

Ordinary Council Meeting Minutes

24 March 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 24 March 2020 at 3.30pm.

1 OPENING & ANNOUNCEMENT OF VISITORS

The Deputy President opened the meeting at 3.30pm.

2 ANNOUNCEMENTS OF PRESIDING MEMBER

3 ATTENDANCE RECORD

3.1 Present

Deputy President	Cr KL Carter
	Cr MM Harms
	Cr KM McNeill
	Cr NW Mills
	Cr BH Boys
	Cr AR Dickins

Chief Executive Officer	Ms JM Knight
Manager Planning & Development Services	Mr DW Burke

Public	Mr S Davies (3.00pm to 3.45pm)
	Mr B Sprigg (3.00pm to 3.45pm)

3.2 Apologies

Cr SC Carter
Cr KJ Christian

3.3 Leave of Absence Previously Granted

Nil

4 DECLARATIONS OF INTEREST

Nil



5 PUBLIC QUESTION TIME

5.1 Response to Previous Public Questions Taken on Notice

Nil

5.2 Public Question Time

Barton Sprigg

Question 1 – The footpath at the Southern end of Wasley Street, between Shannon and Bell Streets, is barely visible and has never been upgraded from the old concrete slabs. Is the Shire able to upgrade this section of the footpath to ensure a safe path for pedestrians and also to provide locals parking over the path?

RESPONSE: The Deputy Shire President took the question on notice.

6 MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting – 25 February 2020

MOTION 9516

Moved Cr AR Dickins
Seconded Cr BH Boys

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

CARRIED 6/0

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

Nil

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

9.1.1 Request to Call Tenders for Bitumen Sealing Works

Report Date	24 March 2020
Applicant	Shire of Dalwallinu
File Ref	FM/28 – Financial Management - Tendering
Previous Meeting Reference	Nil
Prepared by	Will Taylor, Manager Works and Services
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

Council is requested to consider the calling for a three (3) year tender for the supply and application of bitumen sealing works.

Background

Council's current Tender for sealing works expires in July 2020.

Consultation

Nil.

Legislative Implications

Local Government Act 1995 Section 3.57- Provision of goods and services.

Policy Implications

Council Policy 3.3 Price Preference

Council Policy 3.5 Purchasing Policy

Financial Implications

The yearly Capital Budget allocates funds for the supply of these goods and services. By having a three (3) year tender the Shire is likely to receive a better unit rate over the tender period.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

Sealing and resealing of the Shire's roads in a timely manner is excellent financial management and asset management practice.

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

This is a procedural item as per the *Local Government Act 1995* to allow officers to call for tenders as soon as possible.

The tender is expected to be advertised in the Saturdays West Australian on the 4 April 2020, close on the 1 May 2020 and award the tender 1 June 2020.

The weighting for scoring of the tender is as below.

Time for work execution offered	30%
Warranty period of workmanship and materials	25%
Contractor and employee experience	20%
Tendered price	25%

Officer Recommendation/Resolution

MOTION 9517

Moved Cr BH Boys
Seconded Cr AR Dickins

That Council permit the calling for a three (3) year tender for the supply and application of bitumen sealing works using the weighting as below;

Time for work execution offered	30%
Warranty period of workmanship and materials	25%
Contractor and employee experience	20%
Tendered price	25%

CARRIED 6/0



9.2.1 Subdivision Application – SD 011920 Goodlands Road, Kalannie*

Report Date	24 March 2020
Applicant	AJ Marsh P/L
File Ref	A8971
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 a subdivision.

The Western Australian Planning Commission (WAPC) has referred an application for the subdivision of the subject property to Council for comment (refer to attachment 9.2.1). Council has until 1 April 2020 to provide the WAPC with their response.

The recommendation is that the WAPC be advised that the Shire of Dalwallinu has no objection to the proposed freehold subdivision.

Background

Subject Property: Lots 2170 & 374 Goodlands Road, Kalannie

Land Use Zoning: Rural

Property Owner: Don Stanley P/L

Applicant: AJ Marsh P/L

Consent Authority: Western Australia Planning Commission

Proposed Development: Boundary adjustment by subdivision

Value of Development: N/A

The applicant, AJ Marsh P/L on behalf of the owners, has submitted a proposal to subdivide the existing land parcels to allow for a proposed boundary adjustment.

The subject property is located approximately 1300m to the north of Kalannie on the Goodlands Road. The two lots are part of a larger property that is primarily used for cereal cropping. Lot 2170 (396ha) currently encircles the homestead, associated farm buildings and a distillery used for extracting refined oil from eucalyptus foliage. The other existing parcel, Lot 2374 (103ha) contains evidence of cereal cropping and tree plots.



The proposal is for an internal boundary realignment that will not create any more allotments. The purpose of the proposed configuration is to isolate by land title the distillery and tree harvesting operations from the primary rural occupation and the homestead.

Consultation

Nil

Legislative Implications

State

Planning and Development Act 2005

Under s.135 of the Act the Planning Commission is the designated approval body for subdivision.

Local

Shire of Dalwallinu Town Planning Scheme N° 2

Part 5.13 of the Scheme stipulates that:

Large lots, located to the east of Rabbit Proof Fence Road, may be subdivided to create lots which are;

- Consistent with the size of rural properties (may comprise multiple lots) used for rural land uses in the locality; and
- 200 ha or greater in size; and
- Allow for continued rural land uses.

Policy Implications

State

Development Control Policy 3.4 – Subdivision of Rural Land

The Policy states that when determining subdivision proposals the creation of new or smaller lots will be by exception. However, this requirement is tempered by Section 6 of the Policy that advises that in considering applications, the WAPC will consider rural subdivision to realign lot boundaries with no increase in the number of lot where the resultant lots will not adversely affect rural land uses.

Financial Implications

Nil

Strategic Implications

Local Planning Strategy 2010

The Strategy provides the following relevant statements as to development in the rural land use areas:

‘Ensure protection of agricultural resources by restricting subdivision of agricultural land.’

‘Encourage the diversification of agricultural uses in the rural areas where it is seen as an endeavour to spread the range of activities and product’.

Site Inspection

A site inspection by the reporting officer was undertaken in the company of Richard Lietch (Operations Manager, Kochii Australian Eucalyptus Oils P/L) on 5 March 2020.



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

Though the planning scheme stipulates subdivision of land located to the east of the Rabbit Proof fence, which applies to the subject property, must effectively result in new allotments that are 200ha or greater in size, the State Planning Policy DC 3.4 allows for consideration to be given for sub-minimal lots to be created, 'for other unusual or anticipated purposes which do not conflict with relevant policies'.

The oil distillery, which has been operating for over twenty years, could be regarded as being somewhat unusual given the primary rural land use in the region is cropping.

Both proposed allotments would have unfettered access to a public road and are currently serviced with potable water and electric power.

Proposed Lot 2 (429.36ha) will satisfy the planning scheme requirement for being greater than 200ha, whereas proposed Lot 1 (69ha) will not. Though it is possible to create complying sized parcels from the parent property, it is not deemed appropriate under the circumstance as it would provisionally alienate useable cropping land from the homestead with no discernible benefit.

Officer Recommendation/Resolution

MOTION 9518

Moved Cr NW Mills
Seconded Cr KM McNeill

That Council requests the Chief Executive Officer to advise the Western Australian Planning Commission that they have no objection to the proposed subdivision of Lots 2170 & 2374 Goodlands Road, Kalannie as per the plan of subdivision accompanying the Application No: 158991.

CARRIED 6/0



9.2.2 Industrial Storage Building*

Report Date	24 March 2020
Applicant	Andrew Jackson
File Ref	A6250
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 'storage building' on the subject land as submitted by the applicant on 19 February 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 650 Huggett Dive, Dalwallinu

Land Use Zoning: General Industry

Property Owner: AW & RE Jackson

Applicant: Andrew Jackson

Consent Authority: Shire of Dalwallinu Council

Proposed Development: Industry - General

Value of Development: \$28K

Outside Consultation: Nil

The proposal is for the construction of a storage building to be utilised by the existing industrial entity, Coerco Group. The group manufacture polyethylene storage products (liquid and dry) to the agricultural, mining and civil industries. The proposed building would be constructed with a number of shipping containers with a 'dome' type roofing fixture.

The dimensions of the proposed building are given as 36000mm (L) x 18000mm (W) x 9000mm (H).



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;*

The subject property is zoned 'General Industry' under the *Shire of Dalwallinu Planning Scheme N° 2*. Development in the General Industry land use zone requires the discretionary approval of the Council as the discretionary authority has not been delegated.

Consultation

Nil

Legislative Implications

State

Planning and Development Act 2005

The *Planning and Development Act 2005* directs 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° 2</i> The applicable objective for the General Industry Zone is: 'To provide for general industry, the storage and distribution of goods and associated uses, which



	by the nature of their operations may need to be separated from residential and other sensitive areas.'
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 regarded as being ancillary to existing development on the site and suitable in the context of its siting, previous land use and proximity to similar land use on adjoining land.
The amenity of the locality including the following —	Nil issues identified



<ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development 	
<p>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</p>	<p>Nil impact.</p> <p>Rainwater harvesting would be encouraged.</p>
<p>Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved</p>	<p>An objective requirement for the land use zone is:</p> <p><i>'To encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.'</i></p> <p>As the site has been extensively developed there is little opportunity to provide for landscaping.</p> <p>There is no evidence of significant trees or other vegetation of note that should be retained.</p>
<p>The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk</p>	<p>The land does not have a history of experiencing these types of events.</p>
<p>The suitability of the land for the development taking into account the possible risk to human health or safety</p>	<p>Nil change to the existing extent of risk</p>
<p>the adequacy of —</p> <ul style="list-style-type: none"> (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles 	<p>Frontage to a sealed road (Huggett Drive).</p> <p>The parking and unloading issues have already been addressed within the scope of the existing development.</p>
<p>The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety</p>	<p>Employee vehicles and those commercial vehicles required to deliver raw material and retrieve and transport any finished product.</p>
<p>The availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; 	<p>No public transport services available.</p> <p>Electricity and potable water are available.</p> <p>Solid waste can be adequately stored and removed from site.</p>



(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	Wastewater will need to be treated onsite as the town sewerage system does not extend to the subject property. The planning scheme requires that un-sewered industrial development be restricted to 'dry industry' types that generate less than 540L per 1000m ² on a daily rate.
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	Currently utilized for temporary storage of manufactured product before distribution.
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.

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 9519

Moved Cr BH Boys
Seconded Cr NW Mills

That Council approve the development application (DA 071920) for Lot 650 Huggett Drive, Dalwallinu, 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 Council, in writing, this approval will lapse and have no force or effect after two years of the date of this permit.

CARRIED 6/0

Mr Doug Burke left the meeting at 3.37pm.



9.3.1 Accounts for Payment for February 2020*

Report Date	24 March 2020
Applicant	Shire of Dalwallinu
File Ref	FM/9 Financial Reporting
Previous Meeting Reference	Nil
Prepared by	Hanna Jolly, Accounting Officer
Supervised by	Keith Jones, Deputy Chief Executive Officer
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 February 2020 from the Municipal Account, to the sum of \$447,789.06 paid by EFT are attached together with a list of bank fees, payroll, direct debit payments and transfers to reserves & term deposit. These payments total \$717,914.99. There were no payments from the Trust Account. Total payments from all accounts being \$717,914.99 have been listed for Council's ratification.

Consultation

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

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

The attached list meets the requirements of the Financial Regulations,

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

Legislative Implications

State

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil



Financial Implications

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

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment**Economic implications**

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

Social implications

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

Environmental implications

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

Officer Comment

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

Officer Recommendation/Resolution**MOTION 9520**

Moved Cr MM Harms
Seconded Cr NW Mills

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 February 2020 under Chief Executive Officer's delegated authority is endorsed in respect to the following bank accounts:

Municipal Fund Account totalling \$717,914.99 consisting of:

EFT Payments (EFT 10398 – EFT 10507)	\$447,789.06
(Cancelled EFT 10472)	
EFT Payments (Payroll)	\$122,450.00
Direct Debit – Credit Card (DD15450.1)	\$10,148.62
Direct Debit – Housing Bonds (DD15464.1)	\$1,264.00
Direct Debit – Superannuation	\$24,247.66
Direct Debit – Payments to Dept of Transport	\$111,110.75
Bank Fees	\$904.90

CARRIED 6/0



9.3.2 Monthly Financial Statements for February 2020*

Report Date	24 March 2020
Applicant	Shire of Dalwallinu
File Ref	FM/9 Financial Reporting
Previous Meeting Reference	Nil
Prepared by	Hanna Jolly, Accounting Officer
Supervised by	Keith Jones, Deputy 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 29 February 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 29 February 2020.

Attached for council's consideration are:

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

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

Officer Recommendation/Resolution

MOTION 9521

Moved Cr MM Harms
Seconded Cr KM McNeill

That the Council accept the Financial Reports as submitted for the month ending 29 February 2020.

CARRIED 6/0



9.3.3 Record Keeping Plan Review*

Report Date	24 March 2020
Applicant	Shire of Dalwallinu
File Ref	IM/4 – Record Management
Previous Meeting Reference	Nil
Prepared by	Keith Jones, Deputy Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Record Keeping Plan

Purpose of Report

Council is requested to adopt the DRAFT Record Keeping Plan.

Background

Every five years the State Records Office requires the Shire of Dalwallinu Record Keeping Plan (RKP) to be reviewed. In consultation with the State Records Office the Shire's RKP has been updated and submitted for acceptance.

Consultation

Chief Executive Officer
Accounting Officer

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

The Shire of Dalwallinu Record Keeping Plan has been reviewed and the current draft requires adoption by Council.

Officer Recommendation/Resolution

MOTION 9522

Moved Cr AR Dickins
Seconded Cr KM McNeill

That Council adopt the revised Shire of Dalwallinu Record Keeping Plan.

CARRIED 6/0



9.3.4 Community Grants Scheme Allocation Round 2*

Report Date	24 March 2020
Applicant	Kalannie Tennis Club
File Ref	GS/1- Community Grants
Previous Meeting Reference	Nil
Prepared by	Joanne Jones, Economic & Community Development Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Community Grant Application

Purpose of Report

Council is requested to consider the applications for the allocation of the second portion (\$10,000) of the Community Grant Scheme funding for the 2019-2020 financial year.

Background

Council have provided for \$20,000 in this financial year for community project grants to be allocated in two yearly amounts at \$10,000 each time.

Applications from community groups were called for the second round seeking projects worthy of financial assistance, and which are consistent with Council's policy objective.

At the closing date, one (1) application was received:

Applicant	Cash	In Kind / Other	Shire	Total
Kalannie Tennis Club	\$1,320	\$550	\$1,870.00	\$3740.00
TOTAL			\$1870.00	

Consultation

Nil

Legislative Implications

Nil

Policy Implications

Local

Policy 2.4 Community Grants Scheme

Conditions applicable to Applicants

- a. Applications must be received at the Shire Office prior to the advertised closing date.
- b. Expenditure to be on capital improvements ONLY.
- c. Grants will only be approved for future projects/purchases and will not be approved for projects/purchases carried out prior to date of application to Council for financial assistance.



- d. *All Community Grants are approved on the basis of discretionary contribution from the Council on the nett cost of the project after deducting Grants, subsidies or donations from any other source.*
- e. *Voluntary labour content will be considered at the discretion of the Council.*
- f. *All applications are subject to individual assessment by the Council.*
- g. *Payment of Community Grants will only be made upon receipt of invoices and statements.*
- h. *Grants will be up to 50% of total costs net of other grants, subsidies or donation.*
- i. *Grants to be acquitted by 31 May of each financial year.*

Financial Implications

A provision of \$10,000 is available in the 2019-2020 budget for the second grant round.

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

The community grants help the smaller community groups (usually volunteers) who are not always able to fund projects that can improve and enhance lifestyle and liveability in the community.

Environmental implications

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

Officer Comment

Council allocates \$20,000 per financial year for funding to Community Groups. This is comprised of two funding rounds of \$10,000.00.

Total funds requested for the second round is **\$1,870.00**.

No grant funding has been provided to the applicant group over the past five years.

The application from the Kalannie Tennis Club meets the grant scheme criteria and is recommended for 50% funding of the cash component as per the request.

Kalannie Tennis Club are seeking \$1,870.00 towards the purchase and installation of two reversible basketball and netball rings on towers installed on the old tennis courts that have had a netball/basketball surface overlaid on them.

It is recommended that the request for \$1,870.00 be approved.



Officer Recommendation/Resolution

MOTION 9523

Moved Cr BH Boys
Seconded Cr KM McNeill

That Council allocate the Community Grant Scheme Round 2 funding to the following project:

Kalannie Tennis Club (supply & install reversible netball rings to old tennis courts) \$1,870.00

CARRIED 6/0



9.4.1 Review of Delegated Authority Register*

Report Date	24 March 2020
Applicant	Shire of Dalwallinu
File Ref	GO/21 – Governance - Delegations
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Absolute Majority
Attachments	Updated Delegated Authority Register

Purpose of Report

Council is requested to endorse the updated Delegated Authority Register for the 2019-2020 financial year.

Background

In accordance with Section 5.46 of the *Local Government Act 1995*, delegation are to be reviewed at least once every financial year. The 2018-2019 review was presented to Council in March 2019.

The Senior Management Team have undertaken a review of the Delegated Authority Register and the 2020 register is now presented to Council for review and endorsement.

Consultation

Senior Management Team

Legislative Implications

State

Local Government Act 1995 – section 5.46

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

The existing Delegated Authority Register has been reviewed and any amendments made are listed below:

Delegation #	Comment
1001	Amended wording to allow the CEO to appoint an Acting CEO during any period of absence either scheduled or unscheduled.
1003	Included the title "Manager Corporate Services"
1004	Included the title "Manager Corporate Services"
1005	Included the title "Manager Corporate Services"
2003	Included the title "Manager Corporate Services"
2005	Amended to Network 7
3001	Included the title "Manager Corporate Services"
3003	Included the title "Manager Corporate Services"
3004	Included the title "Manager Corporate Services"
3005	Included the title "Manager Corporate Services"
3006	Included the title "Manager Corporate Services"
4001	Included the title "Manager Corporate Services"
4002	Department updated to DWER
4003	Included the title "Manager Corporate Services"
8001	Included the title "Manager Corporate Services"
8002	Included the title "Manager Corporate Services"
8003	Included the title "Manager Corporate Services"
9001	Included the title "Manager Corporate Services"

It is to be noted that the Deputy Chief Executive Officer title needs to remain in place until the commencement of the Manager Corporate Services. The Deputy Chief Executive Officer title will be removed during the next review in 2021.

Officer Recommendation/Resolution

MOTION 9524

Moved Cr AR Dickins
Seconded Cr KM McNeill

That Council endorses the Delegated Authority Register 2020 as attached.

CARRIED BY ABSOLUTE MAJORITY 6/0



9.4.2 2020 Kalannie Community Meeting Notes*

Report Date	24 March 2020
Applicant	Shire of Dalwallinu
File Ref	CR/7 – Community Relations - Meetings
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	Community Meeting Notes

Purpose of Report

Council is requested to receive the notes from the Kalannie Community Meeting held on 25 February 2020.

Background

Each year Council holds a community meeting in Kalannie. In addition to attending the Annual Electors meeting each year and Ordinary Council Meetings each month, this gives the community another opportunity to discuss matters with Council.

Consultation

Nil

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Advertising costs for this meeting are included in the annual budget. Any matters raised at this meeting that have financial implications will be discussed by Council and considered for future budgets.

Strategic Implications

Shire of Dalwallinu Strategic Community Plan 2017-2027

Outcome 4.1 – Improved communication/consultation across all towns with a variety of methods.

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 *Local Government Act 1995* requires that each local government holds an Annual meeting of Electors. The Shire of Dalwallinu also holds a community meeting in Kalannie to give the community another opportunity to discuss matters with Council.

Officer Recommendation/Resolution

MOTION 9525

Moved Cr KM McNeill
Seconded Cr MM Harms

That Council receives the notes from the Kalannie Community Meeting held 25 February 2020.

CARRIED 6/0



9.4.3 Local Government House Trust – Deed of Variation*

Report Date	24 March 2020
Applicant	Shire of Dalwallinu
File Ref	GR/4 – 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	1. Deed of Variation 2. Clause 12 of Trust Deed

Purpose of Report

Council is requested to consent to a Deed of Variation to the Trust Deed for the Local Government House Trust.

Background

Correspondence was received from Mr Nick Sloan, Chief Executive Officer of Western Australian Local Government Association (WALGA) on 19 February 2020, requesting that Council consent to a variation to the Trust Deed for the Local Government House Trust.

The Shire of Dalwallinu is a unit holder and beneficiary to the Local Government House Trust, holding 7 units.

The Local Government House Trust exists primarily to provide building accommodation for WALGA. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade, West Leederville.

The current deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as beneficiaries, with the Trustee holding property and associated monies ‘upon Trust’ and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement – which means that the Trust ends in 2072. The trust is except from income tax on the basis of being a State/Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

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

See excerpt below from the WALGA correspondence:

"Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a STB. Legal advice identifies that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a STB. This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. *Removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)*
2. *Enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and*
3. *Ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)*

The three proposed amendments, when applied to the relevant clauses inserted by the Deed of variation dated 5 June 2002, will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. *Subject to clause 22.3, the* right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.



2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a trustee from the office as Trustee of the Trust; and*
- (b) appoint such new or additional Trustee.*

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers, authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

The first two amendments above remove powers granted to the Trustee in the 2002 Deed variation resulting from the merger to a single Association representing WA local governments.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises local governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management.

Officer Recommendation/Resolution

MOTION 9526

Moved Cr MM Harms
Seconded Cr KM McNeill

That Council:

1. Consents to a variation to the Trust Deed for the Local Government House Trust to assist the Trust's income tax exempt status;
2. Consents for the Trustee to formally execute the Deed of Variation.

CARRIED 6/0



10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

PROCEDURAL MOTION 9527

Moved Cr NW Mills

Seconded Cr KM McNeill

That Council consider Confidential Item 14.1 as new business of an urgent nature.

CARRIED 6/0

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

PROCEDURAL MOTION 9528

Moved Cr NW Mills

Seconded Cr MM Harms

That Council moves into a confidential session to discuss:

14.1 CONFIDENTIAL: Non Complying Development

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

f. *a matter that if disclosed, would reveal –*

(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

CARRIED 6/0



PROCEDURAL MOTION 9529

Moved Cr NW Mills
Seconded Cr AR Dickins

That Council suspend standing orders

CARRIED 6/0

Mr Doug Burke entered the meeting at 3.49pm.

Mr Doug Burke left the meeting 4.07pm.

PROCURAL MOTION 9530

Moved Cr NW Mills
Seconded Cr BH Boys

That Council resume standing orders

CARRIED 6/0

14.1 Non-complying Development

Report Date	24 March 2020
Applicant	N/A
File Ref	A29601
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	Property file note – A29601 22 January 2020

Resolution

MOTION 9531

Moved Cr AR Dickins
Seconded Cr KM McNeill

That Council resolve to receive and note the report.

CARRIED 6/0



PROCEDURAL MOTION 9532

Moved Cr NW Mills
Seconded Cr KM McNeill

That the meeting come from behind closed doors.

CARRIED 6/0

15 SCHEDULE OF MEETING

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

16 CLOSURE

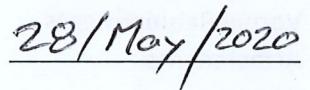
There being no further business, the Chairperson closed the meeting at 4.09pm.

17 CERTIFICATION

I, Steven Clifford Carter, certify that the minutes of the Ordinary Council meeting held on the 24 March 2020, as shown on page numbers 1 to 35 were confirmed as a true record at the meeting held on 28 April 2020.



CHAIRPERSON



DATE

