner Street, Dalwallinu*

Report Date	22 September 2020
Applicant	Catherine Kelly <i>obo</i> Vernrica Nominees P/L
File Ref	A30702
Previous Meeting Reference	Nil
Prepared by	Doug Burke, Manager Planning & Development Services
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Supporting Documentation

Purpose of Report

Council is requested to consider an application for approval to allow for the proposed development of a 'tourist development' on the subject land as submitted by the applicant on 24 August 2020.

The proposed development requires discretionary approval from the Council.

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

Background

Subject Property:	Lot 9 Rayner Street, Dalwallinu
Land Use Zoning:	Commercial
Property Owner:	Vernrica Nominees P/L
Applicant:	Catherine Kelly (Evoke Living Homes)
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Tourist Development
Value of Development:	\$642K
Outside Consultation:	Nil

The proposal is for the construction of a tourist development comprising of eight accommodation units, a laundry/storage unit and a managers' residence (refer to site plan).

A 'tourist development' is defined under the *Planning and Development (Local Planning Schemes) Regulation 2015* as being:

'a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

(a) short-term accommodation for guests; and



- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

The subject property is zoned 'Commercial R10-50' under the *Shire of Dalwallinu Planning Scheme N° 2*. Development of a tourist development is discretionary in the Commercial land use zone. The Council is required to determine an application for discretionary approval.



Site of proposed development – 9 Rayner Street, Dalwallinu

Consultation

Nil

Legislative Implications

State

Planning and Development Act 2005

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



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

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	The following Schemes are applicable: <i>Shire of Dalwallinu Planning Scheme N^o 2</i> The applicable objectives for the General Industry Zone are: 'To retain Dalwallinu townsite as the focus for commercial, office, civic and cultural and service functions.' 'To provide for residential uses only where the residential uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office'.
The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	There are no proposed amendments in progress that would affect a determination. There are no other planning instruments currently being considered.
Any approved State planning policy	Nil identified
Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	Nil identified.
Any policy of the Commission	Nil applicable
Any policy of the State	Nil applicable
Any local planning policy for the Scheme area	Nil applicable
Any structure plan, activity centre plan or local development plan that relates to the development	Nil applicable
Any report of the review of the local planning scheme that has been published	Nil applicable



under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	
In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	Not applicable
The built heritage conservation of any place that is of cultural significance;	No items of cultural significance noted
The effect of the proposal on the cultural heritage significance of the area in which the development is located;	Nil impact
The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the effect of the height, bulk, scale, orientation and appearance of the development	The proposed development is to be situated on a greenfield site that is adjacent to hotel and motel style accommodation units.
The amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development	Nil issues identified
The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	Nil impact.
Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	The site plan has incorporated a number of proposed gardens into the development. A number of trees have been cited for removal to help with the transportation and siting of the buildings. Of concern is a number of those trees earmarked for removal are either street trees or on adjacent land.
The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	The land does not have a history of experiencing these types of events.



The suitability of the land for the development taking into account the possible risk to human health or safety	Nil change to the existing extent of risk
the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles	Frontage to a sealed road (Rayner Street). A number (12) of parking bays have been indicated on the site plan for the use of guests and to service the manager's residence.
The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	Nil issues identified. Of concern is the proximity of the parking bay servicing the management residence to the junction of Rayner and McNeill Streets.
The availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	No public transport services available. Electricity and potable water are available. Solid waste can be adequately stored and removed from site. The property is serviced by deep sewerage which has just recently been updated.
The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	Nil impact anticipated.
The history of the site where the development is to be located	The site was previously used for a bakery business within a building located on the south-western corner of the block.
The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	Nil identified
Any submissions received on the application	N/A
The comments or submissions received from any authority consulted under clause 66	None consulted
Any other planning consideration the Council considers appropriate	Nil



Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

A site inspection was undertaken by the reporting officer.

It was noted that a number of trees earmarked for removal are either located within the road reserve or are located on an adjoining property.



Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment

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

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

Council may determine an application for development approval by —

- (a) granting development approval without conditions; or
- (b) granting development approval with conditions; or



(c) refusing to grant development approval.

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

Officer Recommendation/Resolution

MOTION 9624

Moved Cr KM McNeill

Seconded Cr KJ Christian

That the development application (DA 032021) for Lot 9 Rayner Street, Dalwallinu, be approved pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:

1. The development is to be carried out in accordance with the documents endorsed with the Shire's stamp, except where amended by other conditions of this consent. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency;
2. The proponent is not to cut down, or remove limbs from any street trees without the express permission of the Shire in writing;
3. Landscaping areas, vehicle parking spaces, access ways, etc. are to be installed prior to occupying the proposed development and maintained thereafter by the owner/occupier to the satisfaction of Council;
4. All trafficked routes within the subject lot proposal to be sealed to the satisfaction of Shire's Manager Works and Services;
5. Without further approval from Shire of Dalwallinu, in writing, this approval will lapse and have no force or effect after two years of the date of this permit.

CARRIED 7/0

Cr Brett Boys returned to the Council Chambers at 3.44pm



9.3 CORPORATE SERVICES

9.3.1 Accounts for Payment for August 2020*

Report Date	22 September 2020
Applicant	Shire of Dalwallinu
File Ref	FM/9 Financial Reporting
Previous Meeting Reference	Nil
Prepared by	Christie Andrews, Senior Finance Officer
Supervised by	Hanna Jolly, Manager Corporate Services
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Summary of Accounts for Payment

Purpose of Report

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

Background

A list of invoices paid for the month of August 2020 from the Municipal Account, to the sum of \$424,945.31 paid by EFT and \$600.00 by cheque are attached together with a list of bank fees, payroll, direct debit payments and loan payments. These payments total \$652,987.73. There were no payments from the Trust Account. Total payments from all accounts being \$652,987.73 have been listed for Council's ratification.

Consultation

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

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

The attached list meets the requirements of the Financial Regulations,

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

Legislative Implications

State

Local Government Act 1995

Local Government (Financial Management) Regulations 1996



Policy Implications

Nil

Financial Implications

Payments are in accordance with the adopted budget for 2020/21.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment**Economic implications**

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

Social implications

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

Environmental implications

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

Officer Comment

Accounts for Payments are in accordance with the adopted budget for 2020/21 or authorised by separate resolution.



Officer Recommendation/Resolution

MOTION 9625

Moved Cr KJ Christian
Seconded Cr KL Carter

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

1. Municipal Fund Account totalling \$652,987.73 consisting of:

EFT Payments (EFT 10029 – EFT 11102)	\$424,945.31
EFT Payments (Payroll)	\$118,140.41
Cheque (35214)	\$600.00
Direct Debit – Superannuation (DD15682.1-8 and DD15697.1-10)	\$24,095.95
Direct Debit – Credit Card (DD15695.1)	\$4,168.74
Direct Debit – Payments to Dept of Transport	\$80,483.75
Bank Fees	\$553.57

CARRIED 8/0



9.3.2 Monthly Financial Statements for August 2020*

Report Date	22 September 2020
Applicant	Shire of Dalwallinu
File Ref	FM/9 Financial Reporting
Previous Meeting Reference	Nil
Prepared by	Hanna Jolly, Manager Corporate Services
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Monthly Statements of Financial Activity, Variance Report, Investments Held and Bank Reconciliations

Purpose of Report

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

Background

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

Consultation

Nil

Legislative Implications

State

Local Government Act 1995

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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



Environmental implications

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

Officer Comment

Financial Reports as at last day of business of the previous month are appended, for the period ending 31 August 2020. It is to be noted that that opening balances on these financial statements might need further adjustments as the year ending 30 June 2020 has not been finalised yet.

Attached for council's consideration are:

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

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

Officer Recommendation/Resolution

MOTION 9626

Moved Cr NW Mills
Seconded Cr KL Carter

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

CARRIED 8/0



9.4 CHIEF EXECUTIVE OFFICER
9.4.1 WALGA Annual General Meeting 2020

Report date	22 September 2020
Applicant	Shire of Dalwallinu
File ref	GR/4 – Government Relations - WALGA
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	AGM Motions

Purpose of Report

Council is requested to provide voting instructions for the Shire delegates for the Western Australia Local Government Association (WALGA) Annual General Meeting (AGM) to be held on 25 September 2020.

Background

The AGM for WALGA is usually held during the Local Government Convention each year. Due to the Covid-19 pandemic the Local Government Convention was cancelled in 2020. The AGM is now scheduled to be held on Friday 25 September 2020 commencing at 1.30pm.

Council's registered voting delegates for the 2020 AGM are Cr's Steven and Keith Carter with Jean Knight listed as proxy.

Consultation

Nil

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

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



Social implications

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

Environmental implications

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

Officer Comment

There are two (2) items presented for consideration which are attached to this item. These are as follows:

3.1 Drought in Western Australia (Shire of Dundas)

In brief

The Australian Government has released a drought response, resilience and preparedness plan.

The plan is focused on three themes:

- *Immediate action for those in drought*
- *Support for wider communities affected by drought*
- *Long term resilience and preparedness*

Most regions in WA did not form part of the Drought program

Motion:

That WALGA:

1. Requests assistance from the Federal Minister for Agriculture, Water and Environment, to reconsider the Federal Government's approach when determining the criteria on what areas are eligible and the whole of the Pastoral Range lands be reconsidered for inclusion; and
2. Requests the State Minister for Agriculture and Food, to reconsider the State Government approach of not assisting with the drought situation, and if the State cannot help under their water deficiency program that is implemented to cart water, then an alternative assistance package be considered.

3.2 State owned unallocated crown land (UCL) house blocks (Shire of Dundas)

In brief

Local Governments impose rates to raise revenue to fund the services and facilities.

The State Government do not pay rate on unallocated crown land.

Request a review into the justification and fairness of the State not paying rates on UCL land.

Motion:

That WALGA request the Minister for Local Government, Hon. David Templemen to consider a review into the justification and fairness of the State Government not paying rates on Unallocated Crown Land (UCL).

Officer Comment:

By not rating UCL, it has a negative effect on the Shire of Dalwallinu of \$91,200 per annum based on the minimum rate. See table below:



Town	# Properties	Est Value
Buntine	1	600
Dalwallinu	98	58,800
Kalannie	30	18,000
Pithara	13	7,800
Wubin	10	6,000
Total:		\$91,200

Officer Recommendation/Resolution

MOTION 9627

Moved Cr KJ Christian

Seconded Cr KL Carter

That Council instruct the delegates for the Western Australia Local Government Association, Annual General Meeting to be held on 25 September 2020 to vote as follows:

3.1 **Support** / Against / Listen

3.2 **Support** / Against / Listen

CARRIED 8/0



9.4.2 Memorandum of Understanding – The Wheatbelt Wireless Project

Report date	22 September 2020
Applicant	Shire of Dalwallinu
File ref	IT/6 – Information Technology – General
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Memorandum of Understanding

Purpose of Report

Council is requested to endorse the actions of the Shire President and Chief Executive Officer in signing and affixing the Common Seal to a Memorandum of Understanding (MOU) between the Shire of Dalwallinu and Field Services Group.

Background

The Shire of Dalwallinu have been approached by Field Services Group (FSG) to be part of The Wheatbelt Wireless Project.

The primary objective of the Digital Connectivity Solution is to provide Enterprise, Business and Consumer Fixed Wireless Broadband services to the specified population centres of the Wheatbelt.

This project incorporates Shires in the Avon Valley and Wheatbelt Region. The project proposes to construct 16 towers in the Avon Region and 19 towers in the Wheatbelt.

FSG intend to submit an application to the Federal Government under the Regional Connectivity Program (RCP).

Consultation

Councillors – Tuesday 25 August 2020

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

There are no known financial implications at this stage as it is hoped that the requirements for co-funding will be provided by a successful application to the Department, Primary Industries and Regional Development. If there is a short-fall this will need to be negotiated should the funding application be successful, however the funding strategy is to minimise 'out of pocket' expenses.

Strategic Implications

Shire of Dalwallinu Strategic Community Plan 2017-2027

Outcome 1.3 – Improved technology and electronic communication



Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment*Economic implications*

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

Social implications

The provision of an improved wireless mobile service will be of great benefit to the community in the Shire of Dalwallinu.

Environmental implications

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

Officer Comment

In order for FSG to submit the application to the Federal Government an MOU between all of the Shires involved is required and FSG requested that this be received by 11 September 2020.

As the next Council meeting was not until 22 September 2020, Council were advised of the Wheatbelt Wireless Project at the Council Forum held on 25 August 2020.

The purpose of the MOU is to set out the roles and responsibilities of each party as they relate to the exclusive development and submission of an application for funding under the Federal Government's Regional Connectivity Program (RCP) and the WA State Government's Co-contribution offer for the RCP.

The responsibilities for the Shire under the MOU are:

- The Shire of Dalwallinu will not enter into other discussions or agreements with another party in regard to funding applications under the RCP or State Government Reciprocal Funding agreement;
- The Shire of Dalwallinu will provide information in regard to the key merit criteria for the program being the "Social and Economic Benefits" of improved Digital Connectivity in the Shire of Dalwallinu;
- The Shire of Dalwallinu will provide endorsement for the proposed Digital Connectivity solution.

The MOU will remain in full force for twenty four (24) months, however may be terminated by either party by providing the other party 30 days written notice.



Officer Recommendation/Resolution

MOTION 9628

Moved Cr KL Carter
Seconded Cr BH Boys

That Council endorse the actions of the Shire President and Chief Executive Officer in signing and affixing the common seal to the Memorandum of Understanding between the Shire of Dalwallinu and Field Services Group.

CARRIED 8/0



10 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION 9629

Moved Cr KJ Christian
Seconded Cr KM McNeill

That the application for leave of absence of Cr Anita R Dickins to the Ordinary Meeting of Council to be held on 27 October 2020 be approved.

CARRIED 8/0

11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

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

PROCEDURAL MOTION 9630

Moved Cr MM Harms
Seconded Cr KJ Christian

That Council moves into a confidential session to discuss:

14.1 CONFIDENTIAL: Chief Executive Officer – Annual Performance Review
under the terms of the *Local Government Act 1995, Section 5.23(2)*:

a. a matter affecting an employee or employees

CARRIED 8/0

Chief Executive Officer Jean Knight declared a financial interest in item 14.1 and left the Council Chambers at 3.50pm

Executive Assistant Emily Dutton left the Council Chambers at 3.50pm



14.1 Chief Executive Officer – Annual Performance Review

Report Date	22 September 2020
Applicant	Shire of Dalwallinu
File Ref	PE/139 – Personal File
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Financial Interest
Voting Requirements	Simple Majority
Attachments	1. Key Result Area Update 2. Summary of Survey Responses

Purpose of Report

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

MOTION 9631

Moved Cr AR Dickins
Seconded Cr KM McNeill

That Council accepts the recommendation from the Chief Executive Officer Performance Review Group that:

1. The performance of the Chief Executive Officer for the nineteen (19) month period from February 2019 to September 2020 was considered satisfactory in meeting the Key Result Areas as set by Council;
2. Council notes the automatic increase to the Chief Executive Office salary of 1.75% as stated in the employment contract, effective from Monday 13 July 2020.

CARRIED 8/0

PROCEDURAL MOTION 9632

Moved Cr AR Dickins
Seconded Cr NW Mills

That the meeting come from behind closed doors.

CARRIED 8/0

Chief Executive Officer Jean Knight and Executive Assistant Emily Dutton returned to the Council Chambers at 4.00pm.



15 SCHEDULING OF MEETING

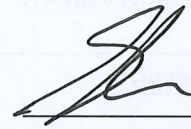
The next Ordinary Meeting of Council will be held on 27 October 2020 at Council Chambers, Dalwallinu commencing at 3.30pm.

16 CLOSURE

There being no further business, the Chairperson closed the meeting at 4.02pm.

17 CERTIFICATION

I, Steven Clifford Carter, certify that the minutes of the Ordinary Council meeting held on the 22 September 2020, as shown on page numbers 1 to 45 were confirmed as a true record at the meeting held on 27 October 2020.



CHAIRPERSON

27/10/2020

DATE

