

# Ordinary Council Meeting Minutes

28 July 2020



This page is left blank intentionally.



1	OPENING & ANNOUNCEMENT OF VISITORS .....	4
2	ANNOUNCEMENTS OF PRESIDING MEMBER .....	4
3	ATTENDANCE RECORD.....	4
3.1	Present .....	4
3.2	Apologies.....	4
3.3	Leave of Absence Previously Granted.....	4
4	DECLARATIONS OF INTEREST.....	4
5	PUBLIC QUESTION TIME .....	4
5.1	Response to Previous Public Questions Taken on Notice.....	5
5.2	Public Question Time .....	5
6	MINUTES OF PREVIOUS MEETINGS .....	5
6.1	Ordinary Council Meeting – 23 June 2020.....	5
6.2	Special Council Meeting – 21 July 2020.....	5
7	PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES/REPORTS/SUBMISSIONS.....	5
7.1	Petitions .....	5
7.2	Presentations .....	5
7.3	Deputations.....	5
7.4	Delegates Reports/Submissions.....	5
8	METHOD OF DEALING WITH AGENDA BUSINESS (Show of hands) .....	5
9	REPORTS .....	6
9.2	PLANNING & DEVELOPMENT .....	6
9.2.1	Home Occupation (DA 131920)* .....	6
9.2.2	Review of Planning Policy – Sea Containers*.....	10
9.2.3	Review of Local Laws.....	13
9.2.4	Retrospective Approval for Grouped Dwellings (DA 151920)* .....	16
9.3	CORPORATE SERVICES.....	30
9.3.1	Accounts for Payment for June 2020* .....	30
9.3.2	Fee for oval and change rooms use for football season 2020* .....	33
9.4	CHIEF EXECUTIVE OFFICER .....	35
9.4.1	WALGA Annual General Meeting 2020 – Voting Delegates.....	35
9.4.2	Disposal of Lot 572 (16) Sawyer Avenue, Dalwallinu .....	37
9.4.3	Lot 49 on DP171208 in Kalannie – Proposed Management Order .....	40
9.4.4	DRAFT Policy – Elected Members Continuing Professional Development* .....	43
9.4.5	Proposed Premises for Dalwallinu Community Op Shop .....	45
9.4.6	Shire of Dalwallinu Local Bicycle Network Plan Application .....	49
9.4.7	Central Wheatbelt Biosecurity Association – Financial Request.....	51



10	APPLICATIONS FOR LEAVE OF ABSENCE .....	53
11	MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED.....	53
12	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	53
13	NEW BUSINESS OF AN URGENT NATURE (INTRODUCED BY DECISION OF THE MEETING) .....	53
14	MEETING CLOSED TO THE PUBLIC – CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT, 1995, SECTION 5.23(2) .....	53
14.1	Offers to purchase Lots 603,604, 605 & 607 Pioneer Place, Dalwallinu* .....	55
14.2	Offer to purchase Lot 1, 555 Bell Street, Dalwallinu* .....	56
15	SCHEDULING OF MEETING.....	57
16	CLOSURE.....	57
17	CERTIFICATION .....	57



## **SHIRE OF DALWALLINU**

**MINUTES** for the Ordinary Meeting of Council held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday 28 July 2020 at 3.30pm.

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

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

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

Nil

### **3 ATTENDANCE RECORD**

#### **3.1 Present**

Deputy President	Cr KL Carter Cr MM Harms Cr KM McNeill Cr NW Mills (via Zoom) Cr BH Boys Cr AR Dickins Cr KJ Christian
Chief Executive Officer Executive Assistant Manager Planning & Development	Ms JM Knight Ms EJ Dutton Mr DW Burke
Members of the Public	Mr Hilton Sprigg Mr Len deGrussa Mr Geoff Deany Mr BB Ngwenya

#### **3.2 Apologies**

Cr SC Carter

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

Nil

### **4 DECLARATIONS OF INTEREST**

KJ Christian – Impartiality Interest in Item 9.4.5  
NW Mills – Proximity Interest in Item 14.2

### **5 PUBLIC QUESTION TIME**



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

**5.2 Public Question Time**  
Nil

**6 MINUTES OF PREVIOUS MEETINGS**

**6.1 Ordinary Council Meeting – 23 June 2020**

**MOTION 9585**

Moved Cr BH Boys  
Seconded Cr MM Harms

That the Minutes of the Ordinary Meeting of Council held 23 June 2020 be confirmed.

**CARRIED 7/0**

**6.2 Special Council Meeting – 21 July 2020**

**MOTION 9586**

Moved Cr KM McNeill  
Seconded Cr KJ Christian

That the Minutes of the Special Meeting of Council held 21 July 2020 be confirmed.

**CARRIED 7/0**

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

**7.1 Petitions**  
Nil

**7.2 Presentations**  
Nil

**7.3 Deputations**  
Mr Len deGrussa - Item 9.2.4

**7.4 Delegates Reports/Submissions**  
Nil

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



**9** **REPORTS**  
**9.2** **PLANNING & DEVELOPMENT**  
**9.2.1** **Home Occupation (DA 131920)\***

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Jessica Moore
<b>File Ref</b>	A46117
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Doug Burke, Manager Planning & Development Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Supporting Documentation

**Purpose of Report**

Council is requested to consider an application for approval to allow for the proposed Home Business (Hairdressing) on the subject land as submitted by the applicant on 15 June 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:	12 Shannon Street, Dalwallinu
Land Use Zoning:	Residential
Property Owner:	KL Abel & R O'Connell
Applicant:	Jessica Moore
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Home Business
Value of Development:	\$3K
Outside Consultation:	Nil required under Part 3 of the <i>Shire of Dalwallinu Local Planning Scheme N° 2</i>

The proposal is for the establishment of a home business to provide a nucleus for a start-up hair dressing operation from the subject premises





Site of proposed development

## 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:

A 'Home Business' is defined in the *Planning & Development Regulations 2015* as being:

*a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —*

- (a) *does not involve employing more than 2 people who are not members of the occupier's household;*  
*Comment: It is indicated in the application that the business will be established as a sole trader without employed assistance.*
- (b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*  
*Comment: The business will be undertaken wholly within the confines of the premises.*
- (c) *does not occupy an area greater than 50 m2;*  
*Comment: The area that the business will occupy is compliant with this requirement.*
- (d) *does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet;*  
*Comment: The business is based around the provision of a service rather than the provision of product.*
- (e) *does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;*  
*Comment: The subject premises has adequate off-street parking to provide for the anticipated patronage.*
- (f) *does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;*  
*Comment: It is not anticipated that the proposed business enterprise will require the use of a vehicle of this weight.*
- (g) *does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.*  
*Comment: the property is adequately serviced with electrical power, potable water and reticulated sewerage.*

### ***Hairdressing Establishments Regulations 1972***

The Regulations provides guidelines as to the minimum requirements for a hairdressing establishment.

#### **Policy Implications**

Nil

#### **Financial Implications**

Given the Council's resolution Motion 9543 in May 2020, the non-statutory fees for the application (\$147) were waived.

#### **Strategic Implications**

Nil

#### **Site Inspection**

A site inspection was undertaken by the reporting officer.



### **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 9587

Moved                    Cr BH Boys  
Seconded                Cr KJ Christian

That Council approve the development application (DA 131920) for 12 Shannon Street, Dalwallinu, pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:

1. The development (home business) 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 7/0**



## 9.2.2                   Review of Planning Policy – Sea Containers\*

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	DB/3 - Planning
<b>Previous Meeting Reference</b>	OMC - 26 April 2020 M9552
<b>Prepared by</b>	Doug Burke, Manager Planning & Development
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Draft Policy

### **Purpose of Report**

Council is requested to consider revoking *Local Planning Policy No 5 – Moveable Buildings* and adopting the draft *Local Planning Policy No 8 - Sea Containers*.

### **Background**

The existing *Local Planning Scheme Policy N° 5 – Moveable Buildings* has been reviewed and was found to be deficient in addressing specific issues relating to sea containers.

A draft local planning policy – Sea Containers was brought to the Ordinary Meeting of Council in May 2020 for their consideration and approval to advertise for public comment. At the Ordinary Meeting of Council held 26 May 2020, Council resolved the following:

### **MOTION 9552**

*Moved                   Cr MM Harms*  
*Seconded           Cr AR Dickins*

*That Council direct the Chief Executive Officer to publically advertise the draft Sea Container Planning Policy in compliance with Schedule 2 Part 2 of the Planning and Development (Local Planning Schemes) Regulation 2015.*

**CARRIED 7/0**

### **Consultation**

The draft local planning policy (Sea Containers) was placed on public exhibition in both the *Kalannie Kapers* and *Dalwallinu Totally Locally* newspapers for a period exceeding 21 days inviting submissions with regard to the draft policy. The draft policy was also advertised on the Shire website as a public notice.

No submissions were received during the nominated advertising period (8 June – 3 July 2020).



## **Legislative Implications**

### State

*Planning and Development Act 2005*

*State Planning Policy 7.3 – Residential Design Codes of WA*

### Local

*Shire of Dalwallinu Local Planning Scheme N° 2*

## **Policy Implications**

### Local

The draft local planning policy will provide greater clarity in their objectives, application and applicable requirements and forms part of a review of all of the Scheme's local planning policies.

## **Financial Implications**

There will be a cost for public advertising of the proposals with funds being available to cover this.

## **Strategic Implications**

Nil

## **Site Inspection**

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**

As per deemed clause 4(5) and clause 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the adoption of a new policy or the revocation of an existing local planning policy takes effect upon publication of a notice in a newspaper circulating within the Scheme local area.



## Officer Recommendation/Resolution

### MOTION 9588

Moved Cr AR Dickins  
Seconded Cr KM McNeill

That Council, in accordance with the provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning schemes) Regulation 2015*:

1. Repeal the *Local Planning Policy N° 5 – Moveable Buildings*, and
2. Adopt the draft local planning policy as *Local Planning Policy N° 8 – Sea Containers*;
3. Publish a public notice as to the revocation of *Local Planning Policy N° 5 – Moveable Buildings* and the adoption of *Local Planning Policy N° 8 – Sea Containers*.

**CARRIED 7/0**



### 9.2.3              Review of Local Laws

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	EL/5 – Local Laws
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Doug Burke, Manager Planning & Development Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simply Majority
<b>Attachments</b>	Nil

#### Purpose of Report

Council is requested to consider commencing a periodic review of the Shire of Dalwallinu Local Laws in accordance with section 3.16 of the *Local Government Act 1995*.

#### Background

Pursuant to Section 3.16 of the *Local Government Act 1995*, a Local Government is required to periodically review its local laws. The review should be undertaken within eight (8) years from the time of the gazettal of the local law or acceptance of a report of a review of the local law. The Shire of Dalwallinu Local Laws previously went through the review process beginning in 2011 which resulted in the passing of the *Shire of Dalwallinu General Amendment Local Law* in December 2014.

The aim of a review is to determine whether or not a Local Government considers that a local law should be retained unchanged, be repealed or be amended. In accordance with guidelines issued by the Western Australian Local Government Association, the review process also has the following objectives:

- a) The use of plain English in all local laws that they are easy to read and readily understandable to both the public and the members of Administration;
- b) Relevance to the needs of the Shire of Dalwallinu;
- c) Compliance with the *Local Government Act 1995 (WA)* and other legislation;
- d) Deletion of legislative duplication;
- e) Avoidance of legislative inconsistency between other local laws, State and Federal legislation;
- f) The creation of laws that are able to stand alone without the need to be cross-referenced.

Furthermore, all local laws are required to be consistent with the National Competition Policy and unless justified under the Public Benefit Test, should not contain provisions that restrict competition.

#### Consultation

In undertaking a review of the local laws, Section 3.16 of the Act compels that a Local Government give state wide public notice and make copies of the local laws available to the public. The Council must then consider any submissions made and other administrative issues to determine if the local law should be repealed amended or remain unchanged.



If it is determined by Council that the local law should be amended a local government is required to again give state-wide notice of the proposed local law. Submissions must be accepted for a period of six (6) weeks. The Council must consider any submissions made before amending the local law.

Following the closure of submissions, administration will produce a report of the review of the local laws and submit the same to Council. In the event that Council decides to repeal or amend any of the local laws, State wide public notice will again need to be given and copies of the report of the review and the draft amendment are to be made available.

### **Legislative Implications**

#### State

*Local Government Act 1995*

### **Policy Implications**

Nil

### **Financial Implications**

Direct costs associated with this report will be limited to advertisement fees to give state wide/local public notice. These costs and the preparation of any draft amendment will be undertaken via budgeted expenditure. Following the discussion period, and depending upon any submissions, further amendment review and legal advice may be incurred. If a draft Amendment Local Law is required and its adoption has been finalised by Council, there will be fees (currently \$226.80 per page) for the Amendment Local Law gazettal.

### **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's current Local Laws were gazetted on various dates dating back to 1986. These Local Laws are listed below the title of the relevant Act they were made under.

#### ***Local Government Act 1995***

- *Local Government Property Local Law (Gazetted 17 January 2000)*



- *Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law* (Gazetted 9 May 2000)
- *Local Government (Council Meetings) Local Law 2014* (Gazetted 10 December 2014)
- *Local Law Relating to Fencing* (Gazetted 17 January 2000)
- *Parking and Parking Facilities Local Law* (Gazetted 17 January 2000)

**Dog Act 1976**

- *Dogs Local Law* (Gazetted 10 December 2014)

**Cemeteries Act 1986**

- *Local Law Relating to the Management and Control of Dalwallinu Cemetery* (Gazetted 31 March 2000)

**Health Act 1911**

- *Health By-Laws 1996* (Gazetted 4 October 1996)

It is important to note that local laws made under Acts other than the *Local Government Act* are also subject to review and the procedures outlined in the *Local Government Act*. This report proposes the commencement of the procedures described in the Act through the advertising of the Shire's intent to review all Local Laws and seeking comment from the general public relating to the same.

**Officer Recommendation/Resolution**

**MOTION 9589**

Moved                    Cr KM McNeill  
 Seconded                Cr AR Dickins

That Council directs the Chief Executive Officer to advertise the proposal to review the Shire of Dalwallinu's Local Laws.

**CARRIED 7/0**



## 9.2.4 Retrospective Approval for Grouped Dwellings (DA 151920)\*

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	L&T deGrussa <i>obo</i> J&E Wallis
<b>File Ref</b>	A29601
<b>Previous Meeting Reference</b>	OCM 24 March 2020 (M9431)
<b>Prepared by</b>	Doug Burke, Manager Planning & Development Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Supporting Documentation

### Purpose of Report

Council is requested to consider an application for approval to allow for the retrospective approval of 'Grouped Dwellings' on the subject land as submitted by the applicant on 30 June 2020.

The proposed development requires discretionary approval from the Council.

It is recommended that the proposed development be refused for the reasons outlined in the following report.

### Background

Subject Property:	61 Johnston Street, Dalwallinu (Lot 1)
Land Use Zoning:	Commercial
Property Owner:	J & E Wallis
Applicant:	L & T deGrussa
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	'Grouped Dwelling' (retrospective approval sought)
Value of Development:	\$100K
Outside Consultation:	Nil

At the Ordinary Meeting of Council held 24 March 2020, Council resolved the following:

### MOTION 9531

*Moved Cr AR Dickins  
Seconded Cr KM McNeill*

*That Council resolve to receive and note the report.*

*CARRIED 6/0*



The report was tabled to advise the Council as to the illegal conversion of commercial buildings to that of residential dwellings by the current owners. The buildings were previously constructed and used as a petrol station/motor vehicle repair workshop.

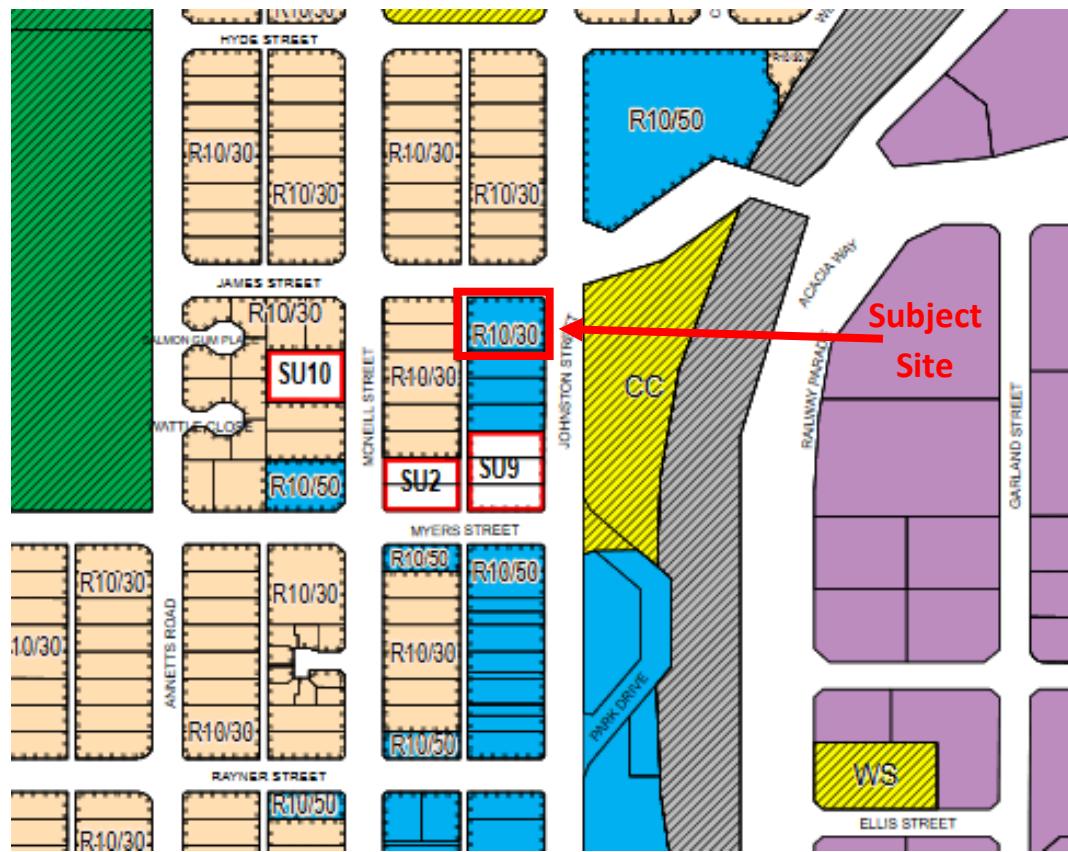
The Shire wrote to the owners on 27 May 2020 to suggest that they submit an application seeking retrospective planning approval for the recognition and continuation of the development of Grouped Dwellings on the subject property.

**'Grouped Dwellings'** are defined under the State Planning Policy 7.3 – Residential design Codes as being:

*'A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.'*

The subject property is zoned 'Commercial' under the *Shire of Dalwallinu Planning Scheme N° 2*. The objectives cited under the Scheme for the Commercial zone include the provision:

*'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.'*



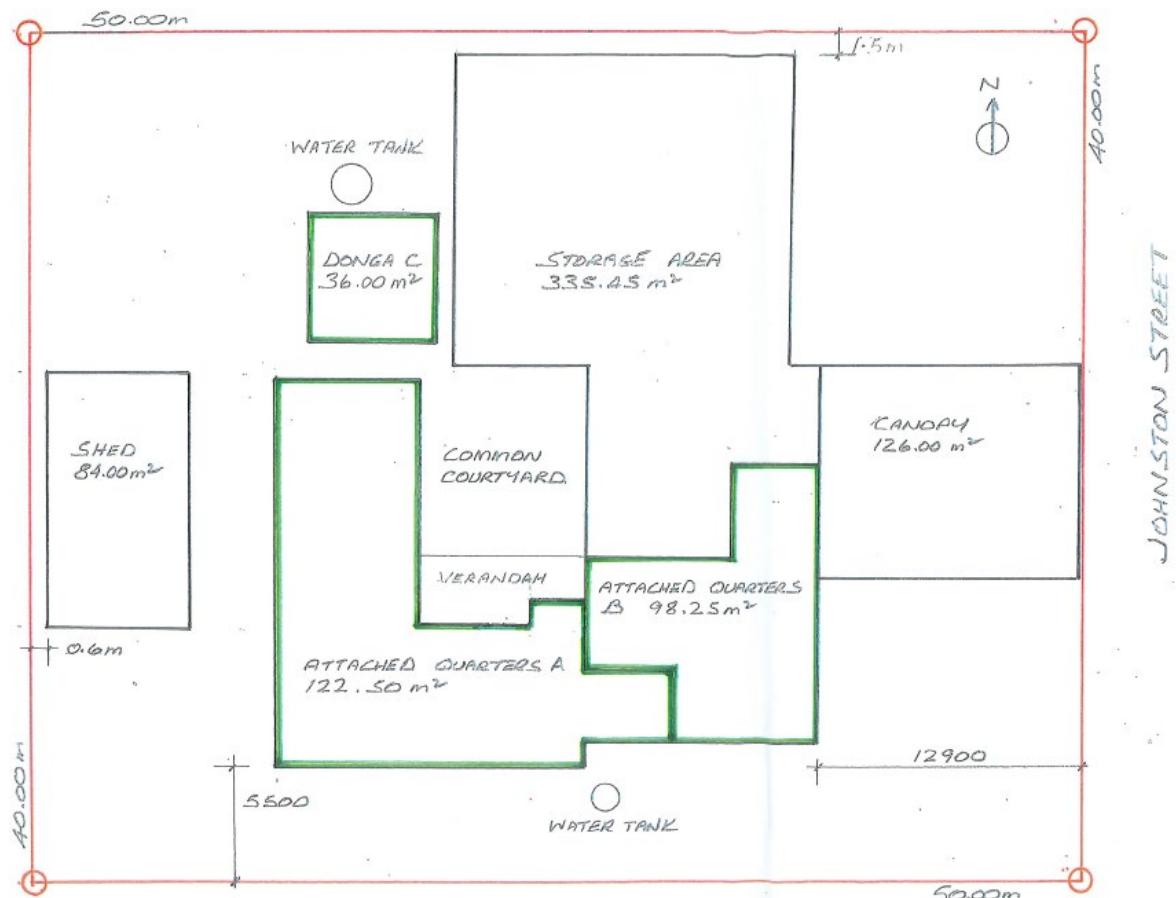


*Storage Area and Accommodation Quarters 'B'*

The existing site has been developed over a number of years and has predominantly operated as a petrol station/motor vehicle repair workshop. It has recently been converted to mixed use without requisite planning approval. The plans accompanying the application indicate the current status of the development as being:

- Accommodation Quarters 'A' (floor area 122m<sup>2</sup>)
- Accommodation Quarters 'B' (floor area 98m<sup>2</sup>)
- Accommodation Quarters 'Donga C' (floor area 36m<sup>2</sup>)
- Storage Area (floor area 335m<sup>2</sup>)

Accommodation Quarters 'A' is a four bedroom freestanding building that has occupied the site since at least 1975 according to file notes held by the Shire. It is apparent that the building was used as a caretakers dwelling for most of its existence onsite. The building and its use is regarded as enjoying existing-use-rights as a single habitable dwelling. This status would not be challenged regardless of the outcome of the application.



Accommodation Quarters 'A'



*Accommodation Quarters 'Donga C'*

Accommodation Quarters 'Donga C' is a recent two bedroom conversion of a shed that originally received planning/building approval as a 'games/facilities' room in 1980. The structure has a skillion roof and sheet metal cladding. No inspection has been undertaken of the interior.

Accommodation Quarters 'B' is a two bedroom conversion of part of the service station building. It occupies the area that would have originally served as an office and retail/showroom space. An inspection of the interior by an officer of the Shire was undertaken in May 2020. The inspection supports the rationale that the designated area was then occupied under a lease arrangement as a residential abode.

The area that is assigned as being the 'Storage area' on the plans provided is understood to be ancillary to the business located at 55 Johnston Street (John R Wallis Engineering). Though the application makes no mention of the fact, it is understood that the 'Storage area' also operates as a mechanical workshop as evidenced by the vehicle engine stored in the forecourt, the redundant vehicle mufflers located near the rear boundary and other observed activities. The application makes no mention of what materials or chemicals are stored onsite nor the hours of the business operation.



*Forecourt area – 61 Johnston Street, Dalwallinu*

### **Consultation**

No consultation was undertaken with the general public or with an applicable public authority.

### **Legislative Implications**

#### **State**

##### *Health (Miscellaneous Provisions) Act 1911*

Section 144 of the Health Act states that:

*'No person shall convert into or adapt or use as a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sublease, or otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without having first obtained the consent of the local authority of the district in which the building is situated, and complied with such conditions as the local government sees fit to impose.'*

There are no records currently available to the Shire that indicate that consent has been given or implied for the conversion or adaption of the building (as displayed in red silhouette) to make it suitable for use as a dwelling. According to a written response by the owner, it is acknowledged that the current occupation of the building is provisional to a residential lease agreement.

An inspection of the interior of the building, by an environmental health practitioner, will provide a professional determination as to adequate compliance with the Health Act.



### *Building Act 2011*

The Building Act has remedy for any building work or building reclassification that does not have requisite approval from the permit authority (the Shire). There is no evidence in keeping, or provided by the owner of the property, demonstrating that such approval has been given for relevant building works or to re-purpose the building from Class 6 (retail) to that of a Class 1a (single dwelling); as defined by the National Construction Code (Part 1).

### *Contaminated Sites Act 2003*

The Act and its subservient regulations and guidelines acknowledge that petrol service stations and vehicle repair workshops are well recognised as having potentially latent toxic substance pollution issues. The re-purposing of such historic sites to a sensitive land use (dwellings, schools, child-care centres, etc) is well established as being problematic unless correct decontamination procedures are undertaken.

Despite the previous land use/s, the site has not been reported to the Department of Health as a potentially contaminated site as required under Part 2 of the *Contaminated Sites Act*.

### *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. Retrospective planning approval for a development is allowable under s.164 of the *Planning and Development Act 2005*, and the Council as a responsible authority, after due consideration, may grant its approval under the planning scheme for development already carried out.

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> <i>'To reinforce the role of the Dalwallinu town center as the principal focus of retail; office, civic and cultural activities as well as providing for a</i>



	<i>high level of community services and the provision of mixed use developments.'</i>
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	<i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i>
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 grouped dwellings are situated on an allotment that also is used as 'storage' for the owner's other business operations located at 55 Johnston Street, Dalwallinu.
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	The property is zoned 'Commercial' as is the property adjoining to the immediate south. Land immediately to the north and west are zoned and developed as 'Residential'.
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 identified
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 are no trees or substantial vegetation that is deemed worthy of retention.  The application does not address landscaping issues relating to outdoor living areas.
The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil	No natural environmental risks have been identified.



erosion, land degradation or any other risk	
The suitability of the land for the development taking into account the possible risk to human health or safety	Due consideration needs to be given as to the historical land use and possible health impacts on the current residential habitation of the site.
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	Situated on a corner block in a townsite, the property enjoys direct vehicular access to two sealed roads, James Street and Johnston Street.  The site has a large forecourt area fronting Johnston Street that could adequately service the unloading, maneuvering and parking of vehicles related to the nominated activities of the development.
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	The application is silent on current or anticipated vehicle movements in relation to commercial activities onsite.
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 other than a regional bus service.  Electricity, potable water and sewerage 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.



The history of the site where the development is to be located	According to Shire records the site was initially developed as a petrol service station and motor vehicle repair workshop. No records indicate any subsequent planning approval has been given for a change of land use.
The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	If the application is approved, a precedent would be set that could potentially lead to adverse planning outcomes offsite that would be difficult and resource sapping to resolve and rectify.
Any submissions received on the application	The application was not advertised under Part 9 of the Scheme.
The comments or submissions received from any authority consulted under clause 66	No other statutory, public or planning authority was identified as being necessary for further consultation.
Any other planning consideration the Council considers appropriate	Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

A site inspection has been undertaken by the reporting officer.

#### **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*

The site has been previously used as a petrol station and a motor vehicle repair shop. These types of land uses are regarded as being potentially contaminated by the pollutants listed below in the excerpt from relevant guidelines. The possibility for a contaminant to cause harm is dependent on its toxicity,



its concentration and the extent over which it occurs. Those toxic substances identified can be detrimental to the health of residents if the site is not satisfactorily remediated.

The applicant recognises the potential for harmful contamination on the site and states that “tests were carried out in 2013 with negative results”. No documentation has been submitted by the applicant to support this statement.

It is known that the three underground fuel tanks relevant to the prior land use were removed by a qualified contractor in 2013. The contractor advised in writing that before the tanks were removed, they ‘cleaned the tanks of soil’. In effect any potentially contaminated material would have remained onsite.

Service stations and fuel storage facilities	Petroleum hydrocarbons Monocyclic aromatic hydrocarbons (e.g. benzene, toluene, ethylbenzene & xylenes) Polycyclic aromatic hydrocarbons Methyl tertiary-butyl ether and other oxygenates Metals (e.g. barium, cadmium, copper, lead, nickel, zinc) Oil and grease Solvents (e.g. trichloroethylene)
•	

*Assessment and management of contaminated sites - Contaminated sites guidelines December 2014*

#### **Officer Comment**

The applicant has applied for planning approval for a ‘*Change of Classification from 6d to 1a*.’ Classification is in reference to the category of a building as assigned under the National Construction Code. The correct process for a ‘change of classification’ lies wholly within the confines of the authority inherent to the *Building Act 2011*, and therefore the Council cannot make a determination as to such a request under Planning and Development legislation, by which this application is made.

The owner and the applicant have previously been advised in writing that the appropriate approach, in recognition of the existing development, should be a planning application for the retrospective approval of Grouped Dwellings. As such, licence is taken to treat this application as an application seeking retrospective approval for Grouped Dwellings.

Council may determine an application for development approval by way of —

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

In conclusion it is recommended that the Council, in their capacity as the appropriate planning authority, resolve to refuse retrospective approval for the continued use of the development relating to those areas denoted on the submitted plans as being Attached Quarters ‘B’ and ‘Donga ‘C’ for the following reasons:

Reason 1: The applicant has not supplied sufficient or relevant information as to prior or current commercial activities that could have an adverse impact upon the residential land use subject of this application. Relevant information is regarded as being that related to the current commercial entity that comprises the area of the site noted as being ‘Storage



Area' and that area within the building setback to the primary street frontage (Johnston Street).

Reason 2: State Planning Policy 7.3 outlines the requirements that a planning authority needs to consider prior to approving applicable residential development. Grouped Dwellings are defined by this Policy which also provides context as to accomplishing compliance with cited objectives. Two objectives have been identified that relate to the existing development.

- *'To ensure that residential development meets community expectations in regard to appearance, use and density.'*

Comment: There is no visual evidence that improvements have been done to enhance the appearance of site to acknowledge its current use as Grouped Dwellings.

- *'To ensure that open space (private and communal) is provided onsite and landscaped to establish streetscapes; to provide a balanced setting and relationships to buildings; and to provide privacy, direct sunlight and recreational opportunities.'*

Comment: The plans submitted with the application do not indicate areas of appropriate Open Space allocation nor Outdoor Living Areas. The Policy requires a minimum of 45% of the site be Open Space, and each dwelling have a minimum of 24m<sup>2</sup> of private Outdoor Living area. The applicant has included parking areas and areas of commercial operation as being part of the Open Space calculations to falsely demonstrate compliance with the Policy. The figures provided by the applicant to demonstrate compliance with the Policy as to site allocation do not equate with reality.

Reason 3: The proposal is not considered to be consistent with the orderly and proper planning of the locality as per the *Local Planning Scheme N° 2*.

Comment: The proposal does not satisfy the objectives of the Commercial Zone as the dwellings (Attached Quarters 'B' and Donga 'C') are not combined with or service a recognised commercial land use undertaken on the site (Storage?).

Reason 4: The proposal is not considered to be consistent with the preservation of amenity of the locality, nor compatible with and complimentary to the existing non-residential component of the development.

Comment: Though Attached Quarters 'A' were originally used to house the Caretaker of the associated business – service station/motor vehicle repair workshop, the two other dwellings (Attached Quarters 'B' and Donga 'C') are additions that have been developed since the original land use was made redundant by the removal of the fuel tanks in 2013. There has been no evidence presented that a contaminated land audit has been undertaken to establish the presence or the lack thereof of residual hazardous material owing to past and present commercial activities carried out onsite.



### **PROCEDURAL MOTION 9590**

Moved Cr AR Dickins  
Seconded Cr KJ Christian

That Council suspend standing orders to discuss item 9.2.4.

**CARRIED 7/0**

### **PROCEDURAL MOTION 9591**

Moved Cr AR Dickins  
Seconded Cr KM McNeill

That Council resume standing orders.

**CARRIED 7/0**

### **Officer Recommendation/Resolution**

#### **MOTION 9592**

Moved Cr AR Dickins  
Seconded Cr KJ Christian

That Council resolve to refuse the planning application (DA151920) 61 Johnston Street, Dalwallinu (Lot 1) for the following reasons:

Reason 1: The applicant has not provided the requisite material required to accompany an application for development approval in accordance with Clause 63 Schedule 2 of the *Planning and Development (Local planning Schemes) Regulations 2015*, which is required in order to allow an accurate assessment of the development and to allow an informed decision of the application.

Reason 2: The proposal is not considered to be consistent with the design principles for Grouped Dwellings under the *State Planning Policy 7.3 – Residential Design Codes Volume 1*

Reason 3: The proposal is not considered to be consistent with the orderly and proper planning of the locality as per the *Local Planning Scheme N° 2*.

Reason 4: The proposal is not considered to be consistent with the preservation of amenity of the locality, nor compatible with and complimentary to the existing non-residential component of the development.

**CARRIED 7/0**



**9.3                   CORPORATE SERVICES**  
**9.3.1                Accounts for Payment for June 2020\***

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Christie Andrews, Senior Finance Officer
<b>Supervised by</b>	Hanna Jolly, Manager Corporate Services
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Summary of Accounts for Payment

**Purpose of Report**

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

**Background**

A list of invoices paid for the month of June 2020 from the Municipal Account, to the sum of \$455.95 paid by cheque and \$1,273,152.91 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 \$2,159,771.60. There were no payments from the Trust Account. Total payments from all accounts being \$2,159,771.60 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

### MOTION 9593

Moved Cr MM Harms  
Seconded Cr KJ Christian

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

1. Municipal Fund Account totalling \$2,159,771.60 consisting of:

Cheque Number 35213	\$455.95
EFT Payments (EFT 10789 – EFT 10937)	\$1,273,152.91
EFT Payments (Payroll)	\$116,256.00
Direct Debit – Superannuation (DD15606.1-8 and DD15630.1-9)	\$26,944.67
Direct Debit – Credit Card (DD15617.1)	\$1,447.84
Direct Debit – Bond Administrator (DD15621.1 and DD15637.1)	\$340.00
Direct Debit – Payments to Dept of Transport	\$60,968.45
Bank Fees	\$361.78
Transfer to Reserves Term Deposit	\$79,844.00
Transfer to Muni Excess Funds Term Deposit	\$600,000.00

**CARRIED 7/0**



### 9.3.2 Fee for oval and change rooms use for football season 2020\*

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Dalwallinu Football & Hockey Club
<b>File Ref</b>	CU/6 – Customer Service requests
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Hanna Jolly, Manager Corporate Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Nil

#### **Purpose of Report**

Council is requested to consider a request from Dalwallinu Football & Hockey Club (DFHC) to set a fee for football season 2020. This item is brought to council as Officer's have no authority to alter fees and charges.

#### **Background**

Fees and charges for 2019-2020 were adopted in March 2019 including a fee for Dalwallinu Football Club – All home games and training sessions at \$3,500 (inc GST) per annum.

An email was received from Todd Carter on 16 June 2020 advising that Mortlock Football League has cancelled the 2020 season due to the restrictions around COVID-19. We were advised that DFHC would still go ahead with training once a week for 12 weeks commencing on 11 June 2020 and will require the use of the oval, oval lights, change room and occasional use of the meeting room. Junior Sports are yet to commence however they are looking to train once a week during school term 3 and will require use of the oval. Hockey is planning to run training sessions once a week for 4-6 weeks in July/August and will require use of the oval and the oval lights. On top of the training sessions, there is a possibility to hold scratch matches or social events but DFHC is yet to confirm the details on these.

DFHC has paid the fee of \$3,500 in full 6 March 2020 but that payment was refunded to the club in June 2020 due to the 2020 season being cancelled.

#### **Consultation**

Nil

#### **Legislative Implications**

##### **State**

*Local Government Act 1995 – section 6.16*

#### **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 fee for the season 2020 will need to cover the cleaning of the facilities used and cost of the oval & lights usage. Cleaning is estimated to cost around \$350 for the 12 training sessions & meeting room usage and to add cost for the lights and oval usage it is estimated that annual fee can be reduced by 80% to \$700 (inc GST).

### **Officer Recommendation/Resolution**

#### **MOTION 9594**

Moved Cr KM McNeill  
Seconded Cr BH Boys

That Council:

1. Direct the Chief Executive officer to advise the Dalwallinu Football and Hockey Club that the fee for the 2020 season will be reduced by 80% to \$700, to cover all training sessions until 31 August 2020 and the use of the meeting room;
2. Direct the Chief Executive Officer to advise the Dalwallinu Football and Hockey Club that fees for the hire of Dalwallinu Recreation Centre facilities for any scratch matches or social events will be charged separately as per the adopted fees & charges for 2020-2021.

**CARRIED 7/0**



**9.4 CHIEF EXECUTIVE OFFICER**  
**9.4.1 WALGA Annual General Meeting 2020 – Voting Delegates**

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GR/4 – Government Relations - WALGA
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Nil

**Purpose of Report**

Council is requested to appoint voting delegates for the 2020 WALGA Annual General Meeting to be held on Friday 25 September 2020.

**Background**

Following the cancellation of the 2020 WALGA Convention due to the Covid-19 pandemic, the 2020 Annual General Meeting was delayed until September to provide as much time as possible for the meeting to be held in-person.

Correspondence was received from WALGA on Thursday 25 June 2020 advising that the Annual General Meeting is scheduled to be held at the Crown Towers, Perth on Friday 25 September 2020 commencing from 1.30pm.

**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**

As the WALGA Annual General Meeting has now been scheduled for September 2020, Council will need to appoint delegates to vote on motions put forward for consideration. Closing date for the registration of voting delegates is Friday 28 August 2020.

**Officer Recommendation/Resolution**

**MOTION 9595**

Moved                    Cr AR Dickins  
Seconded                Cr KM McNeill

That Council:

1. Appoint Cr S Carter and Cr K Carter as the Shire of Dalwallinu delegates for the WALGA Annual General Meeting to be held on Friday 25 September 2020;
2. Appoint Jean Knight, Chief Executive Officer as the Shire of Dalwallinu Proxy Delegate for the WALGA Annual General Meeting to be held on Friday 25 September 2020.

**CARRIED 7/0**

*Cr KJ Christian left the Chambers at 4.07pm.*



#### 9.4.2 Disposal of Lot 572 (16) Sawyer Avenue, Dalwallinu

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	A6364
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Nil

#### Purpose of Report

Council is requested to consider the disposal of a vacant lot situated at Lot 572 (16) Sawyer Avenue, Dalwallinu.



#### Background

At the Ordinary Council Meeting held 18 December 2018, Council resolved the following:

#### **'MOTION 9288'**

Moved Cr AR Dickins  
Seconded Cr KM McNeill

#### *That Council:*

1. *Direct the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that the shire of Dalwallinu accepts the management of Lot 572 on Diagram 35838 – Reserve 40337 – 16 Sawyer Avenue, Dalwallinu;*
2. *Authorise the Chief Executive Officer to lodge a Crown Land Enquiry Form with the Department of Planning, Lands and Heritage to purchase freehold Lot 572 on Diagram 35838 – Reserve 40337 – 16 Sawyer Avenue, Dalwallinu for future residential housing.*

**CARRIED 8/0'**

The request to purchase the lot in freehold was approved by the Department of Planning, Lands and Heritage and settlement was effected on 14 July 2020.



**Consultation**

Councillors

**Legislative Implications****State**

*Local Government Act 1995 – Section 3.58 – Disposing of Property*

**Policy Implications**

Nil

**Financial Implications**

Proceeds from the sale of the lot and expenses associated with settlement have been included in the 2020-2021 budget.

**Strategic Implications**

*Shire of Dalwallinu Strategic Community Plan 2017-2027*

Outcome 2.4 – Increased housing development

**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**

Council purchased the lot from the Department of Planning, Lands and Heritage for the purpose of either selling or using it to construct additional employee housing. As we currently have no demand for additional employee housing and the demand for residential lots is high, it is the Officer's recommendation that Council put this vacant lot up for tender.

Any tenders received will be bought back to Council for their consideration.



## Officer Recommendation/Resolution

### **MOTION 9596**

Moved Cr KM McNeill  
Seconded Cr BH Boys

That Council authorise the Chief Executive Officer to advertise for sale by tender, Lot 572 (16) Sawyer Avenue, Dalwallinu.

**CARRIED 6/0**

*Cr KJ Christian retuned to the Chambers at 4.09pm.*



#### 9.4.3 Lot 49 on DP171208 in Kalannie – Proposed Management Order

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	A9007
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Nil

#### Purpose of Report

Council is requested to consider a request from the Department of Planning, Lands and Heritage (DPLH) to accept the management order for a reserve to be created over Lot 49 in Kalannie (previously St Johns Anglican Church).



#### Background

Correspondence was received on 29 June 2020 from DPLH seeking Council's comment or acceptance of the proposed management order over the reserve to be created over Lot 49 in Kalannie.

Mr Robert Nixon on behalf of the Kalannie Community Group, has recently been in negotiations with the DPLH regarding tenure of this site.

The proposal from the DPLH is that the management order would be granted with the Power to Lease. This will allow for public benefit and for the Kalannie Community Group to be granted tenure over the site.

#### Consultation

Department Planning Lands & Heritage

## **Legislative Implications**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Nil.

A condition of the lease with the Kalannie Group would be that all expenses relating to the maintenance of the building is to be borne by them.

## **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 correspondence from DPLH made a comment:

*"The current condition of Lot 49 has been discussed and the building should be noted for due consideration".* Clarification was sought from the DPLH. They advised that the building requires maintenance, of which the Kalannie Community Group has advised that they will undertake, if they are provided with a management order lease.

Since the correspondence received from DPLH, the Officer is in receipt of a copy of correspondence between DPLH and Robert Nixon where three options were given:

1. *The Land could be vested, reserved for community purposes and the Shire of Dalwallinu issued with a management order. The Shire will be provided with the power to lease for up to 21 years, so that it can issue you or a community group with a management order lease. This will require the approval of the Shire in the first instance;*
2. *The land could be sold to you or a community group (if it can hold land). The sale would be at market value, taking into consideration the dilapidated asbestos building, which will require ongoing maintenance. This will require the Department to seek a valuation from Landgate;*
3. *A conditional freehold lease could be granted to the community group if it can provide evidence of its not for profit status and ability to hold land. This option is predicated on the Minister for Lands approval.*



It is the Officer's recommendation that Council support Option 3 above. This will alleviate the need for the Shire of Dalwallinu to take on the management order over the reserve and the dilapidated building.

#### **Officer Recommendation/Resolution**

##### **MOTION 9597**

Moved                    Cr AR Dickins  
Seconded                Cr KM McNeill

That Council:

1. Direct the Chief Executive Officer to advise the Department Planning, Lands & Heritage that it is not prepared to accept a management order over the new reserve to be created on Lot 49 in Kalannie;
2. Direct the Chief Executive Officer to advise the Department Planning, Lands & Heritage that it supports the option to grant a conditional freehold lease over the new reserve to be created over Lot 49 in Kalannie, to the Kalannie community group if it can provide evidence of its not for profit status and ability to hold land.

**CARRIED 7/0**



#### 9.4.4 DRAFT Policy – Elected Members Continuing Professional Development\*

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/20 – Governance – Policy Manual
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	DRAFT Policy

#### Purpose of Report

Council is requested to adopt the DRAFT Policy 1.18 Elected Members Continuing Professional Development.

#### Background

Pursuant to Section 5.128 of the *Local Government Act 1995*:

1. *a local government must prepare and adopt a policy in relation to the continuing professional development of council members;*
2. *A local government may amend the policy;*
3. *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form and content of a policy under this section;*
4. *The Chief Executive Officer must publish an up-to-date version of the policy on the local government's official website;*
5. *A local government must review the policy after each ordinary election; and may review the policy at any other time.*

#### Consultation

Nil

#### Legislative Implications

##### State

*Local Government Act 1995 – section 5.128*

#### 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**

A DRAFT policy on continuing professional development has been prepared is now presented to Council for adoption.

### **Officer Recommendation/Resolution**

#### **MOTION 9598**

Moved                    Cr AR Dickins  
Seconded                Cr MM Harms

That Council adopt Policy 1.18 'Elected Members Continuing Professional Development Policy' as per the attachment, as required under Section 5.128 of the *Local Government Act 1995*.

**CARRIED BY ABSOLUTE MAJORITY 7/0**



*Cr Karen Christian declared an Impartiality interest in item 9.4.5 and remained in the room.*

## 9.4.5 Proposed Premises for Dalwallinu Community Op Shop

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Dalwallinu Community Op Shop
<b>File Ref</b>	A46202
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Nil

## Purpose of Report

Council is requested to consider premises for the Dalwallinu Community Op Shop to relocate to.

## Background

The Shire of Dalwallinu and the Dalwallinu Uniting Church previously had a lease agreement for the use of Lot 3 (16) Myers Street for the Community Op Shop.

In May 2020, the Shire of Dalwallinu sold Lot 3 (165) Myers Street. As per the lease, the Dalwallinu Uniting Church were given notice of the impending sale in January 2020 and requested to vacate the premises by 21 February 2020. It is the Officer's understanding that the new owners allowed them to remain on site, however correspondence has now been received by the Community Op Shop, requesting that they vacate the premises by Friday 17 July 2020.

## Consultation

Dalwallinu Uniting Church Representative – Rod Donnes  
John Wallis  
Avalon Hyder  
Dayna Christian

## Legislative Implications

Nil

## Policy Implications

Nil

## Financial Implications

Depending on which option Council chose to proceed with, there may be additional revenue from the use of Council facilities although it would be minimal.

## Strategic Implications

Nil



## **Site Inspection**

Site inspection undertaken: Yes (Dalwallinu Town Hall)

## **Triple Bottom Line Assessment**

### Economic implications

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

### Social implications

The Dalwallinu Community Op Shop provides a cheap alternative for clothing and other goods for members of the community. It is a well utilised by locals and visitors to the Shire.

### Environmental implications

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

## **Officer Comment**

A meeting was held on Wednesday 8 July 2020 with the following in attendance:

Jean Knight

Emily Dutton

Dalwallinu Uniting Church Representative – Rod Donnes

John Wallis

Avalon Hyder

Discussions were centred on a new location for the Community Op Shop to relocate to. Representatives from the Community Op Shop advised that they are exhausted all avenues and could not find a new premise to relocate to.

The Officer indicated that the Shire may, subject to approval by Council, have an alternative premise for the Community Op Shop to relocate to:

### **Option 1: Pithara Supper Room**

The Pithara Hall Supper Room could be an alternative. There is adequate off street parking and ablution facilities. Unfortunately the main Pithara Hall is not suitable due to a leaking roof and being overrun with pigeons.

### **Option 2: Wubin Town Hall**

Wubin Town Hall is currently not being used. The building is in good to fair condition. The size would be perfect for the Community Op Shop however its distance from the Dalwallinu townsite could be a negative. There is adequate parking and ablution facilities.

### **Option 3: Dalwallinu Town Hall**

Currently the only use for the Dalwallinu Town Hall is for dance lessons conducted by DM Fitness (Dayna Christian). DM Fitness do not pay any hire fees for the use of the hall and pay 50% of the Community Room rate as per a previous Council resolution.

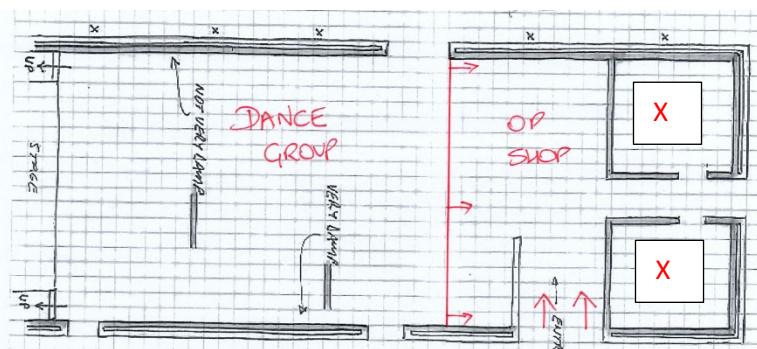
A meeting was held on Thursday 16 July 2020 with Ms Christian and Nicole Smith (President of Dalwallinu Dance Group). Clarification was sought from Ms Christian as to how often the hall was used, length of the dance season and how much space in the town hall was used each week. Dance



lessons are held for 20 weeks per annum and the hall is used on a Wednesday from 2pm to 7.30pm. Currently the group uses the entire hall but are happy to reduce the amount of space used.

One option for consideration is that the Community Op Shop be given a portion of the Dalwallinu Town Hall to relocate to and the remainder could continue being used by DM Fitness. Both Ms Christian and Mrs Smith were in agreeance with this option.

It is the Officer's recommendation that the Dalwallinu Community Op Shop be given the option to relocate to the eastern end of the Dalwallinu Town Hall using the far eastern entrance from Myers Street.



The two enclosed rooms at the far eastern end of the hall are not included in the lease as these are unable to be used in their current state.

The fee for the monthly lease has been calculated equivalent to the electricity usage from the previous building along with the fact that the space in the Dalwallinu Town Hall is now restricted for other potential hirers, given that one third will now be occupied by the Community Op Shop.

It is also recommended that Council impose the following conditions:

- Prior to commencement of operations, the area is to be partitioned off the entire width of the building at a minimum height of 1500m;
- A lease payment of \$165.00 (inc GST) per month is payable in advance;
- Prior to commencement a copy of Public Liability Insurance of \$10M to be provided;
- Cleaning of the area is to be the responsibility of the Dalwallinu Community Op Shop.

## Officer Recommendation/Resolution

### **MOTION 9599**

Moved Cr KM McNeill  
Seconded Cr BH Boys

That Council:

1. Direct the Chief Executive Officer to enter into a standard Lease Agreement for a portion of the Dalwallinu Town Hall (as per plan) with the Dalwallinu Uniting Church for the purpose of the 'Community Op Shop' subject to the following conditions:
  - a) Prior to commencement of operations, the area is to be partitioned off the entire width of the building at a minimum height of 1500m;
  - b) A lease payment of \$165.00 (inc GST) per month payable in advance;
  - c) Prior to commencement, a copy of Public Liability Insurance of \$10M to be provided;
  - d) Cleaning of the area is to be the responsibility of the Dalwallinu Community Op Shop.
2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the lease agreement.

**CARRIED 7/0**



#### 9.4.6 Shire of Dalwallinu Local Bicycle Network Plan Application

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GS/10- Grants and Subsidies
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Joanne Jones, Economic & Community Development Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Nil

#### Purpose of Report

Council is requested to endorse an application to the Department of Transport (DoT) for funding to undertake a comprehensive local bicycle network plan for shared pathways throughout Dalwallinu and Kalannie in the 2020-21 financial year through the appointment of a consultant to develop a prioritised plan in consultation with community.

Council is further requested to approve expenditure of \$12,500 in the 2010-21 budget, being 50% of the cost of the plan development should the application to DoT be successful.

#### Background

In June 2020 the Shire submitted an expression of interest in the DoT 2021-22/2022-23 WA Bicycle Network Grants round for funding towards the development of a comprehensive network of shared paths throughout Dalwallinu and Kalannie. We have now been invited to submit a full proposal for funding. The grant round closes on 19 August 2020. The Shire previously had a five year pathway plan (2010-11 to 2014-15) and allocates funding in each budget for pathway construction and maintenance. However, whilst both towns have reasonable path networks, there are gaps and inconsistencies that require upgrading to a shared path standard. The proposed plan will provide a framework for prioritising upgrades and create an opportunity to apply for recurrent DoT funding across the life of the plan. It is a requirement of the grant application that evidence of Council endorsement of the project and expenditure is included.

#### Consultation

Department of Transport- Francois Sauvier.

#### Legislative Implications

Nil

#### Policy Implications

Nil

#### Financial Implications

Should the application be successful, an initial outlay of \$12,500 will be required for the development of the plan, which will be matched by the DoT. This expenditure has been included in the 2020-21 draft budget. Thereafter applications can be made every two (2) years for further DoT funding to



complete the shared path project over ten years, with a maximum 50% contribution from DoT in each funding round.

### **Strategic Implications**

The *Shire of Dalwallinu Strategic Community Plan (2017-27)* identifies footpaths as an area of high importance/less satisfaction and aligns with the *Corporate Business Plan (2017-21)* to prioritise footpath provision and maintenance in the Shire Works Programme. The *Aged Friendly Community Plan (2016 v2)* identifies the need for a safe and accessible path network in order for aged and disabled residents to more easily navigate the town and access health, recreation and other services.

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

If successful, there will be a required outlay of \$12,500 which will be matched by DoT. This expenditure has been allocated in the 2020-21 draft budget.

#### Social implications

The development of a local bicycle network plan for shared paths in consultation with community stakeholders will create a framework for a safe and connected cycling/shared path network for all members of the community.

#### Environmental implications

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

### **Officer Comment**

It is recommended that the grant application to DoT for the development of a comprehensive local bicycle network plan be endorsed. It is further recommended that expenditure of \$12,500 be approved for the development of the plan should the DoT grant application be successful.

### **Officer Recommendation/Resolution**

#### **MOTION 9600**

Moved Cr KM McNeill

Seconded Cr MM Harms

That Council:

1. Endorse the application to DoT for funding towards the development of a comprehensive local bicycle network plan for shared paths ;
2. Approve the expenditure of \$12,500 towards the development of the local bicycle network plan should the grant application be successful.

**CARRIED 7/0**



## 9.4.7 Central Wheatbelt Biosecurity Association – Financial Request

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	CU/6 – Customer Services - Requests
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Correspondence from CWBA

### **Purpose of Report**

Council is requested to consider a request from the Central Wheatbelt Biosecurity Association (CWBA) for a financial contribution towards their 2020-2021 program.

### **Background**

Correspondence was received from the CWBA in March 2020 seeking a contribution of \$10,000 towards their 2020-2021 program. Unfortunately this request did not make it into the 2020-2021 budget deliberations and is now presented for your consideration.

The CWBA original started as the Central Wheatbelt Declared Species Group in 2012. Since that time it has grown significantly and is now a recognised Biosecurity Group.

In 2018-2019 CWBA implemented its first Declared Pest Rate in the Shires of Dalwallinu, Koorda, Morawa and Perenjori seeking funding of 0.0234 cents in the dollar on the unimproved value of freehold land from landholders who owned no less than 100ha and raised \$107,097 and this amount was matched by the State Government making a total of \$214,194 available for the CWBA programs.

In 2019-2020 the CWBA again implemented a Declared Pest Rate in the Shires of Dalwallinu, Koorda, Morawa and Perenjori, seeking funding from landholders who owned no less than 100ha and was increased to 0.0314 cents in the dollar on the unimproved value of freehold land and raised \$133,046 and this amount was matched by the State Government making a total of \$266,092.

### **Consultation**

Councillors

### **Legislative Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

No allowance has been made for this financial contribution in the 2020-2021 budget.

Should Council not support the Officer recommendation a budget amendment would be required to be undertaken.



**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 economic implications associated with this proposal.

*Environmental implications*

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

**Officer Comment**

CWBA have identified that they need to raise a minimum of \$300,000 per annum to run the existing control programs as outlined in their operational plans. For the 2020-2021 financial year they have identified that there will be a shortfall due to not being able to attract external funding. They have indicated that they could again increase the Declared Pest rate to landholders to 0.0401 cents in the dollar but are reluctant to do so and are exploring other funding options.

The local governments of Dalwallinu, Koorda, Morawa and Perenjori have had a long association with the CWBA and in 2017-2018 contributed a total of \$70,000 to the Association for the implementation of the 2017-2018 operational plan.

Local Government	Amount
Shire of Dalwallinu	\$25,000
Shire of Koorda	\$10,000
Shire of Morawa	\$10,000
Shire of Perenjori	\$25,000
<b>Total Funds contributed</b>	<b>\$70,000</b>

CWBA have now requested that the Shire of Dalwallinu contribute a further \$10,000 for the 2020-2021 financial year on behalf of our ratepayers.

Whilst the Shire appreciates the efforts of the CWBA, given that the Shire of Dalwallinu ratepayers are already charged the Declared Pest Rate to contribute to the operations of the CWBA it would not be appropriate to ask the ratepayers to contribute again through the inclusion of a contribution in the 2020-2021 financial year. It may be a consideration for the CWBA to scale back their programs to match the funding available to the Association.



## Officer Recommendation/Resolution

### **MOTION 9601**

Moved Cr AR Dickins  
Seconded Cr BH Boys

That Council direct the Chief Executive Officer to advise the Central Wheatbelt Biosecurity Association that they have considered their request for a financial contribution of \$10,000 for the 2020-2021 year, however have declined the request as the Shire of Dalwallinu ratepayers already contribute to the Association through the Declared Pest Rate.

**CARRIED 7/0**

### **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 9602**

Moved Cr KM McNeill  
Seconded Cr MM Harms

That Item 14.2 - Offer to purchase Lot 1, 555 Bell Street, be introduced to the meeting under 'Confidential Business'.

**CARRIED 7/0**

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



**PROCEDURAL MOTION 9603**

Moved                    Cr MM Harms  
Seconded                Cr AR Dickins

That Council moves into a confidential session to discuss:

14.1    CONFIDENTIAL: Offer to Purchase Lots 603, 604, 605 & 607 Pioneer Place, Dalwallinu and

14.2    CONFIDENTIAL: Offer to Purchase Lot 1, 555 Bell Street, Dalwallinu under the terms of the *Local Government Act 1995, Section 5.23(2)*:

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

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

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

***CARRIED 7/0***

*Mr Doug Burke and members of the public left the Chambers at 4.20pm.*



**14.1 Offers to purchase Lots 603,604, 605 & 607 Pioneer Place, Dalwallinu\***

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	Ms J Dickins & Dallcon
<b>File Ref</b>	A1021, A1022, A1024 & A44403
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	1. Offer from Ms J Dickins 2. Offer from Dallcon

**Purpose of Report**

Council is requested to consider offers received for Lots 603, 604, 605 & 607 Pioneer Place, Dalwallinu.

**Officer Recommendation/Resolution**

**MOTION 9604**

Moved Cr KJ Christian  
Seconded Cr KM McNeill

That Council:

1. Declares that it believes that the valuation of \$15,000, \$18,000 & \$18,000 for Lots 603, 604, and 607 Pioneer Place, Dalwallinu undertaken by Griffin Valuers in June 2017 is a true indication of the value of the proposed disposition;
2. Accepts the offer from R & C Sprigg Investments Pty Ltd as trustee for The Sprigg Investment Trust of \$24,000 (inc GST) for Lot 603 and \$26,000 (inc GST) for Lot 604 and the offer from Hilton David Sprigg of \$22,000 (inc GST) for Lot 607 Pioneer Place, Dalwallinu, subject to any submissions;
3. Authorises the Chief Executive Officer to advertise the proposed disposition of Lots 603, 604 and 607 Pioneer Place, Dalwallinu as per the requirements of the *Local Government Act 1995 Section 3.58*;
4. Subject to not receiving any submissions during the advertising period, authorise the Chief Executive Officer to finalise the disposal of Lots 603, 604 and 607 Pioneer Place, Dalwallinu;
5. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to any documents relevant to the disposal of Lots 603, 604 & 607 Pioneer Place, Dalwallinu;
6. Authorise the Chief Executive Officer to transfer the proceeds to the Land & Buildings Reserve.

**CARRIED 7/0**

*Cr NW Mills declared a proximity interest in item 14.2 and left the meeting at 4.25pm and did not return.*



## 14.2 Offer to purchase Lot 1, 555 Bell Street, Dalwallinu\*

<b>Report Date</b>	28 July 2020
<b>Applicant</b>	A & G Vergara
<b>File Ref</b>	A6324
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Offer from A & G Vergara

## Purpose of Report

Council is requested to consider an offer received for Lot 1, 555 Bell Street, Dalwallinu.

## Officer Recommendation/Resolution

## **MOTION 9605**

Moved Cr AR Dickins  
Seconded Cr KM McNeill

That Council decline the offer of \$90,000 from A & G Vergara for the purchase of Lot 1, 555 Bell Street, Dalwallinu.

**CARRIED 6/0**

## PROCEDURAL MOTION 9606

Moved Cr AR Dickins  
Seconded Cr MM Harms

That the meeting come from behind closed doors.

**CARRIED 6/0**

*Hilton Sprigg & BB Ngwenya returned to Chambers at 4.30pm.*

*Cr K Carter read the Confidential resolutions to the members of the public.*

*Hilton Spragg and BB Nawenya left Chambers at 4.33pm.*



## **15 SCHEDULING OF MEETING**

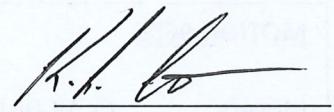
The next Ordinary Meeting of Council will be held on 25 August 2020 at Council Chambers, Dalwallinu commencing at 3.30pm.

## **16 CLOSURE**

There being no further business, the Chairperson closed the meeting at 4.34pm.

## **17 CERTIFICATION**

I, Keith Leslie Carter, certify that the minutes of the Ordinary Council meeting held on the 28 July 2020, as shown on page numbers 1 to 57 were confirmed as a true record at the meeting held on 25 August 2020.



CHAIRPERSON

25 - 8 - 2020

DATE

