



# MINUTES

ORDINARY COUNCIL MEETING

Tuesday  
25 July 2017

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## SHIRE OF DALWALLINU

**MINUTES** of the Ordinary Meeting of Council held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday, 25 July 2017.

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

The Chairperson (President) opened the meeting at 3.33pm and welcomed the presence of Mr Shane Love MLA.

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

Nil

### **3 ATTENDANCE RECORD**

#### **3.1 Present**

Shire President	Cr SC Carter
Deputy President	Cr KL Carter
	Cr RS Nixon
	Cr GH Sanderson JP
	Cr KM McNeill JP
	Cr NW Mills
	Cr KJ Christian
Chief Executive Officer	Ms JM Sutherland
Deputy Chief Executive Officer	Mr KT Jones
Executive Support Officer	Mrs BGC Matias
Manager Works & Services	Mr WJ Taylor (from 4.50pm)
Public	Mr Shane Love MLA (until 3.54pm)

#### **3.2 Apologies**

Cr AR Dickins

#### **3.3 Leave Of Absence Previously Granted**

Nil

**4 DECLARATIONS OF INTEREST**

**4.1 Cr KM McNeill**

- Item 9.1.4 Dogs- Limitation on the number of dogs – Request from Greg McNeill at 3 Cousins Road (property joint interest)

**4.2 Cr NW Mills**

- 9.2.4 Purchase of Lot 555 Bell Street – Proximity interest - *Live in Bell Street*
- 13.1 Late Item /9.1.5 Development Application (DA 011718) – Proposed Extractive Industry – Proximity interest - *Farm next door*

**5 PUBLIC QUESTION TIME**

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

Nil

**5.2 Public Question Time**

Nil

**6 MINUTES OF PREVIOUS MEETING/S**

**6.1 Ordinary Council Meeting – 27 June 2017**

**MOTION 8854**

Moved Cr RS Nixon  
Seconded Cr NW Mills

That the Minutes of the Ordinary Meeting of Council held 27 June 2017 be confirmed.

**CARRIED 7/0**

**6.2 Special Council Meeting – 18 July 2017**

**MOTION 8855**

Moved Cr KM McNeill  
Seconded Cr KL Carter

That the Minutes of the Special Meeting of Council held 18 July 2017 be confirmed.

**CARRIED 7/0**

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

**7.1 Petitions**

Nil

**7.2 Presentations**

Mr Shane Love MLA, gave a short presentation.

3.54pm Mr S Love MLA left the Council Chambers and did not return.

**7.3 Deputations**

Nil

**7.4 Delegates Reports/Submissions**

Nil

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

## 9 REPORTS

### 9.1 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES & ECONOMIC DEVELOPMENT COMMITTEE

#### 9.1.1 Plaques – Wubin East School and Jibberding Hall School

Report Date:	25 July 2017
Applicant:	Wubin Progress Association
File Ref:	CU/1 – Customer Service - Requests
Previous Meeting Reference:	CS&ED Committee meeting – 18 July 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Correspondence from Wubin Progress Association

#### **Purpose of Report**

Council is requested to authorise the installation of two plaques at the Wubin East and Jibberding Hall school sites.

#### **Background**

The Wubin Progress Association have previously installed similar plaques at West Wubin and Mia Moon school sites in 2010.

The Wubin Progress Association have requested to install the plaques at the following locations:

*‘Wubin East School – approx 15km east of Wubin on south side Wubin East Road on Ian Carlhausen farm, Vic Loc 7721. This site is clear and room for cars to pull off road. The actual school site is half km further east and 250 mtrs off Wubin East Road in bush’*

*‘Jibberding Hall School – the site (Jibberding Hall Reserve) west side of Jibberding Hall Road (between Carter Road and Great Northern Highway) where original Jibberding Mission Hall was. 20mtrs south of present hall’*

#### **Policy Requirements**

Nil

#### **Legislative Requirements**

Nil

#### **Strategic Implications**

Nil

## Sustainability Implications

### *Environment*

Nil

### *Economic*

Nil

### *Social*

Nil

## Financial Implications

Nil

## Comment

The installation of these plaques will ensure that the history of the school sites remains evident for future generations.

## Officer/Committee Recommendation/Resolution

### **MOTION 8856**

Moved	Cr KM McNeill
Seconded	Cr KL Carter

That Council advise the Wubin Progress Association that they authorise the installation of plaques at the Wubin East School site and the Jibberding Hall School site.

**CARRIED 7/0**

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



### 9.1.2 Subdivision – 1 Wasley Street & 2 Dungey Road, Dalwallinu

Report Date: 25 July 2017  
Applicant: Shire of Dalwallinu  
File Ref: Property files (A41604 & A375)  
Previous Meeting Reference: CS&ED Committee meeting – 18 July 2017  
Author: Doug Burke, Manager Regulation & Development  
Senior Officer: Jean Sutherland, Chief Executive Officer  
Voting Requirements: Simple Majority  
Disclosure of Interest: Nil  
Attachments: Nil

#### Purpose of Report

Council is requested to authorise the application for subdivision (consolidation) of the two properties located at 1 Wasley Street and 2 Dungey Road, Dalwallinu.

#### Background

The Shire is actively seeking to increase its housing stock to better accommodate staff. An opportunity exists to utilise freehold property currently under Shire ownership. The identified properties have the potential, when consolidated, to allow for the construction of two new dwellings (3x2).



*Location of subject properties (Google Maps)*

#### Policy Requirements

Nil

Ordinary Council Meeting

25 July 2017

### **Legislative Requirements**

Nil

### **Strategic Implications**

Nil

### **Sustainability Implications**

#### ***Environment***

Nil

#### ***Economic***

Nil

#### ***Social***

Nil

### **Financial Implications**

- Subdivision application fees (\$2,263)
- Survey costs (approx. \$2,000)
- Land title registration (\$168)

These costs have been included in the 2017-2018 annual budget.

### **Comment**

The process of consolidating the two properties will entail the services of a registered spatial surveyor to produce deposited plans to the satisfaction of both the Planning Commission (for planning approval) and Landgate (for appropriate registration of the land title).

Once the properties are amalgamated into a single entity, the Shire can advance its plans to construct new dwellings in compliance with the State Residential Policy 3.1.

### **Officer Recommendation**

That Council direct the Chief Executive Officer to apply to the Western Australian Planning Commission for approval of proposed subdivision to consolidate the subject properties.

### **Committee Recommendation/Resolution**

#### **MOTION 8857**

Moved Cr KL Carter  
Seconded Cr KM McNeill

That the report be brought back to the next Committee meeting with alternative subdivision solutions.

**CARRIED 7/0**

### 9.1.3 Demolition of 'Old Bar' – Dalwallinu Recreation Ground

Report Date: 25 July 2017  
Applicant: Shire of Dalwallinu  
File Ref: Property files (A1007 & A1012)  
Previous Meeting Reference: CS&ED Committee meeting – 18 July 2017  
Author: Doug Burke, Manager Regulation & Development  
Senior Officer: Jean Sutherland, Chief Executive Officer  
Voting Requirements: Simple Majority  
Disclosure of Interest: Nil  
Attachments: Nil

#### **Purpose of Report**

Council is requested to authorise the demolition of a disused building located at the Dalwallinu Recreation Grounds (Reserve 15242, Lot 105), Dalwallinu.

The recommendation is that the Chief Executive Officer be requested to manage the removal of the subject building.



The 'Old Bar' building, Dalwallinu Recreation Grounds

## Background

The Dalwallinu & Districts Agricultural Society Inc. has written to Council seeking approval to demolish the building known as the 'Old Bar' which is located adjacent to the main carpark at the Dalwallinu Recreation Grounds. It is understood that the building is disused and is superfluous to current needs. It is also understood that no other defined groups have an interest in retaining the building for any purpose.



*Location of subject building (Google Maps)*

## Policy Requirements

Nil

## Legislative Requirements

Nil

## Strategic Implications

Part 3.4 of the *Shire of Dalwallinu Planning Scheme N°2* requires that planning approval must be obtained prior to commencing or carrying out development on a Local Reserve.

## Sustainability Implications

### *Environment*

Nil

### *Economic*

Nil

### *Social*

Nil

## Financial Implications

Should Council support this proposal the cost for the removal by a suitably qualified contractor/employee will need to be included in the 2017-2018 budget.

## Comment

The building is approximately 8,000mm x 4,800mm with an overall height of 3,000mm. It is constructed with a mixture of galvanised iron and asbestos sheet cladding. The total area of asbestos sheeting exceeds 10m<sup>2</sup> which precludes all but suitably trained people with an Unrestricted Asbestos Removal Licence from undertaking the demolition works.

A demolition permit is not required in this case as it is exempted under r.42 of the *Building Regulations 2012* as the floor area does not exceed 40m<sup>2</sup>.

## Officer/Committee Recommendation/Resolution

### **MOTION 8858**

Moved                    Cr NW Mills  
Seconded                Cr KJ Christian

That Council request that the Chief Executive Officer to manage the demolition of the 'Old Bar' at the Dalwallinu Recreation Centre.

**CARRIED 7/0**

[Click here to access the attachments 9.1.3](#)

4.00pm Cr KM McNeill declared an interest re item 9.1.4 Dogs – Limitation on the number of dogs and left the Council Chambers.

#### **9.1.4 Dogs – Limitation on the number of dogs**

Report Date: 25 July 2017  
Applicant: G McNeill & S Chaipia  
File Ref: Property files (A6118 & A303)  
Previous Meeting Reference: CS&ED Committee meeting – 18 July 2017  
Author: Doug Burke, Manager Regulation & Development  
Senior Officer: Jean Sutherland, Chief Executive Officer  
Voting Requirements: Simple Majority  
Disclosure of Interest: Nil  
Attachments: Nil

#### **Purpose of Report**

Council is requested to consider allowing the applicants to keep more than the allowed number of dogs.

The recommendation is that the applications be approved subject to the given conditions.

#### **Background**

Greg McNeill of 3 Cousins Road and Sawan Chaipia of 3 Stone Way, Dalwallinu have applied to Council for consideration for the exemption from compliance with the local law as to the number of dogs to be kept at their respective premises.

#### **Policy Requirements**

Nil

#### **Legislative Requirements**

The *Dog Act 1976* states that 'a local government may, by a local law limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district'.

*The Shire of Dalwallinu Local Law – Dogs Local Law 2014* stipulates that 'the limit on the number of dogs which may be kept on any premises within a townsite is 2 dogs over the age of 3 months.'

#### **Strategic Implications**

Nil

## Sustainability Implications

### *Environment*

Nil

### *Economic*

Nil

### *Social*

Nil

## Financial Implications

Nil

## Comment

Both applicants are seeking approval to keep three dogs. Both applicants are owners of their respective premises. Both premises are located within the town boundaries. All dogs pertinent to the applications have attained an age in excess of three months.

Comments submitted by the immediate neighbours of the applicants have indicated in writing that the matter has been considered and conceded to.

## Officer/Committee Recommendation/Resolution

### **MOTION 8859**

Moved                      Cr KL Carter  
Seconded                 Cr KJ Christian

That approval be given under Section 26(3) of the *Dog Act 1976* to Greg McNeill of 2 Cousins Road, Dalwallinu, and Sawan Chaipia of 2 Stone Way, Dalwallinu, to keep a maximum of three dogs on the premises on the condition that:

1. The dogs are appropriately registered.
2. The privilege of keeping a third dog is not transferable to a replacement dog.

**CARRIED 6/0**

[Click here to access the attachments 9.1.4](#)

4.01pm Cr KM McNeill returned to the meeting.

## **9.2 MATTERS FOR CONSIDERATION – FINANCE**

### **9.2.1 Accounts for Payment for June 2017**

Date of Report:	25 July 2017
Applicant:	Shire of Dalwallinu
File Reference:	FM/6 – Expenditure Reports
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Mrs Hanna Jolly, Accounting Officer
Senior Officer:	Mr Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Summary of Accounts for Payment

#### **Purpose of Report**

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

#### **Background**

A list of invoices paid for the month of June 2017 from the Municipal Account, to the sum of \$51,196.75 paid by cheque and \$1,717,780.63 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 \$3,456,441.44. In addition, payments of \$88,064.93 were made from the Trust Account. The total payments from all accounts being \$3,544,506.37 have been listed for Council's ratification.

#### **Comment**

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

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

The attached list meets the requirements of the Financial Regulations.

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

#### **Policy Requirements**

Nil



**Legislative Requirements**

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

**Strategic Implications**

Nil

**Sustainability Implications*****Environment***

Nil

***Economic***

Nil

***Social***

Nil

**Financial Implications**

Account payments are in accordance with the adopted budget for 2016/17 or authorised by separate resolution.

**Officer/Committee Recommendation/Resolution**

**MOTION 8860**

Moved                   Cr NW Mills  
Seconded               Cr KL Carter

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

(a) Municipal Fund Account totalling \$3,456,441.44 consisting of:

Cheque Numbers 35081 – 35091	\$51,196.75
Electronic Fund Transfers 6731 – 6898 (excluding Trust EFTs 6775, 6865-6867 & cancelled EFTs 6762-6772)	\$1,717,780.63
Direct Debit Payments – Credit Card DD13411.1, DD13432.1, DD13511.1 & DD13511.2	\$7,288.79
Electronic Fund Transfers Payroll	\$245,570.00
Bank Fees	\$936.07
Transfers to Term Deposits	\$1,388,860.00
Direct Debit Payments (Superannuation)	\$44,809.20

(b) Trust Account payments totalling \$88,064.93 consisting of:

Cheque Numbers 590-594	\$5,590.28
Electronic Fund Transfers EFT6775, EFT6865-6867	\$665.20
Direct Debits - Payments to DPI	\$81,809.45

**CARRIED 7/0**

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

## 9.2.2 Monthly Financial Statements for June 2017

Date of Report:	25 July 2017
Applicant:	Shire of Dalwallinu
File No:	FM/6 - Expenditure Reports
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Hanna Jolly, Accounting Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Monthly Statement of Financial Activity, Variance Reports, Investments Held and Bank Reconciliations

### **Purpose of Report**

To receive the Financial Reports for the month ending 30 June 2017.

### **Background**

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

### **Policy Requirements**

Nil

### **Legislative Requirements**

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

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

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

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

### **Strategic Implications**

Nil

## Sustainability Implications

### *Environment*

Nil

### *Economic*

Nil

### *Social*

Nil

## Financial Implications

Nil

## Comment

Financial Reports as at last day of business of the previous month are appended, for the period ending 30 June 2017.

Attached for Council's consideration are:

- Statement of Financial Activity
- Variance Reports
- Investments Held
- Bank Reconciliations

As per Council resolution, all items that have a variance of more than \$5,000 have been noted on the variance reports.

## Officer/Committee Recommendation Resolution

### **MOTION 8861**

Moved           Cr RS Nixon  
Seconded       Cr NW Mills

That the Financial Reports as submitted for the month ending 30 June 2017 be accepted.

**CARRIED 7/0**

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

### **9.2.3 Outstanding Rates Debtors Report for June 2017**

Date of Report:	25 July 2017
Applicant:	Shire of Dalwallinu
File No:	FM/6 – Expenditure Reports
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Christie Andrews, Finance Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Confidential Attachments

#### **Purpose of Report**

To receive the Outstanding Rates Debtors Reports as at 30 June 2017.

#### **Background**

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

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

#### **Policy Requirements**

Nil

#### **Legislative Requirements**

Nil

#### **Strategic Implications**

Nil

## Sustainability Implications

### *Environment*

Nil

### *Economic*

Unknown

### *Social*

Nil

## Financial Implications

As at 30 June 2017 rates outstanding were \$91,234.93 in respect to collectable rates of which \$69,472.57 has been carried forward from 2015/16 or prior rating years, with 2016/17 rates raised being \$3,680,823.00.

Ratio = Total Outstanding  
Collectable

= 91,234.93  
3,750,295.57

= 2.43%

Ratio = Total Overdue  
Collectable

= 123,540.25  
3,750,295.57

= 3.39%

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

## Comment

Report on Outstanding Rates Debtors as at 30 June 2017 appends.

The 2016/17 Rates were raised and issued on 12 August 2016.

Important dates are as follows:

Rates due date	16 September 2016
Instalment option selection date	16 September 2016
Final Notices issued	30 September 2016
Second instalment due	18 November 2016
Third instalment due	20 January 2017
Fourth instalment due	17 March 2017

Breakdown of unpaid rates debtors as at 30 June 2017.

Rates	95,611.96
Rubbish	8,094.57
Sewerage	3,906.58
ESL	3,459.93
Deferred Pensioner Rates	12,967.26
Paid in Advance	32,805.37
Total Outstanding	91,234.93

As we achieved an unpaid rates percentage of 2.35% as at 30 June 2016, we aim to have a similar percentage as at the 30 June 2017, notwithstanding that 3% outstanding is an acceptable industry average. We will strive to better this figure and at the close of the 2016/17 financial year aim to have an unpaid rates percentage no higher than 1.5%.

## Officer/Committee Recommendation Resolution

### **MOTION 8862**

Moved        Cr KL Carter  
Seconded    Cr NW Mills

That the Outstanding Rates Debtors Reports as at 30 June 2017 for ratepayers with unpaid balances be accepted.

**CARRIED 7/0**

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

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

4.05pm Cr NW Mills declared a proximity interest re item 9.2.4 Purchase of Lot 555 Bell Street (Part Reserve 37244), Dalwallinu.

#### **9.2.4 Purchase of Lot 555 Bell Street (Part Reserve 37244), Dalwallinu**

Report Date: 25 July 2017  
Applicant: Shire of Dalwallinu  
File Ref: PR/1 – Council Reserves  
Previous Meeting Reference: F&A Committee Meeting – 18 July 2017  
Author: Jean Sutherland, Chief Executive Officer  
Senior Officer: Jean Sutherland, Chief Executive Officer  
Voting Requirements: Simple Majority  
Disclosure of Interest: Nil  
Attachments: Contract of Sale

#### **Purpose of Report**

Council is requested to authorise the purchase of Lot 555 Bell Street (Part Reserve 37244), Dalwallinu for the purpose of a nine (9) lot residential subdivision.

#### **Background**

At the Ordinary Meeting of Council held 26 June 2012, Council resolved the following:

#### **'MOTION 7451**

*Moved* Cr IW Hyde  
*Seconded* Cr SC Carter

*That:*

- 1. The Department of Regional Development and Lands be requested to excise the portion of Reserve 37244 that is directly south east of Bell Street, Dalwallinu (as show as lots 1 to 9 on the Bell Street subdivision map) from Reserve 37244;*
- 2. The Shire of Dalwallinu agrees to surrender its management order over that portion of Reserve 37244;*
- 3. The Shire of Dalwallinu request a development lease for that portion of Reserve 37244.*

***CARRIED 8/0'***

In an email received in July 2016 from the Department of Lands (DoL), advice was received that there were several complexities surrounding development leases, in particular staged developments and the application of GST when the Shire is in a position to sell the lots in freehold. The DoL advised that the most suitable option would be for them to dispose of a portion of Lot 569 (reserve 37244) by way of an option to purchase which would require the Minister for Lands consent.

Correspondence was received on 7 December 2016 advising that the Minister had given approval for the DoL to offer the land for sale to the Shire at 50% of the current market value being \$42,500 plus GST.



Before proceeding with the formal offer for the Shire to purchase the land a new survey plan was required for the purpose of creating two new lots necessary in the reserve amendment. The intention was to create a new single lot for the area of land required for the subdivision and create a new lot for the balance of land which would remain as "Parklands" Reserve 37244. The Shire was responsible for these survey costs.

Further correspondence was received on 22 June 2017, advising that approval had been given to make Lot 555 on Deposited Plan 411048 available for sale to the Shire of Dalwallinu for \$42,500 including GST. The Contract of Sale was attached to this correspondence.

### **Policy Requirements**

3.5 - Purchasing

### **Legislative Requirements**

*Local Government Act 1995*

### **Strategic Implications**

*Shire of Dalwallinu Strategic Community Plan 2013-2023*

Outcome 2.4 - Increased housing development

2.4.1 – Advocate for additional land to develop housing

### **Sustainability Implications**

#### ***Environment***

Nil

#### ***Economic***

Nil

#### ***Social***

Nil

### **Financial Implications**

The expense for the survey requirements was \$23,363 which was paid in 2016-2017. An allowance for the purchase of this land has been made in the 2017-2018 budget.

### **Comment**

This proposal will enable Council to commence the long awaited subdivision for nine (9) residential lots on Bell Street. With five (5) out of the eight (8) recently released LandCorp lots under offer, this indicates that the demand for vacant land in Dalwallinu remains high.

**Officer/Committee Recommendation Resolution**

**MOTION 8863**

Moved           Cr KM McNeill

Seconded       Cr KJ Christian

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

**CARRIED 6/0**

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

4.08pm Mr NW Mills returned to the Council Chambers.

4.08pm Mrs BG Matias left the Council Chambers.

### **9.2.5 Offer to Purchase Shire Property – 14 South Street Dalwallinu**

Report Date:	25 July 2017
Applicant:	Gerardo and Baby Grace Matias
File Ref:	CP/1 – Council Properties – Acquisition & Disposal
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Keith Jones, Deputy Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	<b>Absolute Majority</b>
Disclosure of Interest:	Nil
Attachments:	Email – G & G Matias

#### **Purpose of Report**

To consider an offer from Gerardo and Baby Grace Matias to purchase 14 South Street, Dalwallinu for the amount of \$150,000.

#### **Background**

The house and land are owned by the Shire and currently used for employee housing. The building was constructed in 1980 and is a weatherboard and metal clad constructed 4 bedroom dwelling with double carport on concrete slab with ducted evaporative air conditioning and solar hot water system.

The employee and her husband are the current residents and have lived there since commencing with the Shire as the Executive Secretary on 2 October 2012. The Shire currently receives rental income \$8,268 p.a. which is the net amount after staff discount.

All the Shire owned land and buildings have just been revalued by Griffin Valuation Advisory and this property has been deemed to be worth \$110,000 for the building and \$65,000 for the land. Property at 70 McNeill Street is the same age and built with the same materials as 14 South Street and has been valued at \$115,000 building and \$60,000 land.

Operating Costs of \$4,260 and Maintenance Costs of \$4,835 for this property have been budgeted in the 2017/2018 Annual Budget.

#### **Policy Requirements**

Nil

#### **Legislative Requirements**

*Local Government Act – Section 3.58(3)*

#### **Strategic Implications**

Nil

## Sustainability Implications

### **Environment**

Nil

### **Economic**

Additional ratepayer created in the Shire.

### **Social**

Nil

## Financial Implications

It is anticipated that the income received on sale of this property would be deposited into the Land and Buildings Reserve and used to offset costs in the construction of two new employee houses. This has been budgeted for in the 2017/2018 Annual Budget.

The sale of this property would allow the Shire to build another house for employee purposes, thus increasing the accommodation available within the Shire.

## Comment

*Local Government Act 1995 Section 3.58. Disposing of property states:*

- (2) Except as stated in this section, a local government can only dispose of property to —*
  - (a) the highest bidder at public auction; or*
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
  - (a) it gives local public notice of the proposed disposition —*
    - (i) describing the property concerned; and*
    - (ii) giving details of the proposed disposition; and*
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

This property is nearly 40 years old and it is anticipated that significant maintenance will be required in the near future to maintain the asset. This is an opportunity to secure a new ratepayer and establish a long term resident in the Shire.

#### **Officer/Committee Recommendation**

That Council:

1. Accept the offer of \$150,000 for 14 South Street, Dalwallinu and direct the Chief Executive Officer to carry out the disposal as per the requirements of the Local Government Act.
2. Subject to not receiving any submissions, authorise the Chief Executive Officer to finalise the disposal of 14 South Street, Dalwallinu.

#### **Resolution**

##### **MOTION 8864**

Moved           Cr KM McNeill  
Seconded       Cr KJ Christian

That Council:

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

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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

4.16pm Ms BG Matias returned to the Council Chambers.

## 9.2.6 Amendment to Policy 3.10 Medical Centre Billing

Report Date: 25 July 2017  
Applicant: Shire of Dalwallinu  
File Ref: GO/21 – Policies  
Previous Meeting Reference: F&A Committee Meeting – 18 July 2017  
Author: Jean Sutherland, Chief Executive Officer  
Senior Officer: Jean Sutherland, Chief Executive Officer  
Voting Requirements: **Absolute Majority**  
Disclosure of Interest: Nil  
Attachments: DRAFT Amended Policy 3.10

### Purpose of Report

Council is requested to adopt an amendment to Policy 3.10 Medical Centre Billing relating to repeat prescriptions.

### Background

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

#### ***'MOTION 8842***

*Moved* Cr AR Dickins  
*Seconded* Cr KM McNeill

*That Council:*

- 1. Adopt Policy 3.10 Medical Centre Billing as attached to this report;*
- 2. Authorise the new fee structure to come into effect from 31 July 2017;*
- 3. Undertake an extensive community communication strategy including advertisements in the Shire Bulletin which appear in the Totally Locally & Kalannie Kapers, a letter drop, a notice on the Shire Website and Facebook page and notices in the Shire Administration Centre and Dalwallinu Medical Centre.*

***CARRIED BY ABSOLUTE MAJORITY 8/0'***

On 28 June 2017 a copy of the new Policy and Council Agenda Item were emailed to the Medical Centre staff.

A follow up meeting was held with the Medical Centre staff and the Chief Executive Officer on Tuesday 4 July 2017.

During this meeting Dr Smit requested that an amendment to the policy be made regarding the statement *"Repeat prescriptions without a doctor consultation will attract a fee which is not claimable on Medicare and payable on collection"*.

Dr Smit advised that he would prefer to see each patient who was requesting a repeat prescription and suggested that any patients requesting a repeat prescription only, be eligible to be bulk billed under Council's policy.

It would be the responsibility of Dr Smit to advise the reception staff should the patient request anything more than a repeat prescription and will be then charged accordingly.

### **Policy Requirements**

1.1 Policy Manual Amendments

### **Legislative Requirements**

*Local Government Act 1995 – Section 2.7 (2)(b)*

### **Strategic Implications**

Nil

### **Sustainability Implications**

#### ***Environment***

Nil

#### ***Economic***

Nil

#### ***Social***

Nil

### **Financial Implications**

Should this policy amendment not be supported it would appear that there would be a loss of income as under the new policy, patients can request a repeat prescription and pay a fee of \$10 without requiring a Doctor's consult.

With the proposed amendment, patients would require a consultation with the Doctor and the patient can be bulk billed giving an income of \$37.05 per patient. This is the current practice.

### **Comment**

It is a concern that additional matters could be discussed at these 'repeat prescription only appointments', however it will be the responsibility of the Doctor and Practice Manager to ensure that these 'repeat prescription only appointments' are not abused.

It is the intention of the Administration to carry out regular audits of the day sheets to monitor the impact of the implementation of the policy and to ensure that Council's policy is being adhered to by the Medical Centre staff.

### **Officer Recommendation**

That Council:

1. Adopt the amended Policy 3.10 Medical Centre Billing as attached;
2. Direct the Chief Executive Officer to undertake weekly audits on the Medical Centre day sheets and report to Council on a monthly basis.

### **Committee Recommendation/Resolution**

#### **MOTION 8865**

Moved           Cr KL Carter  
Seconded       Cr KM McNeill

That Council:

1. Remove the following wording from Policy 3.10 Medical Centre Billing “Repeat prescriptions without a doctor consultation will attract a fee which is not claimable on Medicare and payable on collection”;
2. Direct the Chief Executive Officer to undertake weekly audits on the Medical Centre day sheets and report to Council on a monthly basis.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

[Click here to access the attachments 9.2.6](#)



## 9.2.7 2017 Local Government Risk Analysis Review

Report Date:	25 July 2017
Applicant:	Shire of Dalwallinu
File Ref:	GR/3 – Government Relations - Advice
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Keith Jones, Deputy Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	1. 2016 Short Guide to Financial Ratios 2. Correspondence I-COR-15392

### **Purpose of Report**

To consider a request from Department of Local Government and Communities to review three financial and one asset ratio for the year ended 30 June 2016.

### **Background**

A letter has been received from the Department of Local Government and Communities dated 30 June 2017. The letter requests the Council reviews, via its Audit Committee, the three financial and one asset ratio that were below standard for the year ended 30 June 2016. The Department requests a response by 31 July 2017.

### **Policy Requirements**

Nil

### **Legislative Requirements**

Nil

### **Strategic Implications**

Nil

### **Sustainability Implications**

#### ***Environment***

Nil

#### ***Economic***

Nil

#### ***Social***

Nil

### **Financial Implications**

Nil

### Comment

Although the letter does not specify which ratios are of concern an investigation of the financial figures has identified that the three financial ratios are: -

- Operating Surplus Ratio
- Own Source Revenue Coverage Ratio
- Debt Service Ratio

The asset ratio referred to is the Asset Sustainability Ratio

Taking these ratios one by one and referring to the Moore Stephens Short Guide to Financial Ratios, the following explanations are offered.

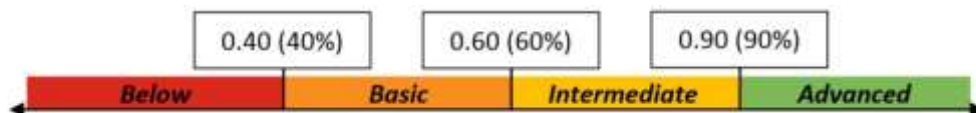
#### OPERATING SURPLUS RATIO



The 2016 ratio was (1.56) which was created due to the WANDRRA income being shown as Non-operating Revenue incorrectly. If this was shown as it should have been the ratio would have been (0.8) still not high enough but the following year will be more in line. This still places our Shire in the same company as the majority of small rural Shires and the ability to improve the situation is extremely limited. Council will remain reliant on grant funding into the future.

A suggested strategy is to continue to monitor this situation regularly to ensure the Shire does not become unsustainable financially.

#### OWN SOURCE REVENUE COVERAGE RATIO



The 2016 ratio was 0.32 which is slightly in the "Below" section of the above chart. The impact of WANDRRA flood damage has caused this percentage. Once the WANDRRA works are complete this percentage will improve.

#### DEBT SERVICE COVER RATIO



The 2016 ratio was (13.44) and was obviously nowhere near the 2.00 basic requirement. The previous two years were 22.30 and 8.38 respectively but the reason for 2016 being so different was in relation to WANDRRA income being shown as Non-operating Revenue incorrectly. This has been addressed and this ratio will be back to the proper percentages in future.

## ASSET SUSTAINABILITY RATIO



The 2016 ratio was .66 and was below the basic mark of .90 due to the impact of infrastructure revaluations on the depreciation expense. It is anticipated that this will be more aligned to the acceptable percentage in the future.

### Officer/Committee Recommendation Resolution

#### **MOTION 8866**

Moved           Cr RS Nixon  
Seconded       Cr KL Carter

That Council direct the Chief Executive Officer to advise the Department of Local Government and Communities that the three financial and one asset ratio that were below standard for the year ended 30 June 2016 have been reviewed. In three of the ratios the cause of the results were corrected in the year ended 30 June 2017. The strategy for the Operating Surplus Ratio is to continue to monitor the situation to ensure that the Shire does not become financially unsustainable into the future.

**CARRIED 7/0**

[Click here to access the attachments 9.2.7.1](#)

[Click here to access the attachments 9.2.7.2](#)

## 9.2.8 T Herron - Request to Write Off Swimming Pool Entrance Fees

Report Date:	25 July 2017
Applicant:	T Herron
File Ref:	FM/14 – Debt Recovery
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Keith Jones, Deputy Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	<b>Absolute Majority</b>
Disclosure of Interest:	Nil
Attachments:	Correspondence and Invoice 5728

### **Purpose of Report**

To consider a request to write off Invoice 5728 for \$364.50.

### **Background**

Tax Invoice 5728 was raised 21 October 2016 for 1 x Family Season Ticket to Dalwallinu Pool for the 2016/17 season totalling \$331.36 plus gst. No indication, until recently, was given to the accounts department that this account was in dispute.

Mr Herron has detailed that he informed the Pool Manager he was not going to use the facilities. The Pool Manager is currently on annual leave overseas and cannot be contacted for comment.

### **Policy Requirements**

Nil

### **Legislative Requirements**

*Local Government Act – s6.12(c) Power to defer, grant discount, waive or write off debts*

### **Strategic Implications**

Nil

### **Sustainability Implications**

#### ***Environment***

Nil

#### ***Economic***

Nil

#### ***Social***

Nil

### **Financial Implications**

If written off the income for the Aquatic Centre in 2017/18 will reduce by \$331.36 (ex gst)

### **Comment**

There is no evidence whether the Herron family used the Dalwallinu Pool during the 2016/2017 season to take advantage of the season ticket.

### **Officer Recommendation/Resolution**

That Council authorise that Invoice 5728 in the name of Tyran Herron for the amount of \$364.50 for a family Season Ticket to Dalwallinu Pool be written off.

*Committee wanted response from the Pool Manager before going further.*

### **Resolution**

#### **MOTION 8867**

Moved                      Cr RS Nixon  
Seconded                 Cr KM McNeill

That Council authorise that Invoice 5728 in the name of Tyran Herron for the amount of \$364.50 for a family Season Ticket to Dalwallinu Pool be written off.

**LOST 4/3**

*\*Lost due to not reaching absolute majority of votes (50% + 1).*

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

## 9.2.9 C Green - Request to Write Off Electricity Account

Report Date:	25 July 2017
Applicant:	Shire of Dalwallinu
File Ref:	FM/14 – Debt Recovery
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Christie Andrews, Finance Office
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	<b>Absolute Majority</b>
Disclosure of Interest:	Nil
Attachments:	Invoice 5445

### **Purpose of Report**

To consider a request to write off Invoice 5445 for \$173.65.

### **Background**

Tax Invoice 5445 was raised 30 April 2017 for electricity used 24 February to 27 April 2017 at Unit 1 Wilfred Thomas Lodge, Mr Green passed away before the account could be paid. The invoice cannot be paid from the bond held by the Bond Administrator without a Death Certificate and a copy of the Will or receipt for funeral costs. The Public Trustee have been contacted as it was believed they were handling the deceased estate, however they have no record of Mr Green. Mr Green had no known family.

### **Policy Requirements**

Nil

### **Legislative Requirements**

*Local Government Act – s6.12(c) Power to defer, grant discount, waive or write off debts*

### **Strategic Implications**

Nil

### **Sustainability Implications**

#### ***Environment***

Nil

#### ***Economic***

Nil

#### ***Social***

Nil

**Financial Implications**

If written off the income for the Housing Net Income in 2017/18 will reduce by \$173.65 (ex gst)

**Comment**

Due to the research undertaken it is unlikely the debt will be recovered.

**Officer/Committee Recommendation/Resolution****MOTION 8868**

Moved                   Cr KM McNeill  
Seconded               Cr NW Mills

That Council authorise that Invoice 5445 in the name of Mr C Green for the amount of \$173.65 for electricity usage at Unit 1 Wilfred Thomas Lodge be written off.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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

### 9.2.10 CH Kirkness – Request to Write Off Legal Fees

Report Date:	25 July 2017
Applicant:	C Kirkness
File Ref:	V/4 – Rates Payments
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Christie Andrews, Finance Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	<b>Absolute Majority</b>
Disclosure of Interest:	Nil
Attachments:	Correspondence

#### **Purpose of Report**

To consider a request to write off outstanding legal fees on assessment A567 for \$127.98 plus accruing interest.

#### **Background**

Legal action was undertaken on assessment A567 when the previous owner failed to respond to correspondence. An Advice of Sale for the property was received 21 February 2017 and the 2016/2017 rates were sent to the settlement agents. The legal fees were incurred during February 2017 and were included on the monthly invoice from Ampac Debt Recovery for period ending 28 February 2017. The property settled on 20 March 2017, with the settlement agent paying the outstanding rates.

#### **Policy Requirements**

Nil

#### **Legislative Requirements**

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

#### **Strategic Implications**

Nil

#### **Sustainability Implications**

##### ***Environment***

Nil

##### ***Economic***

Nil

##### ***Social***

Nil

#### **Financial Implications**

If written off the Shire would not recover legal charges of \$127.98 plus accruing interest.



**Comment**

The debt was incurred by the previous ratepayer and should have been paid at time of settlement.

**Officer/Committee Recommendation/Resolution**

**MOTION 8869**

Moved                    Cr KL Carter

Seconded                Cr NW Mills

That Council authorise that the outstanding legal fees of \$127.98 plus accruing interest for assessment A567 be written off.

**CARRIED BY ABSOLUTE MAJORITY 6/1**

[Click here to access the attachments 9.2.10](#)

### **9.2.11 Removal of Rubbish and Recycling Services – 17 McNeill Street**

Report Date:	25 July 2017
Applicant:	Father I Esmond
File Ref:	WM/1 – Service Provision
Previous Meeting Reference:	F&A Committee Meeting – 18 July 2017
Author:	Christie Andrews, Finance Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	<b>Absolute Majority</b>
Disclosure of Interest:	Nil
Attachments:	Correspondence from Father Ian Esmond

#### **Purpose of Report**

To consider a request to remove the rubbish and recycling services and charges from 17 McNeill Street, Dalwallinu.

#### **Background**

Correspondence has been received from Father Ian Esmond requesting for the rubbish and recycling charges to be removed from the rates assessment for 17 McNeill Street, Dalwallinu.

The church is used once a month and the residence approximately twice a year, generating a small amount of rubbish. The congregation has dwindling numbers generating a small income to cover maintenance and accounts. Father Ian Esmond has assured the Shire will not have any waste recovery problem as the Church will ensure any rubbish is taken away.

#### **Policy Requirements**

Nil

#### **Legislative Requirements**

*Waste Avoidance and Resources Recovery Act (2017)*

#### **Strategic Implications**

Nil

## Sustainability Implications

### *Environment*

Nil

### *Economic*

Unknown

### *Social*

Nil

## Financial Implications

Should this proposal be supported there would be a loss of income (\$328) which would be offset by less expenses associated with the collection of rubbish and recycling.

## Comment

Due to the small amount of rubbish generated by the Catholic Church and dwindling congregational numbers it is not feasible for the Church to pay for these services.

## Officer/Committee Recommendation/Resolution

### **MOTION 8870**

Moved                   Cr KM McNeill

Seconded              Cr NW Mills

That Council authorise the removal of the rubbish and recycling services and charges from 17 McNeill Street, Dalwallinu effective from 25 July 2017.

**LOST 2/5**

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

## 9.2.12 Adoption of the 2017-2018 Financial Year Budget

Report Date:	25 July 2017
Applicant:	Shire of Dalwallinu
File Ref:	FM/11 Budgeting Allocations
Previous Meeting Reference:	Nil
Author:	Keith Jones, Deputy Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	<b>Absolute Majority</b>
Disclosure of Interest:	Nil
Attachments:	2017-2018 Draft Budget

### Purpose of Report

Council is requested to adopt the 2017-2018 Draft Budget as presented.

### Background

Local Governments must prepare annual budgets in the format prescribed in the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

Council operates the Dalwallinu Sewerage Scheme under license from the Water Corporation. The scheme is still eligible for a subsidy for loans taken out for the establishment of the facility, but the Scheme has run at a profit for the last twelve (12) years and no subsidy can be claimed.

The Water Corporation will continue to provide a schedule of rates and charges until the loan expires in 2025.

Accordingly, Council is able to adopt the recommended rates or a rate and charge of its own calculation.

### Policy Requirements

Nil

### Legislative Requirements

*Local Government Act, 1995,*

*Local Government (Financial Management) Regulations 1996*

*Waste Avoidance and Resource Recovery Act 2007*

### Strategic Implications

The schedule of rates provides for operating costs and makes provision for future capital replacement costs by way of surpluses to reserves.

## Sustainability Implications

### ***Environment***

There are no known significant environmental implications.

### ***Economic***

There are no known significant economic implications.

### ***Social***

There are no known significant social implications.

## Financial Implications

The rate to be imposed should be adequate to meet operating costs and loan repayments and allow accumulation of reserve funds.

## Comment

### Sewerage Charges

The Water Corporation has advised that Cabinet has approved an increase for rates levied on subsidised schemes and has provided a schedule of rates and charges to be applied for 2017/18. It is recommended that Council continues to use the schedule as a guide for its Dalwallinu Sewerage Scheme.

The Water Corporation have based the new 2017/18 schedule of charges on a 6% increase (in Country regions the maximum is 10.5%).

The schedule for 2017/18 includes a maximum annual sewerage charge of \$1103.05 for residential properties.

### Waste Collection Charges

It is Council's intention to meet the cost of the waste collection service by way of a service charge imposed under the Waste Avoidance and Resource Recovery Act 2007.

Waste collection is provided under a contract and the cost per collection is, in part, determined by the number of services. The cost associated with the maintenance of the waste disposal sites is to be covered under the general rate. This year the charges were increased by 2.0%.

### Setting of President Allowance, Deputy President Allowance & Sitting Fees

The following fees have been incorporated into the 2017/18 budget:

President Allowance	\$7,942
Deputy President Allowance	\$1,985
Council Meeting Sitting Fee	
President	\$186.40 per meeting
Councillors	\$ 93.20 per meeting
Committee Meeting Sitting Fee	\$ 46.60 per meeting

The Committee Meeting Sitting Fee only applies if the committee is a committee of Council.

#### General Rates and Minimum Rates

The unimproved properties (UV) were re-valued by Valuer Generals Officer for the coming financial year. The UV properties valuations changes were negligible while there was no GRV revaluation (only done every 5 years with the last being 2013/14). The rate in the dollar for UV properties has gone from **.021536** in 2016/17 to **.019828** in 2017/18 whilst the rate in the dollar for the GRV properties has gone from **.084585** in 2016/17 to **.087968** in 2017/18.

The 2017/18 Budget has been prepared on the basis of an average general rate revenue increase of **2.00%**.

The 2017/18 Budget has been prepared with a carried forward surplus of \$3,092,241 which may be adjusted slightly when the Annual Report figures are prepared.

#### Schedule of Fees and Charges

Council reviewed the Schedule of Fees and Charges at prior budget workshops. The Schedule now forms part of Council's 2017/18 Budget document.

DFES levies (ESL) are the subject of separate legislation and do not form part of Council's Municipal Fund. Category 4 properties, those in the town supported by the Dalwallinu Volunteer Fire & Rescue Service, are based on a rate of **0.4641** cents in the dollar (0.4435 in 2016/17), with a minimum of **\$75.00** and maximum of **\$138.00** for residential, farming and vacant land, and a minimum of **\$75.00** and maximum of **\$78,000.00** for commercial, industrial and miscellaneous. All other properties within the Shire are Category 5, **\$75.00** (\$71.00 in 2016/17) fixed levy.

#### Set Level of Variance

Regulation 34 part 5 of the *Local Government (Financial Management) Amendment Regulations (No. 2) 2005* requires Council to adopt a percentage or value to be used in statements of financial activity for reporting material variances calculated in accordance with AAS 5 (Australian Accounting Standard 5 – Materiality).

#### **Recommendation**

1. That Council, pursuant to the provision of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the budget for the Shire of Dalwallinu for the 2017/18 financial year which includes the following:
  - a. Statement of Comprehensive Income by Nature and Type
  - b. Statement of Comprehensive Income by Program
  - c. Statement of Cash Flows
  - d. Rate Setting Statement
  - e. Notes to and forming part of the Budget
  - f. Budget Programme Schedules
  - g. Other Supporting Documents and Schedules
  - h. Transfers to/from Reserve accounts

2. That the rates for the Dalwallinu Sewerage Scheme for the 2017/18 rating year be based on the schedule of rates approved by Cabinet in respect to subsidised sewerage schemes, being:

- Sewerage values of \$**1,710,232** as advised by the Valuer General applicable as from 1 July 2017 be adopted by Council for the purpose of levying sewerage rates.
- Sewerage Rate to be **7.45** cents (7.03 cents in 2016/17) in the dollar on rateable properties within the Dalwallinu Townsite

- Non-Residential Properties

First major fixture	\$ <b>939.88</b> per annum (\$886.68 in 2016/17)
Second major fixture	\$ <b>402.32</b> per annum (\$379.55 in 2016/17)
Third major fixture	\$ <b>537.29</b> per annum (\$506.88 in 2016/17)
Each additional major fixture	\$ <b>584.27</b> per annum (\$551.20 in 2016/17)
Volumetric Charge	\$ <b>345.30</b> cents per kilolitre (325.80 cents in 2016/17)

- Minimum Rates to be:

Residential properties	\$ <b>404.14</b> (\$381.26 in 2016/17)
Non-Residential properties	\$ <b>939.88</b> (\$886.68 in 2016/17)
Vacant Land properties	\$ <b>265.93</b> (\$250.88 in 2016/17)

- Maximum Rate: \$**1103.34** (\$1040.89 in 2016/17)  
(on properties valued at more than \$**14,806**)

- Non Rateable properties connected to the sewer:

**Class 1 – Institutional, Recreational, Cultural, Education, Religious or Public Amenities and State and Local Government properties of a commercial nature:**

For each property:

First major fixture	\$ <b>252.52</b> per annum (\$238.23 for 2016/17)
Each additional major fixture	\$ <b>111.10</b> per annum (\$104.81 for 2016/17)

3. That Council, pursuant to Section 67 of the Waste Avoidance & Resource Recovery Act 2007, impose a waste collection fee for the 2017/18 rating year in each of the towns as follows:

- Once Weekly Services \$ **206.00** per annum (\$202.00 for 2016/17)
- Twice Weekly Services \$ **317.00** per annum (\$311.00 for 2016/17)
- Recycling Charge \$ **128.00** per annum per bin (\$126.00 for 2016/17)
- Recycling Charge 3m<sup>3</sup> \$**2,277.00** per annum per bin (\$2,228.00 for 2016/17).

4. That Council, pursuant to the Salaries and Allowances Tribunal determination dated 11 April 2017, adopts the following allowances and sittings fees for the 2017/18 Budget:

- President Allowance \$7,942
- Deputy President Allowance \$1,985
  
- Council Meeting Sitting Fee
  - President \$186.40 per meeting
  - Councillors \$ 93.20 per meeting
  
- Committee Meeting Sitting Fee \$46.60 per meeting

5. That Council, pursuant to Sections 6.32, 6.34 and 6.35 of *the Local Government Act 1995* impose the following:

- a. Where the General Rate is to apply, for all rateable properties with Gross Rental Valuations a rate of 0.087968 in the dollar, with a minimum rate of \$600.00 be imposed.
- b. Where the General Rate is to apply, for all rateable properties with Unimproved valuations a rate of 0.019828 in the dollar, with a minimum rate of \$700.00 be imposed.
- c. That a discount of 5% be offered for the 2017/18 rating year in respect to rates paid by the due date (minimum of 35 days after the issue of the rates notice); and
- d. a discount of \$100 be given for the 2017/18 rating year in respect of minimum rates calculated on properties outside of the Dalwallinu townsite.

6. That Council,

- a. pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of *the Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option;
- b. pursuant to Section 6.51 (1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 11% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.

7. That Council offer the options of one (1) payment due in full by 15 September 2017 or 35 days after the date of service appearing on the rate notice, whichever is the later, or four (4) equal or nearly equal instalments, with the following instalment dates to be set:

1st Instalment	15 September 2017
2nd Instalment	17 November 2017
3rd Instalment	19 January 2018
4th Instalment	16 March 2018

And that the administration charge imposed where payment is made by instalments is set at \$20.01 (to be applied as a \$6.67 charge on each of the last three (3) instalments).



8. That the Schedule of Fees and Charges as listed in the 2017/18 Budget be adopted.
9. That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, adopts a variance of 10% and a minimum of \$10,000 to be used in the statements of financial activity and annual budget review.

## Resolution

### **MOTION 8871**

Moved            Cr KL Carter  
 Seconded        Cr NW Mills

1. That Council, pursuant to the provision of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the budget for the Shire of Dalwallinu for the 2017/18 financial year which includes the following:
  - a. Statement of Comprehensive Income by Nature and Type
  - b. Statement of Comprehensive Income by Program
  - c. Statement of Cash Flows
  - d. Rate Setting Statement
  - e. Notes to and forming part of the Budget
  - f. Budget Programme Schedules
  - g. Other Supporting Documents and Schedules
  - h. Transfers to/from Reserve accounts
2. That the rates for the Dalwallinu Sewerage Scheme for the 2017/18 rating year be based on the schedule of rates approved by Cabinet in respect to subsidised sewerage schemes, being:
  - Sewerage values of **\$1,710,232** as advised by the Valuer General applicable as from 1 July 2017 be adopted by Council for the purpose of levying sewerage rates.
  - Sewerage Rate to be **7.45** cents (7.03 cents in 2016/17) in the dollar on rateable properties within the Dalwallinu Townsite
  - Non-Residential Properties
 

First major fixture	<b>\$939.88</b> per annum (\$886.68 in 2016/17)
Second major fixture	<b>\$402.32</b> per annum (\$379.55 in 2016/17)
Third major fixture	<b>\$537.29</b> per annum (\$506.88 in 2016/17)
Each additional major fixture	<b>\$584.27</b> per annum (\$551.20 in 2016/17)
Volumetric Charge	<b>\$345.30</b> cents per kilolitre (325.80 cents in 2016/17)

- Minimum Rates to be:
 

Residential properties	\$404.14 (\$381.26 in 2016/17)
Non-Residential properties	\$939.88 (\$886.68 in 2016/17)
Vacant Land properties	\$265.93 (\$250.88 in 2016/17)
- Maximum Rate: \$1103.34 (\$1040.89 in 2016/17)  
(on properties valued at more than \$14,806)

- Non Rateable properties connected to the sewer:  
**Class 1 – Institutional, Recreational, Cultural, Education, Religious or Public Amenities and State and Local Government properties of a commercial nature:**

For each property:

- |                               |   |
|-------------------------------|---|
| First major fixture           | \$252.52 per annum (\$238.23 for 2016/17) |
| Each additional major fixture | \$111.10 per annum (\$104.81 for 2016/17) |

3. That Council, pursuant to Section 67 of the *Waste Avoidance & Resource Recovery Act 2007*, impose a waste collection fee for the 2017/18 rating year in each of the towns as follows:

- Once Weekly Services \$ 206.00 per annum (\$202.00 for 2016/17)
- Twice Weekly Services \$ 317.00 per annum (\$311.00 for 2016/17)
- Recycling Charge \$ 128.00 per annum per bin (\$126.00 for 2016/17)
- Recycling Charge 3m3 \$2,277.00 per annum per bin (\$2,228.00 for 2016/17).

4. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 11 April 2017*, adopts the following allowances and sittings fees for the 2017/18 Budget:

- |                                 |                      |
|---------------------------------|----------------------|
| • President Allowance           | \$7,942              |
| • Deputy President Allowance    | \$1,985              |
| Council Meeting Sitting Fee     |                      |
| • President                     | \$186.40 per meeting |
| • Councillors                   | \$ 93.20 per meeting |
| • Committee Meeting Sitting Fee | \$46.60 per meeting  |

5. That Council, pursuant to Sections 6.32, 6.34 and 6.35 of the Local Government Act 1995 impose the following:
  - a. Where the General Rate is to apply, for all rateable properties with Gross Rental Valuations a rate of 0.087968 in the dollar, with a minimum rate of \$600.00 be imposed.
  - b. Where the General Rate is to apply, for all rateable properties with Unimproved valuations a rate of 0.019828 in the dollar, with a minimum rate of \$700.00 be imposed.
  - c. That a discount of 5% be offered for the 2017/18 rating year in respect to rates paid by the due date (minimum of 35 days after the issue of the rates notice); and
  - d. a discount of \$100 be given for the 2017/18 rating year in respect of minimum rates calculated on properties outside of the Dalwallinu townsite.
  
6. That Council,
  - a. pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option;
  - b. pursuant to Section 6.51 (1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 11% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
  
7. That Council offer the options of one (1) payment due in full by 15 September 2017 or 35 days after the date of service appearing on the rate notice, whichever is the later, or four (4) equal or nearly equal instalments, with the following instalment dates to be set:
 

1st Instalment	15 September 2017
2nd Instalment	17 November 2017
3rd Instalment	19 January 2018
4th Instalment	16 March 2018
  

And that the administration charge imposed where payment is made by instalments is set at \$20.01 (to be applied as a \$6.67 charge on each of the last three (3) instalments).

  
8. That the Schedule of Fees and Charges as listed in the 2017/18 Budget be adopted.

9. That Council, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, adopts a variance of 10% and a minimum of \$10,000 to be used in the statements of financial activity and annual budget review.
10. Subject to the adjustment required to account for the reduction of grant funds from Main Roads Direct Grant and increasing the allocation for the purchase of Lot 536 Myers Street, reduce the transfer to Recreation Reserve accordingly.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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

4.50pm Mr WJ Taylor entered the Council Chambers.

### **9.3 MATTERS FOR CONSIDERATION – WORKS**

#### **9.3.1 RFT 2017-04 Supply of Bituminous Sealing Works – Awarding of Tender**

Report Date:	25 July 2017
Applicant:	Shire of Dalwallinu
File Ref:	RO/15 – Roads Tendering
Previous Meeting Reference:	Full Council meeting 23 May 2017; W&P Committee Meeting – 18 July 2017
Author:	Will Taylor, Manager Works and Services
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Tender Matrix

#### **Purpose of Report**

Council is requested to consider the tenders received for the supply of bituminous sealing works, for Councils sealing works for a three year period.

#### **Background**

The advertisement for RFT 2017-04 was placed in The West Australian on Saturday 3 June 2017.

The closing date for receipt of tenders was 4pm, Friday 30 June 2017. Four tenders were received.

Tenders were received from:

- Downer
- Colas
- Bitutek
- Fulton Hogan

#### **Policy Requirements**

Council Policy 3.5 Purchasing Policy

## **Legislative Requirements**

*Local Government Act Section 3.57 - Provision of goods and services*

*Local Government (Functions & General) Regulations 1996 – Regulation 11 (2) (b) –*

Tenders do not have to be invited if the WALGA Preferred Supplier Program is used to obtain the requirements.

## **Strategic Implications**

Nil

## **Sustainability Implications**

### ***Environment***

Nil

### ***Economic***

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

### ***Social***

Well maintained Shire roads promote movement throughout the Shire by both local and through traffic.

## **Financial Implications**

The annual budget allocates funds for the supply of these goods and services.

## **Comment**

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

Time for work execution offered	20%
Warranty period of workmanship and materials	25%
Suitability of equipment offered	15%
Contractor and employee experience	15%
Tendered Price	25%

The highest ranked tender was the alternative tender submitted by Bitutek Pty Ltd with a score of 77.67. The alternative tender from Bitutek includes rise and fall in price for bitumen. The unit rate provided by Bitutek, even with a 2.5% per year increase, is the lowest price by \$0.21 per unit.

### Officer Recommendation

That Council award RFT 2017-04 Bituminous Sealing Works to the alternative tender provided by Bitutek Pty Ltd for a three (3) year period.

### Committee Recommendation/Resolution

#### **MOTION 8872**

Moved                Cr RS Nixon  
Seconded            Cr KL Carter

That Council award RFT 2017-04 Bituminous Sealing Works to the alternative tender provided by Bitutek Pty Ltd for a three (3) year period as follows:

	Rate Contractor Supplied Aggregate	Rate Shire Supplied
<b>Aggregate</b>		
Rate to apply 14mm/cutback 170 bitumen seal (area =>5000 m2/visit)@2.0L/m2	3.05	2.50
Rate to apply 14mm/cutback 170 bitumen seal (area =<5000 m2/visit)@2.0L/m2	5.30	4.75
Rate to apply 10mm/cutback 170 bitumen seal (area =>5000 m2/visit)@2.0L/m2	2.80	2.35
Rate to apply 10mm/cutback 170 bitumen seal (area =<5000 m2/visit)@2.0L/m2	5.05	4.60
Rate to apply 2 coat primer seal/cutback 170 bitumen @95% binder 5% cutter (area >5000m2/visit) 14mm/ 10mm @1.6L/m2(1 <sup>st</sup> coat) and 1.0L/m2 (2 <sup>nd</sup> coat)	4.85	3.85
Rate to apply 2 coat primer seal/cutback 170 bitumen @95% binder 5% cutter (area <5000m2/visit) 14mm/ 10mm @1.6L/m2(1 <sup>st</sup> coat) and 1.0L/m2 (2 <sup>nd</sup> coat)	6.75	5.75
Rate to apply 2 coat primer seal/cutback 170 bitumen @95% binder 5% cutter (area >5000m2/visit) 14mm/ 7mm @1.6L/m2(1 <sup>st</sup> coat) and 0.8L/m2 (2 <sup>nd</sup> coat)	4.65	3.65
Rate to apply 2 coat primer seal/cutback 170 bitumen @95% binder 5% cutter (area <5000m2/visit) 14mm/ 7mm @1.6L/m2(1 <sup>st</sup> coat) and 0.8L/m2 (2 <sup>nd</sup> coat)	6.55	5.55
Rate to apply 10mm/cutback bitumen primer seal (area >5000m2/visit) @95% binder 5% cutter @ 1.5L/m2	2.55	2.10
Rate to apply 10mm/cutback bitumen primer seal (area <5000m2/visit) @95% binder 5% cutter @ 1.5L/m2	4.85	4.35
Rates subject to rise and fall in the price of bitumen		

**CARRIED 7/0**

[Click here to access the attachments 9.3.1](#)

### **9.3.2 RFT 2017-05 Civil Engineering Consultancy Services – Awarding of Tender**

Report Date:	25 July 2017
Applicant:	Shire of Dalwallinu
File Ref:	RO/15 - Tenders
Previous Meeting Reference:	W&P Committee Meeting – 18 July 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Tender Documentation

#### **Purpose of Report**

Council is requested to award Tender RFT 2017-05 Civil Engineering Consultancy Services for Western Australian Natural Disaster Relief Recovery Arrangements (WANDRRA) projects AGRN 714 and 743.

#### **Background**

The Shire of Dalwallinu have been successful in receiving WANDRRA funding for floods received in March 2016 (AGRN 714) and Jan/Feb 2017 (AGRN 673).

To assist the Shire with the management of contractors, implementation of works and acquittals of funding required, a tender was called for the provision of Civil Engineering services.

Council previously engaged Civil Engineering Project Management Pty Ltd (Vincent Kwong) to provide civil engineering services for the previous WANDRRA funding (AGRN 673) for the flooding in July 2015. This project will be finalised in September 2017.

Due to the expected cost of the services over the term of the works being over \$150,000 a tender was required to be called.

RFT 2017-05 was advertised in the West Australian on 17 June 2017 with the closing date for tenders being 5 July 2017.

#### **Policy Requirements**

3.5 - Purchasing

#### **Legislative Requirements**

*Local Government (Functions and General) Regulations 1996*

*Local Government Act 1995*



### **Strategic Implications**

It is important to ensure that roads are reinstated to previous condition prior to storm damage.

### **Sustainability Implications**

#### ***Environment***

Nil

#### ***Economic***

Nil

#### ***Social***

Nil

### **Financial Implications**

The cost for the provision of these consulting services will be met by WANDRRA grant funding.

### **Comment**

RFT 2017-05 closed on 5 July 2017. Tenders were opened on 5 July 2017 with four (4) tenders being received.

The tenders submitted were assessed against the selection criteria as described below:

- I. Relevant experience with WANDRRA (50%)
- II. Key Personnel (10%)
- III. Price (40%)

The tenders were assessed by the Chief Executive Officer, Deputy Chief Executive Officer and Manager Works and Services.

Two of the four tenderers have previous experience with WANDRRA funding, however the preferred tenderer has previously undertaken civil engineering services for the Shire of Dalwallinu for the past two WANDRRA claims and has undertaken these very efficiently and professionally. A very good working relationship has been established with this tenderer during this time. The preferred tenderer was also instrumental in being successful in the recent funding application for the flooding in early 2017. In addition to his extensive experience with WANDRRA claims and the efficient services that he provides, his tendered price is the lowest.

The tender matrix is as follows:

Business Name	QUALITATIVE CRITERIA						Qualitative Ranking	
	Relevant Experience with WANDRRA		Key Personnel		Price			100 %
	50%		10%		40%			
	Score 0- 5	Weighted Score	Score 0- 5	Weighted Score	Score 0- 5	Weighted Score		TOTAL
Civil Engineering	5	48	4	9	5	39	96	<b>1</b>
Talis	5	47	4	9	4	29	85	<b>2</b>
Pritchard Francis	2	17	4	8	1	5	30	<b>3</b>
HSV Land Surveys	0	3	1	3	0	3	9	<b>4</b>

**Officer/Committee Recommendation/Resolution**

**MOTION 8873**

Moved        Cr KL Carter  
 Seconded    Cr NW Mills

That Council:

1. Award Tender RFT2017-05 Civil Engineering Services to Civil Engineering Project Management Pty Ltd for provision of engineering services for WANDRRA Claims AGRN 714 and AGRN 743 at a rate of \$130.35 per hour (inclusive of GST);
2. Authorise the Chief Executive Officer to enter into a contract with Civil Engineering Services Project Management Pty Ltd for the provision of Civil Engineering Services.

**CARRIED 7/0**

[Click here to access the attachments 9.3.2](#)

### **9.3.3 RFT 2017-06 Cartage of Road Building Materials – Awarding of Tender**

Report Date:	25 July 2017
Applicant:	Shire of Dalwallinu
File Ref:	RO/15 – Roads Tendering
Previous Meeting Reference:	Full Council meeting 27 June 2017
Author:	Will Taylor, Manager Works and Services
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Tender Matrix

#### **Purpose of Report**

Council is requested to consider the tenders received for the cartage of road building materials, for Councils works program for a three year period.

#### **Background**

The advertisement for RFT 2017-04 was placed in The West Australian on Saturday 1 July 2017.

The closing date for the receipt of tenders was 4pm, Monday 17 July 2017. Three tenders were received.

Tenders were received from:

Dalwallinu Haulage

PJ Bywaters & Co

BGC Transport Moora. (Non-conforming tender incomplete price schedule)

#### **Policy Requirements**

Council Policy 3.5 Purchasing Policy

#### **Legislative Requirements**

*Local Government Act Section 3.57 - Provision of goods and services*

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

#### **Strategic Implications**

Nil

## **Sustainability Implications**

### ***Environment***

Nil

### ***Economic***

A three (3) year tender is excellent financial management and asset management practice.

### ***Social***

Well maintained Shire roads promote movement throughout the Shire by both local and through traffic.

## **Financial Implications**

The yearly Capital Budget allocates funds for the supply of these goods and services. By having a 3 year tender it will enable better long term financial management and planning.

## **Comment**

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

Tendered price	25%
Time for work execution offered	20%
Suitability of equipment offered	30%
Contractor and employee experience	25%

One of the three tenderers was non-conforming, as the price schedule was incomplete therefore their tender was not assessed.

PJ Bywaters & Co was scored the highest with a score of 79.50, as they have the most suitable equipment with four (4) side tippers and their staff (including three (3) truck drivers) are experienced in the work offered. Dalwallinu Haulage currently have two (2) side tippers and only listed one employee. As per the attachment the rate quoted was averaged across the twenty (20) sections.

## Officer Recommendation /Resolution

### **MOTION 8874**

Moved            Cr KL Carter  
Seconded        Cr GH Sanderson

That Council:

1. Award RFT 2017-06 Cartage of Road Building Materials to PJ Bywaters & Co for a three (3) year period with prices as per tender documentation.
2. Authorise the Chief Executive Officer to enter into a contract with PJ Bywaters & Co for the cartage of road building materials.

**CARRIED 7/0**

[Click here to access the attachments 9.3.3](#)

**9.4 MATTERS FOR CONSIDERATION – ADMINISTRATION  
Nil**

**10 APPLICATIONS FOR LEAVE OF ABSENCE**

**10.1 Cr KL Carter – 22 August 2017**

**MOTION 8875**

Moved Cr KM McNeill  
Seconded Cr NW Mills

That the application for leave of absence for Cr KL Carter from the Ordinary Meeting of Council to be held on 22 August 2017 be approved.

**CARRIED**

**11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

**12 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**13 NEW BUSINESS OF AN URGENT NATURE (introduced by decision of the meeting)**

**PROCEDURAL MOTION 8876**

Moved Cr NW Mills  
Seconded Cr KM McNeill

“That Council consider one (1) item of urgent/late business under 13.1.1 (9.1.5) Development Application (DA 011718) – Proposed Extractive Industry.”

**CARRIED**

5.03pm Cr NW Mills declared a proximity interest re item 13.1.1 (9.1.5) Development Application (DA 011718) – Proposed Extractive Industry and left the meeting.

### **13.1.1 (9.1.5) Development Application (Da 011718) – Proposed Extractive Industry**

Report Date:	25 July 2017
Applicant:	Daniel Hoghton <i>obo</i> CCS Mining & Civil P/L
File Ref:	DA 011718
Previous Meeting Reference:	Nil
Author:	Doug Burke, Manager Regulation & Development Services
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Documents supporting the application

#### **Purpose of Report**

To consider an application for approval to allow for the proposed development of an extractive industry on the subject land as submitted by the applicant on 18 July 2017.

The proposed development requires discretionary approval from the Council.

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

#### **Background**

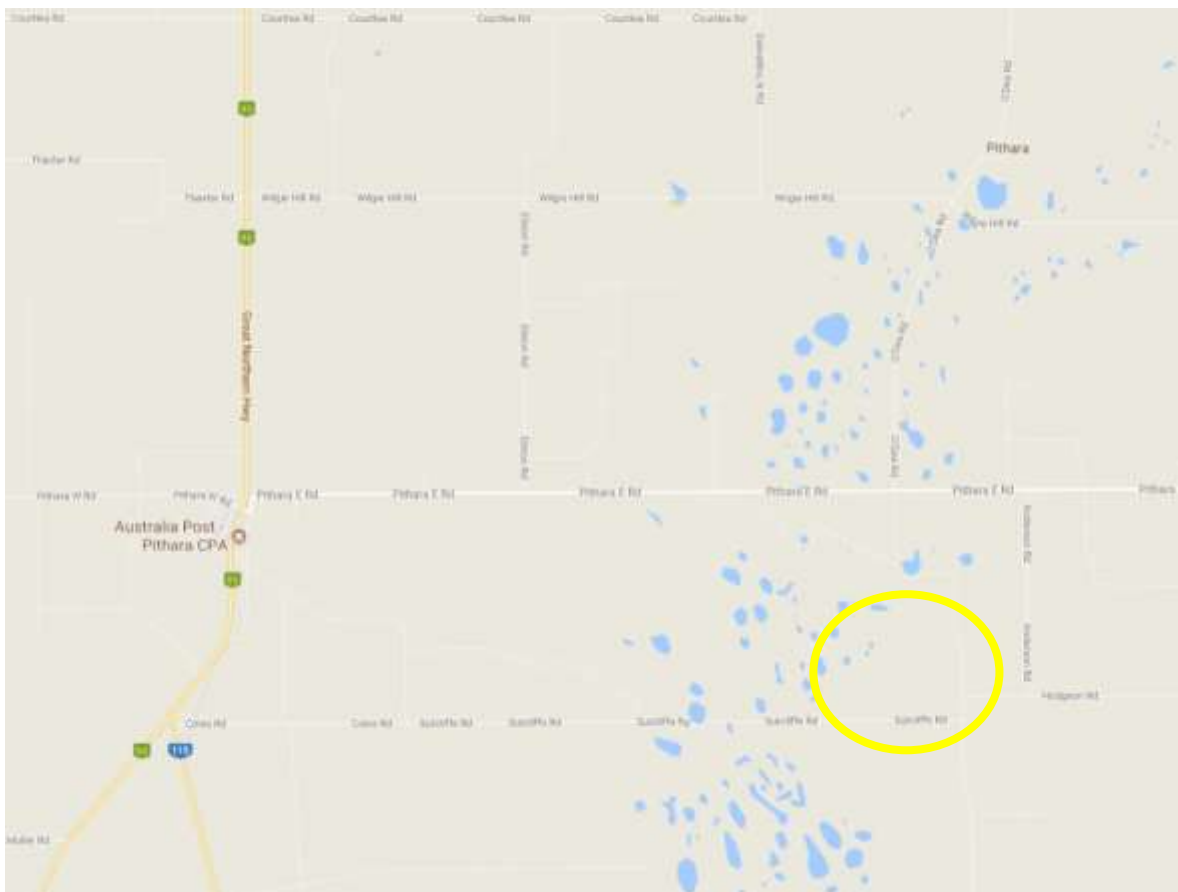
Subject Property:	491 Pithara Road East, Pithara (Lot 823)
Land Use Zoning:	Rural
Property Owner:	OG Butcher
Applicant:	Daniel Hoghton <i>obo</i> CCS Mining & Civil P/L
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Extractive industry
Value of Development:	\$988K
Outside Consultation:	Nil

The proposal is for the crushing and screening of approximately 170,000 tonnes of waste rock derived from a previous mining operation on the subject property. The property, used mainly for broad acre farming, is located approximately 12km south-east of the township of Pithara. Adjoining lands are similar in rural type agrarian land use.

An extractive industry is defined under the *Planning and Development (Local Planning Schemes) Regulation 2015* as being:

*'premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for the processing of raw materials including crushing, screening, washing, blending or grading.'*

The subject property is zoned 'Rural' under the Shire of Dalwallinu Planning Scheme N° 2. Extractive industry may not be undertaken in the Rural zone without the discretionary approval of the local government.



*Location of subject development site (google map)*

**Policy Requirements**

Nil



## Legislative Requirements

*Planning and Development Act 2005*

*Environmental Protection Act 1986*

The Department of Environment Regulation (DER) has responsibility under Part V of the *Environmental Protection Act 1986* (EP Act) for the licensing and registration of prescribed premises, the issuing of works approvals and administration of a range of regulations. Extractive industry that processes over 50,000 tonnes of material per annum as identified under Schedule 1 of the *Environmental Protection Regulations 1987* is to be licenced as required under Part V of the Act. It is understood that the proponent has applied for such a licence.

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

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

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	<p>The following Schemes are applicable:</p> <p><i>Shire of Dalwallinu Planning Scheme N<sup>o</sup> 2</i></p> <p>The applicable objective for the Rural Zone is: 'To support mining activities where an environmental management plan has been prepared and is acceptable to the Council and EPA.'</p> <p>It is understood that the proponent has applied to the Department of Environmental Regulation. Such an application would be supported by an environmental management plan.</p>
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</i>	<p>There are no proposed amendments in progress that would affect a determination.</p> <p>There are no other planning instruments currently being considered.</p>

<i>Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	
Any approved State planning policy	<i>State Planning Policy 2.4 – Basic Raw Materials</i>  This policy does not apply to the Dalwallinu local government area.
Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	EPA Guidance Statements N° 3, 51 & 56  Each statement has been reviewed in context as to the application and found to be without any discernable impact with regard to flora and fauna in the immediate vicinity of the proposed works.
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 suitable in the context of its siting, previous land use and proximity to sensitive land use on adjoining land.  The draft ' <i>Environmental Assessment Guidelines for Separation Distances Between Industrial and Sensitive Land Uses 2015</i> ', issued by the EPA, states that the minimum distance between extractive industries and sensitive land uses such as dwellings should be between 500-1000m.

	The nearest residence is approximately 1800m to the south-east of the site of proposed operations.
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 environmental impacts are in the process of being assessed by the Department of Environmental Regulation as part of the process of licensing the operation under Part V of the <i>Environmental Protection Act</i> .
The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	Nil impact.  There are no natural waterways within close proximity to the proposed works that would be unduly influenced by the potential production of acid mine drainage.
Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	There is no evidence of significant trees or other vegetation of note that should be retained.  Once works have been completed, it would be envisaged that the immediate area would be influenced by the effects of natural rehabilitation.
The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	The land does not have a history of experiencing these types of events.
The suitability of the land for the development taking into account the possible risk to human health or safety	No health or safety issues identifiable.
the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles	Frontage to a sealed road (Pithara, East Road).  A traffic management plan has been submitted with the application. The Manager Works & Services has reviewed the plan and has found it to be satisfactory.
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	A traffic management plan has been submitted with the application. The Manager Works & Services has reviewed the plan and has found it to be satisfactory.
The availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services;	No public transport services available.  No utility services are available to the site. Solid waste can be adequately stored and removed from site.

(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	
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	An open pit gold mine was in operation during the period 2010 and 2011.
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 identified

### **Strategic Implications**

*Local Planning Strategy 2013* makes mention of the gold mine and the fact that there are 'several gold targets close to Pithara' but does not advocate for any special consideration specific to mining activities.

## **Sustainability Implications**

### ***Environment***

There are no known environmental implications.

### ***Economic***

There are no known economic implications.

### ***Social (Community Consultation not indicated for this activity)***

There are no known social implications.

## **Financial Implications**

Nil

## **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.

## **Conclusion**

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 8877**

Moved            Cr RS Nixon  
Seconded        Cr KL Carter

That Council approve the development application (DA 011718) for Lot 825 Pithara East Road, Pithara, pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:

1. The development is to be carried out in accordance with the documents endorsed with the Shire's stamp, except where amended by other conditions of this consent. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency;
2. The development will not proceed until a copy of the applicable licence (Category N<sup>o</sup> 5 of Schedule 1 of the Environmental Protection Regulations 1987) issued under Part V of the *Environmental Protection Act 1987* in relation to the proposed development has been provided to the Shire.
3. 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**

[Click here to access the attachments 9.1.5](#)

5.13pm Cr NW Mills returned to the Council Chambers.

**14 MEETING CLOSED TO THE PUBLIC – CONFIDENTIAL BUSINESS as per Local Government Act 1995, Section 5.23(2)**

**15 SCHEDULING OF MEETING**

**MOTION 8878**

Moved Cr KL Carter  
Seconded Cr KM McNeill

That an Ordinary Meeting of Council be held on 22 August 2017 at Council Chambers, Dalwallinu commencing at 3.30pm.

**CARRIED 7/0**

**16 CLOSURE**

There being no further business, the Chairperson closed the meeting at 5.13pm.

**17 CERTIFICATION**

I, **Steven Clifford CARTER**, certify that the Minutes of the meeting held on 25 July 2017, as shown on page numbers 1 to 68 were confirmed as a true record at the meeting held on 22 August 2017.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE