



MINUTES

ORDINARY COUNCIL MEETING

Tuesday
19 December 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, 19 December 2017.

1 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 3.32pm.

2 ANNOUNCEMENTS OF PRESIDING MEMBER

Nil

3 ATTENDANCE RECORD

3.1 Present

Shire President	Cr SC Carter
Deputy President	Cr KL Carter
	Cr AR Dickins
	Cr GH Sanderson JP
	Cr KM McNeill JP
	Cr NW Mills
	Cr KJ Christian
	Cr BH Boys
	Cr JA Huggett
Chief Executive Officer	Ms JM Sutherland
Deputy Chief Executive Officer	Mr KT Jones
Executive Support Officer	Mrs BG Matias

3.2 Apologies

Nil

3.3 Leave Of Absence Previously Granted

Nil

4 DECLARATIONS OF INTEREST

4.1 Cr NW Mills

Item 9.1.2 – Proposed Local Development Plan – Proximity interest

4.2 Cr KJ Christian

Item 9.1.6 – Development Application (DA 081718) -Proposed Home Store – Financial interest

Item 9.2.7 – Request for Hall Hire Concession – Financial interest

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 – 21 November 2017

MOTION 9066

Moved Cr KL Carter

Seconded Cr BH Boys

That the Minutes of the Ordinary Meeting of Council held 21 November 2017 be confirmed.

CARRIED 9/0

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

7.1 Petitions
Nil

7.2 Presentations
Nil

7.3 Deputations
Nil

7.4 Delegates Reports/Submissions
Nil

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

9 REPORTS

9.1 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES & ECONOMIC DEVELOPMENT

9.1.1 Proposed Amendment to the Local Planning Scheme: Kalannie Townsite

Report Date:	19 December 2017
Applicant:	Simon O'Hara of Statewest Planning
File Ref:	Property files (A9008, A702 & A9004)
Previous Meeting Reference:	CS&ED Committee Meeting – 12 December 2017
Author:	Doug Burke, Manager Regulation & Development Services
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Proposal for amendment to the local planning scheme

Purpose of Report

To consider the proposal submitted by Simon O'Hara of Statewest Planning, *obo* the owners, for amending the *Shire of Dalwallinu Planning Scheme No. 2* by way of rezoning the subject properties.

The recommendation is that Council adopt the proposal as a standard amendment to the Planning Scheme and advertise the proposed amendment.

Background

Subject Property:	Lot 137 on Deposited Plan 184426 – 6 Hazlett Street, Kalannie Lot 1 on Deposited Plan 90708 – 37 Rolinson Drive, Kalannie Lot 27 on Deposited Plan 154526 – 40 Locke Street, Kalannie
Land Use Zoning:	Special Use - Place of Worship (SU 11, SU 12 & SU 14)
Property Owner:	DJ Painter, GJ Painter & PE Davies (Joint Tenants)
Applicant:	Simon O'Hara of Statewest Planning
Consent Authority:	Western Australia Planning Commission

The applicant has submitted a proposal for the rezoning of the subject properties to allow for an expansion of land uses that could be further developed (refer to attachment). The proposed amendment is for the following rezoning:

- 6 Hazlett Street, Kalannie from 'Special Use 11 - Place of Worship' to 'Townsite'
- 37 Rolinson Drive, Kalannie from 'Special Use 14 - Place of Worship' to 'Residential R10/30'
- 40 Locke Street, Kalannie from 'Special Use 12 - Place of Worship' to 'Residential R10/30'



Location of subject properties (googlemap)

Policy Requirements

Nil

Legislative Requirements

Planning & Development Act 2005

Planning & Development (Local Planning Schemes) Regulation 2015

Shire of Dalwallinu Town Planning Scheme No. 2

Strategic Implications

Nil

Sustainability Implications

Environment

There are no identified environmental implications.

Economic

There are no identified economic implications.

Social

There are no identified social implications.

Financial Implications

Nil. The proponent will be responsible for all costs associated with undertaking the amendment process if adopted.

Comment

The property located at 6 Hazlett Street has been developed in accordance with its special use designation. A single storey building and associated carpark sit on approximately 5,479m² of land. On the same block are properties zoned 'Commercial and 'Residential' land uses. It is understood that the place of worship building is superfluous to contemporary needs.

Amending the land use zoning of 6 Hazlett Street, Kalannie from 'Special Use 11 - Place of Worship' to 'Townsite' is consistent with the objectives of the 'Townsite' land use zone in the Planning Scheme. The objectives are:

- To maintain a rural town atmosphere and lifestyle choice.
- To provide for a degree of flexibility of uses allowed within the zone whilst maintaining an appropriate level of residential amenity.
- To allow a variety of uses necessary to service the normal functions of a rural townsite.
- To provide for a mix of residential development and a range of commercial, light industrial and other uses considered appropriate in rural towns.

The properties located at 37 Rolinson Drive & 40 Locke Street, Kalannie have been established with places of worship. These buildings are situated on blocks dominated by residential development. These buildings are also underutilised due to the migration of the congregation.

Amending the land use zoning of these from 'Special Use 12/14 - Place of Worship' to 'Residential R10/30' is consistent with the objectives of the 'Residential' land use zone in the Planning Scheme. The objectives of the zone are:

- To provide for a high standard of residential development and residential character.
- To provide for predominantly residential development with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes of Western Australia

- Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- A non-residential use shall only be permitted if the use does not detract from the amenity of the area.

The proposed amendment has been determined as being a 'standard' amendment for the following reasons as it is:

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (d) not a complex or basic amendment.

In consideration of a basic amendment to the Scheme, Council must resolve to:

- (a) proceed to adopt the proposed amendment to the local planning scheme without modification; or
- (b) proceed to adopt the proposed amendment to the local planning scheme with modifications; or
- (c) not proceed to adopt the proposed amendment to the local planning scheme.

If Council resolves to adopt the proposed amendment to the Scheme, the amendment must be referred to the Environmental Protection Authority (EPA) and before undertaking to

This scheme amendment is justified on the basis that:

- The proposed rezoning will provide or a range of alternative uses consistent with surrounding land uses.
- The proposal will provide for minor consolidation of the Kalannie townsite consistent with planning strategies.

Officer/Committee Recommendation/Resolution

MOTION 9067

Moved Cr KM McNeill
Seconded Cr KJ Christian

That Council adopt the proposed amendment (Amendment No4) to the Shire of Dalwallinu Town Planning Scheme No. 2 for the purpose of reclassifying:

- 6 Hazlett Street, Kalannie from 'Special Use 11 - Place of Worship' to 'Townsite'
- 37 Rolinson Drive, Kalannie from 'Special Use 14 - Place of Worship' to 'Residential R10/30'
- 40 Locke Street, Kalannie from 'Special Use 12 - Place of Worship' to 'Residential R10/30'

as depicted on the Scheme Amendment map.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- (a) the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (b) the amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (c) the amendment is not a complex or basic amendment.

CARRIED 9/0

3.35pm Cr NW Mills declared a proximity interest and left the Council Chambers.

9.1.2 Local Development Plan – Pithara Caravan Park

Report Date:	19 December 2017
Applicant:	Formscape <i>obo</i> BBB Remote Site Services
File Ref:	A565& A6240
Previous Meeting Reference:	CS&ED Committee Meeting – 12 December 2017
Author:	Doug Burke, Manager Regulation & Development Services
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Local Development Plan

Purpose of Report

Council is requested to consider a Local Development Plan for a proposed caravan park on the subject property as submitted by the applicant on 22 November 2017.

The proposal necessitates planning approval as a requirement of the *Shire of Dalwallinu Local Planning Scheme N^o 2*.

It is recommended that the proposed Local Development Plan be approved.

Background

Subject Property:	Lot 500 Pearn Road, Pithara
Land Use Zoning:	Special Use SU20 – Tavern and Caravan Park
Property Owner:	Pithara Investments P/L
Applicant:	Formscape <i>obo</i> BBB Remote Site Services
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Caravan Park
Value of Development:	\$270K
Outside Consultation:	Public notice as per Schedule 8 of the Planning Scheme

Background

Lot 500, Pearn Road, Pithara is zoned 'Special Use' under the *Shire of Dalwallinu Planning Scheme N° 2*. The special uses allowable on the site – to the exclusion of all other land uses, are for a 'Tavern' and a 'Caravan Park'. The tavern has already been developed, established circa 1917. A condition attached to the property is that:

'No additional development will occur until the Council has endorsed a Local Development Plan for the site.'

A Local Development Plan (Plan) is to be used in limited situations to guide and coordinate development outcomes for a particular site, such as for lots that have been identified to accommodate a future change of use.

The site that the submitted Plan refers to is that allotment upon which the Pithara Tavern is situated. The intended change of use is for the inclusion of a 'Caravan Park' on the property to operate concomitantly with the existing land use – 'Tavern'.

Policy Requirements

Nil

Legislative Requirements

Schedule 2 of Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government to assess and advertise a Plan on receipt. The Plan was assessed and found to be 'in a manner and form approved by the Planning Commission' and duly advertised by way of erecting a sign in a conspicuous place on the land and publishing a notice of the proposed Plan on the Shires website inviting submissions to be made. Nil submissions have been received within the appointed time.

Following consideration of a proposed Local Development Plan, including any amendments made to the Plan to address matters raised in submissions, the local government must —

- (a) approve the local development plan; or
- (b) require the person who prepared the local development plan to —
 - (i) modify the plan in the manner specified by the local government; and
 - (ii) resubmit the modified plan to the local government for approval;or
- (c) refuse to approve the plan.

Strategic Implications

Nil

Sustainability Implications

Environment

Waste water management will need to be closely monitored by the Shire to ensure that the surrounds are not contaminated and pose a possible public health risk.

Economic

Unknown

Social

Submissions were invited from the general public. Comments in relation to the Plan were not sought from any public authority or utility service.

Financial Implications

If the Plan is approved and the proposed caravan park developed, it may compete directly against the caravan park situated in Dalwallinu; that is owned and operated by the Shire.

Comment

Though the proposed Plan is ostensibly to accommodate the construction workers that will be employed on the planned upgrades to the Great Northern Highway, it may well provide an ongoing asset to the local community in providing alternative accommodation to that currently available.

Officer Recommendation

That Council:

1. Approve the Local Development Plan – Pithara Tavern, Lot 500 Pearn Road, Pithara, subject to a licence being issued under the *Caravan Parks and Camping Grounds Act 1995* for a Caravan Park under Schedule 2 of the *Caravan Parks and Camping Grounds Regulations 1997*.
2. Delegate authority to the Chief Executive Officer to grant or renew a licence under Section 7 of the *Caravan Parks and Camping Grounds Act 1995*

Committee Recommendation/Resolution

MOTION 9068

Moved Cr AR Dickins
Seconded Cr KM McNeill

That Council:

1. Approve the Local Development Plan – Pithara Tavern, Lot 500 Pearn Road, Pithara, subject to a licence being issued under the *Caravan Parks and Camping Grounds Act 1995* for a Caravan Park under Schedule 2 of the *Caravan Parks and Camping Grounds Regulations 1997*.
2. Delegate authority to the Chief Executive Officer to grant or renew a licence under Section 7 of the *Caravan Parks and Camping Grounds Act 1995* and issue a temporary licence (no greater than 12 months) to operate a Caravan park on the subject property issued under 5.54 – Temporary Licence of the *Caravan parks and Camping Grounds Regulations 1997*.

CARRIED 7/1

3.44pm Cr NW Mills returned to the Council Chambers.

9.1.3 Development Application (DA 061718) – Proposed Single Dwelling

Report Date:	19 December 2017
Applicant:	K & E Davies
File Ref:	DA 061718
Previous Meeting Reference:	CS&ED Committee Meeting – 12 December 2017
Author:	Doug Burke, Manager Regulation & Development Services
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	1. Site Plan 2. Email (Bill Ray)

Purpose of Report

To consider an application for approval to allow for the proposed construction of a single dwelling as submitted by the applicant on 16 November 2017.

The proposal necessitates planning approval as a requirement of the *Shire of Dalwallinu Local Planning Scheme N° 2*, and as the proposal does not comply with the deemed-to-satisfy provisions of the *State Planning Policy 3.1 – Residential Design Codes (R-Codes)*.

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

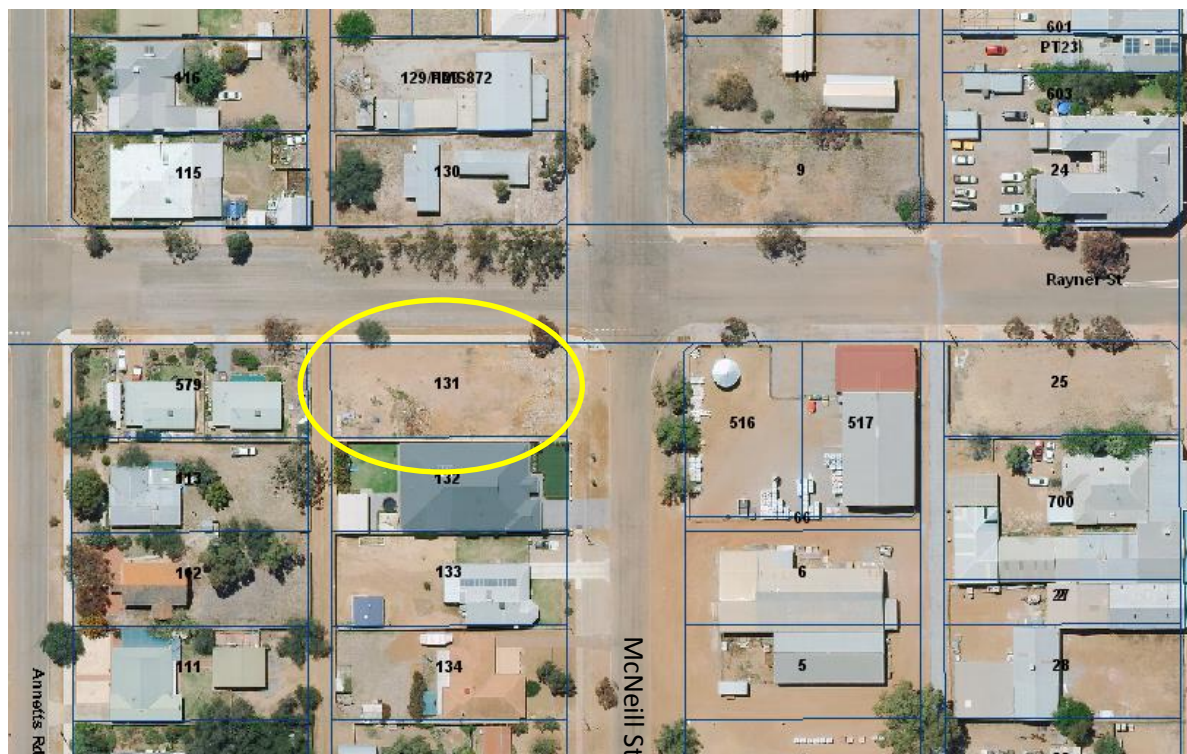
Background

Subject Property:	15 McNeill Street (Lot 131), Dalwallinu
Land Use Zoning:	Commercial 10/50
Property Owner:	Kenneth & Elizabeth Davies
Applicant:	Owner
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Single dwelling
Value of Development:	\$500K
Outside Consultation:	Public notice as per Schedule 8 of the Planning Scheme

The proposal is for the construction of a single dwelling with a footprint of 523 square metres on a property of 1010 square metres. The property fronts onto Rayner Street and is to replace a commercial building that was demolished in 2016.

The proposed dwelling will consist of a single, monolithic building with a length of 41 metres and a width of 16 metres. It will be constructed on a concrete slab with brick veneer and a steel roof.

The property is zoned 'Residential R10/50' and is fully serviced with potable water, sewerage, electricity and stormwater drainage.



Location of subject development site (Synergysoft)

Policy Requirements

Nil

Legislative Requirements

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

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

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	The following Schemes are applicable: <i>Shire of Dalwallinu Planning Scheme N^o 2</i>
The 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	State Planning Policy 3.1 Residential Design Codes. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of those Codes.
Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	Nil applicable
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	The proposed development is regarded as being suitable in the context of its siting in an established Residential area.

not limited to, the effect of the height, bulk, scale, orientation and appearance of the development	The streetscape would not be overly degraded by any perceived loss of visual amenity.
<p>The amenity of the locality including the following —</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development 	<p>Having regard to its location and the overall assessment of the proposal as contained in this report the site will adequately accommodate the proposed works in that:</p> <p>The proposed development will not create any unreasonable detrimental impacts on adjoining or nearby properties;</p> <p>The subject site is not subject to any natural hazards that would prohibit the construction and operation of the development in the proposed form.</p>
The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	Nil impact
Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	There is no evidence of significant trees or other vegetation of note that should be retained.
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.
<p>the adequacy of —</p> <ul style="list-style-type: none"> (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles 	Nil impact
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	No identified issues
<p>The availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> (i) public transport services; (ii) public utility services; 	<p>No public transport services available</p> <p>Water, sewerage and electricity services are available</p> <p>Solid waste can be adequately stored and removed from site.</p>

(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	N/A N/A
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 identified
The history of the site where the development is to be located	The site was previously occupied by a commercial building which has been demolished to accommodate the proposed building
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	A submission was received from an adjoining neighbour, Mr Bill Ray, to the effect that he has sighted the plans on exhibition and “has no difficulty with this proposal” (refer to attachment).
The comments or submissions received from any authority consulted under clause 66	Not applicable
Any other planning consideration the Council considers appropriate	Nil identified

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.

Strategic Implications

Nil identified

Sustainability Implications

Environment

There are no known environmental implications.

Economic

There are no known economic implications.

Social

There are no known social implications.

Financial Implications

Nil

Comment

The proposed development would normally be considered under the R-Codes for a building permit - if it complied with the inherent deemed-to-comply provisions for a density of R10/50.

A report from the Davies' planning consultant alludes to a number of matters that are apparently non-conforming (refer to attachment from Rowe Group). However, they have erroneously measured the development against the requirements for a density of R10 as opposed to the correct density requirements of R50. An R50 density applies if the property can connect to a sewerage service. The property is serviced by a Shire owned sewerage drainage reticulation.

The only outstanding non-compliance with the deemed-to-satisfy provisions for a R50 density development is the setback for the southern side of the building from the property boundary. Table 2b of the R-Codes requires a setback of 1500mm whereas the plans nominate a setback of 1200mm for a length of approximately 10 metres (alfresco area).

The consultant argues that as the *Draft R-Codes Proposed Amendments 2016* allows for a reduced setback of 1200mm, therefore the proposed setback is compliant with the deemed-to-satisfy requirements of the R-Codes. Unfortunately this logic is faulty as the draft was never adopted and thus void of carrying any legal weight.

However, it can be argued that the only property to be adversely affected by the reduced setback would be the adjoining neighbour at 13 McNeill Street, the owner and resident of which is Mr WJ Ray. Mr Ray has submitted a comment to the effect that he has viewed the plans on exhibition and has "no difficulty with this proposal".

The application has been assessed in accordance with the requirements of the *Planning & Development Act 2005* (the Act) and the associated regulations. In this regard:

- 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.



Street view of the property circa 2015 prior to the demolition of the existing building (googlemap)

Officer/Committee Recommendation/Resolution

MOTION 9069

Moved Cr AR Dickins
Seconded Cr JA Huggett

That Council:

1. Approve the development application (DA 061718) for Lot 131 McNeill Street, Dalwallinu, pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:
 - a) 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;
 - b) Without further approval from Shire of Dalwallinu Council, in writing, this approval will lapse and have no force or effect unless the use or development permitted is substantially commenced within two years of the date of this permit;
 - c) The applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the *Building Act 2011*;
 - d) During the construction of the development, the applicant shall implement suitable public safety and site security control measures;
 - e) All stormwater collected from the development roof catchment must be managed so as not to have a detrimental effect on the footings of the development or on neighbouring property;
 - f) All fencing erected ancillary to this project will conform to the Shire's *Local Law Relating to Fencing 1995 and Local Planning Policy N° 2 – Fences Amended Policy*.
 - g) Any retaining walls over 500mm in height erected ancillary to this project will require a building permit prior to construction.

CARRIED 9/0

9.1.4 Update to Policy 1.11 Honorary Freeman of the Municipality

Report Date:	19 December 2017
Applicant:	Shire of Dalwallinu
File Ref:	GO/19 – Councillors – Honorary Freeman of the Municipality
Previous Meeting Reference:	CS&ED Committee Meeting – 12 December 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	1. Current Policy 1.11 2. Updated Policy 1.11

Purpose of Report

Council is requested to consider updating and amending Policy 1.11 Honorary Freeman of the Municipality to provide clarity of conditions for nomination and privileges that are attached to such an honour.

Background

Council has an existing Policy 1.11 which was last reviewed in April 2017. The current policy is vague on conditions applicable to the nomination process and any privileges that are attached to this honour.

Policy Requirements

1.1 – Policy Manual Amendments

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil

Comment

A draft updated policy has been developed which clarifies the nomination process, selection criteria and revocation abilities.

Officer/Committee Recommendation/Resolution**MOTION 9070**

Moved Cr GH Sanderson

Seconded Cr KM McNeill

That Council adopt the updated Policy 1.11 Honorary Freeman and Freeman of the Municipality as attached.

CARRIED 9/0

9.1.5 Request to collect native flora

Report Date:	19 December 2017
Applicant:	Dave Mynott
File Ref:	EM/7Environment management - Permits
Previous Meeting Reference:	CS&ED Committee Meeting – 12 December 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Council is requested to approve the request received from the Mr Dave Mynott to collect the seed *Ptilotus exaltatus* (Pink mulla mulla) from the Pithara Golf Course.

Background

Council has previously granted permission for native flora to be collected within the Shire.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil

Comment

The applicant has indicated in their correspondence that they would like to collect seeds for revegetation purposes.

Officer/Committee Recommendation/Resolution**MOTION 9071**

Moved Cr GH Sanderson
Seconded Cr KM McNeill

That Council grant permission to Mr Dave Mynott to collect *Ptilotus exaltatus* seeds from the Pithara Golf Course subject to the following conditions:

1. A copy of Mr Mynott's current flora licence to be provided to the Chief Executive Officer;
2. Permission is for a twelve (12) month period commencing from date of approval;
3. A list of all members collecting the flora to be provided to the Chief Executive Officer;
4. Appropriate hygiene measures to be followed at all times to prevent the spread of plant disease and weeds;
5. All care to be taken to avoid disturbance of any fauna habitat;
6. All care to be taken to avoid any disturbance that may lead to soil degradation.

CARRIED 9/0

3.48pm Cr KJ Christian declared a financial interest and left the Council Chambers.

9.1.6 Development Application (DA 081718) – Proposed Home Store

Report Date:	19 December 2017
Applicant:	Karen Christian
File Ref:	DA 081718
Previous Meeting Reference:	Nil
Author:	Doug Burke, Manager Regulation & Development
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Site Layout in Support of Application

Purpose of Report

To consider an application for approval to allow for the proposed establishment of a Home Store as submitted by the applicant on 12 December 2017.

The proposal necessitates planning approval as a requirement of the *Shire of Dalwallinu Local Planning Scheme N° 2*.

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

Background

Subject Property:	28 McNeill Street (Lot 15), Dalwallinu
Land Use Zoning:	Residential R10/30
Property Owner:	Karen Joy Christian
Applicant:	Owner
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Home Store
Value of Development:	\$5K
Outside Consultation:	Nil required

Policy Requirements

Nil

Legislative Requirements

The *Shire of Dalwallinu Local Planning Scheme N° 2* allows discretionary approval for a 'Home Store'. A Home Store is defined under the *Planning & Development (Local Planning Schemes) Regulations 2015* as being:

- a shop attached to a dwelling that —*
- (a) has a net lettable area not exceeding 100 m²; and*
 - (b) is operated by a person residing in the dwelling;*

Strategic Implications

Nil

Sustainability Implications***Environment***

There are no known environmental implications.

Economic

There are no known economic implications.

Social

There are no known social implications.

Financial Implications

Nil

Comment

The proposal is for the front of the existing dwelling to be converted into a store front to allow for the retail of food based produce. The owner and occupant of the dwelling has a food business licence issued under the *Food Act 2008* allowing for food products to be produced onsite. The total floor area to be utilised as the storefront is less than the 100m² so mandated under the Regulations.

Conclusion

The development will allow for the retail transaction of food onsite.

Officer Recommendation /Resolution

MOTION 9072

Moved Cr GH Sanderson
Seconded Cr KL Carter

That Council:

1. Approve the development application (DA 081718) for Lot 15 McNeill Street, Dalwallinu, pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:
 - a) The development (Home Store) 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;
 - b) Without further approval from Shire of Dalwallinu Council, in writing, this approval will lapse and have no force or effect unless the use or development permitted is substantially commenced within two years of the date of this permit;
 - c) The products that can be sold from the Home Store are limited to items of 'Food', as defined under the *Food Act 2008*.

CARRIED 6/2

3.59pm Cr KJ Christian returned to the Council Chambers.

9.2 MATTERS FOR CONSIDERATION - FINANCE

9.2.1 Accounts for Payment for November 2017

Date of Report:	19 December 2017
Applicant:	Shire of Dalwallinu
File Reference:	FM/6 – Expenditure Reports
Previous Meeting Reference:	F&A Committee Meeting – 12 December 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:	<u>Summary of Accounts for Payment</u>

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 November 2017 from the Municipal Account, to the sum of \$45,563.48 paid by cheque and \$925,533.53 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 \$1,280,334.09. In addition, payments of \$62,564.45 were made from the Trust Account. The total payments from all accounts being \$1,342,898.54 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 2017/18 or authorised by separate resolution.

Officer/Committee Recommendation/Resolution

MOTION 9073

Moved Cr AR Dickins

Seconded Cr NW Mills

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 November 2017 under the CEO's delegated authority is endorsed in respect to the following Bank accounts:

(a) Municipal Fund Account totalling \$1,280,334.09 consisting of:

Cheque Numbers 35129 – 35134	\$45,563.48
Electronic Fund Transfers 7437 – 7568 (excluding Trust EFT 7564-7568 and cancelled EFT 7437- 7438)	\$925,533.53
Direct Debit Payments Credit Card DD13856.1	\$2,092
Electronic Fund Transfers Payroll	\$258,425.00
Bank Fees	\$1,090
Direct Debit Payments (Superannuation)	\$47,628.42

(b) Trust Account payments totalling \$62,564.45 consisting of:

Cheque Numbers 607-610	\$2,062.00
Electronic Fund Transfers 7564-7568	\$370.00
Direct Debits - Payments to DPI	\$60,132.45

CARRIED 9/0

9.2.2 Monthly Financial Statements for November 2017

Date of Report:	19 December 2017
Applicant:	Shire of Dalwallinu
File No:	FM/6 - Expenditure Reports
Previous Meeting Reference:	F&A Committee Meeting – 12 December 2017
Author:	Hanna Jolly, Accounting Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	<u>Monthly Statement of Financial Activity, Variance Reports, Investments Held and Bank Reconciliations</u>

Purpose of Report

To receive the Financial Reports for the month ending 30 November 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 November 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 \$10,000 have been noted on the variance reports.

Officer/Committee Recommendation/Resolution

MOTION 9074

Moved Cr KL Carter

Seconded Cr NW Mills

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

CARRIED 9/0

9.2.3 Australia Day 2018

Report Date:	19 December 2017
Applicant:	Shire of Dalwallinu
File Ref:	CR/1 – Community Relations
Previous Meeting Reference:	F&A Committee Meeting – 12 December 2017
Author:	Jean Sutherland, Chief Executive Officer
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 holding the annual Australia Day event at the Dalwallinu Aquatic Centre and the waiving of entrance fees to the Aquatic Centre for the 2018 Australia Day Bar-B-Q.

Background

In previous years, Council has hosted an Australia Day Bar-B-Q in Memorial Park on 26 January each year.

An informal discussion was held with Council several months ago with regards to moving the annual event to the Aquatic Centre.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – s6.12

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

The change of venue from Memorial Park to the Dalwallinu Aquatic Centre may increase community participation at this event.

Financial Implications

Should Council support the Officer recommendation there will a loss of revenue from swimming pool entrance fees.

Comment

In order to promote additional attendance and ensure the community are not put at a disadvantage compared to when the event is held at Memorial Park, it is recommended that Council waive the entry fee for the Aquatic Centre for community members wishing to attend the Australia Day event.

Officer/Committee Recommendation/Resolution

MOTION 9075

Moved Cr KM McNeill
Seconded Cr AR Dickins

That Council:

1. Authorise the annual Australia Day Bar-B-Q be held at the Dalwallinu Aquatic Centre on Friday 26 January 2018;
2. Authorise that the entry fees for the Dalwallinu Aquatic Centre be waived from 7.30am – 10.30am on Friday 26 January 2018.

CARRIED 9/0

9.2.4 Purchase and Sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara

Report Date:	19 December 2017
Applicant:	Shire of Dalwallinu/Mr J Fuller
File Ref:	CP/21 – Council Properties – Acquisition and Disposal
Previous Meeting Reference:	F&A Committee Meeting – 12 December 2017
Author:	Jean Sutherland, Chief Executive Office
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Copy of Correspondence from Department of Lands

Purpose of Report

Council is requested to authorise the purchase of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara from the Department of Lands for the sum of \$12,000 inc GST and consider the offer received from Mr John Fuller to purchase said reserve.

Background

In February 2015, the Shire of Dalwallinu was approached by an individual who was interested in purchasing the disused Pithara Bowling Club and Buntine Bowling Club. On 27 February 2015, the Shire of Dalwallinu wrote to the Department of Lands expressing interest in purchasing these reserves and on selling them to the interested party.

On 20 April 2015, correspondence was received from the Department of Lands acknowledging the request from the Shire to purchase the reserves and advising that investigations would need to take place into existing land tenures, survey information and land ownership details.

On 24 April 2015, correspondence was received from the Department of Lands advising that further investigations including but not limited to consideration of any native title implications and it needed to be satisfied that sufficient community consultation had occurred or evidence provided that the land is no longer required since the reserve was originally created for the benefit of the wider community. The Department also required additional information on what is proposed for the land once it is disposed of and to what future use the land would be subjected to.

On 10 November 2016, the Shire of Dalwallinu responded to the correspondence dated 24 April 2015, advising that the Shire wished to purchase the land to provide for future development of the community of Pithara and that interest had been expressed to the Shire to utilise the land and existing structures for commercial activities. Consultation was conducted with the community through local weekly newsletters published in the Totally Locally and Kalannie Kapers. The information was also published on the Shire website. There were no submissions received after the closing date.

On 21 February 2017, the Shire of Dalwallinu followed up on the progress of this matter and was advised that the Department of Lands had been instructed to seek formal 'Executive' level approval of the land valuations provided by Landgate Valuation Services. Subject to approval being given the Shire would be provided with an update.

On 7 April 2017, correspondence was received from the Department of Lands advising that the valuation for Reserve 25571 had been approved and advised that the purchase price for the land comprising the Reserve was \$12,000 inclusive of GST. Subject to the Shire providing written advice that it wishes to proceed with the purchase of the land, being the existing reserve less land required by MRWA for its purposes, DoL can then progress its formal approvals process, which involves seeking Executive Director Approval for the sale price. In addition to the cost of the reserve the Shire would be responsible for survey costs for the land, including plan preparation and Landgate plan lodging, audit fees and DoL document preparation fees and Landgate registrations fees.

On receipt of the above correspondence, quotes were sought from two (2) licensed surveyors to undertake the required works. One quote was \$12,830 ex GST and the other was \$6,733 ex GST.

Mr Paul Oliver was contacted to advise him that approval had been given for the Shire to purchase the reserve and that the Shire would also be responsible to pay for the survey costs and seeking confirmation that he was still interested in purchasing the reserve. Mr Oliver indicated he was interested and he was advised by the Chief Executive Officer that Council was happy to negotiate the sale as long as the Shire was not out of pocket. Mr Oliver was advised to submit an offer for the purchase of Reserve 25571 in writing for presentation to Council.

On 11 August 2017, an email was received from Mr Paul Oliver offering an amount of \$18,733 plus GST if applicable. GST is applicable to vacant land.

Council considered Mr Oliver's proposal at the Ordinary Meeting of Council held 26 September 2017 and resolved the following:

MOTION 9009

Moved Cr RS Nixon
Seconded Cr NW Mills

That Council:

1. *Prior to initiating the sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara seek payment in full of \$18,733 plus GST from Mr Paul Oliver;*
2. *Authorise the Chief Executive Officer to advise the Department of Lands to proceed with the sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara to the Shire of Dalwallinu for the amount of \$12,000 inc GST;*
3. *Authorise the Chief Executive Officer to engage FM Surveys to undertake the required survey works to Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara ;*
4. *Once Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara has been converted to freehold land in the name of Shire of Dalwallinu, accept the offer from Mr Paul Oliver to purchase Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara for the amount of \$18,733 plus GST*

5. *Direct the Chief Executive Officer to carry out the disposal of land as per the requirements of the Local Government Act 1995;*
6. *Subject to not receiving any submissions, authorise the Chief Executive Officer to finalise the disposal of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara.*

CARRIED BY ABSOLUTE MAJORITY 5/0

Several attempts were made to contact Mr Oliver to initiate the purchase of Reserve 25571, however, Mr Oliver did not respond to any of the emails.

At the Ordinary Meeting of Council held 28 November 2017, Council resolved the following:

MOTION 8944

Moved Cr AR Dickins
Seconded Cr KJ Christian

That Council:

1. *Withdraw the offer made to Mr Paul Oliver to purchase Reserve 15571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara as resolved at the Ordinary Council Meeting held 26 September 2017 (Motion 9009);*
2. *Direct the Chief Executive Officer to advise Mr Paul Oliver of point 1 above.*

CARRIED BY ABSOLUTE MAJORITY 9/0

An email was forwarded to Mr Paul Oliver on 29 November 2017 advising of Council's intention to withdraw the offer to purchase.

The Chief Executive Officer met with Mr Fuller on 30 November 2017 to discuss Mr Fuller's interest and he was advised to put his expression of interest in writing to Council. During this meeting Mr Fuller was advised of the survey requirements required for this land acquisition.

Correspondence was received from Mr John Fuller on 4 December 2017, expressing his interest in purchasing Reserve 25571 (Pithara Bowling Club) for the sum of \$18,500 plus GST.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – section 3.58

Strategic Implications

Shire of Dalwallinu Strategic Community Plan 2017-2027

Outcome 2.1 – A growing Shire population

2.1.1 – Improve and encourage additional accommodation for single workers and families

Sustainability Implications

Environment

Nil

Economic

The conversion of this Reserve to freehold will create additional rates for the Shire.

Social

Nil

Financial Implications

There has been no allowance in the 2017-2018 budget for the purchase and sale of this land. This can be accounted for during the budget review in February 2018.

Cost of Land	10,909.09
Surveying Costs	6,733.00
Landgate Fees	300.80
Settlement Fees	1,000.00 (estimated)
Valuation Fees	1,300.00 (estimated)
Total:	20,242.89

The offer from Mr Fuller is \$18,500 which leaves a shortfall of an estimated \$1,742.89.

Comment

In order for Mr Fuller to secure this reserve as freehold land, the Shire of Dalwallinu is required to purchase the reserve from the Department of Lands and then on sell to Mr Fuller. Section 3.58 of the *Local Government Act 1995* will apply once the land is in the Shire of Dalwallinu name. This will require the offer being accepted by Council and the disposal of the property being advertised for a minimum of fourteen (14) days seeking submissions on the disposal. As per the Act, a market valuation is required to be obtained hence the additional \$1,300 in fees stated above.

It is the Officer's recommendation that Council request the payment of \$18,500 plus GST prior to initiating the transaction to ensure that Council is not left with land that it has no use for. These funds will be placed in a trust account in the name of Mr Fuller and be used to fund the transaction as and when required. Without the upfront payment Council will be taking 100% of the risk.

Officer/Committee Recommendation/Resolution

MOTION 9076

Moved Cr KM McNeill

Seconded Cr BH Boys

That Council:

1. Prior to initiating the sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara seek payment in full of \$18,500 plus GST from Mr John Fuller;
2. Authorise the Chief Executive Officer to advise the Department of Lands to proceed with the sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara to the Shire of Dalwallinu for the amount of \$12,000 inc GST;
3. Authorise the Chief Executive Officer to engage FM Surveys to undertake the required survey works to Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara ;
4. Once Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara has been converted to freehold land in the name of Shire of Dalwallinu, accept the offer from Mr John Fuller to purchase Reserve 25571(Pithara Bowling Club), Lot 104 Leahy Street, Pithara for the amount of \$18,500 plus GST;
5. Direct the Chief Executive Officer to carry out the disposal of land as per the requirements of the *Local Government Act 1995*;
6. Subject to not receiving any submissions, authorise the Chief Executive Officer to finalise the disposal of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara;
7. Authorise the Shire President and Chief Executive Officer to affix the Common Seal to any documentation relating to the purchase and/or sale of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara;
8. Amend the 2017-2018 budget to reflect the purchase and disposal of Reserve 25571 (Pithara Bowling Club), Lot 104 Leahy Street, Pithara.

CARRIED BY ABSOLUTE MAJORITY 9/0

9.2.5 Asset Management Plan 2017 – 2037 and Corporate Business Plan 2017-2021

Report Date:	19 December 2017
Applicant:	Shire of Dalwallinu
File Ref:	GR/10 – Local & Regional Liaison
Previous Meeting Reference:	F&A Committee Meeting – 12 December 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. Asset Management Plan 2017 – 2037 2. Corporate Business Plan 2017 – 2021

Purpose of Report

To review the draft Shire of Dalwallinu Asset Management Plan 2017 - 2037 as an informing strategy to the Corporate Business Plan. The intent is to present this document to the Full Council having it adopted at the 19 December 2017 Ordinary Council Meeting in conjunction with the Shire of Dalwallinu Corporate Business Plan 2017 – 2021.

Background

On the 26 September 2017 Council adopted the Shire of Dalwallinu Strategic Community Plan 2017 - 2027.

The *Local Government Act 1995* requires Councils to plan for the future and include a Corporate Business Plan (CBP) along with the Strategic Community Plan (SCP).

The consultancy firm Core Business Australia were engaged to assist with the Asset Management Plan (AMP).

Policy Requirements

There are no policy implications relevant to this item. The Asset Management Plan will feed into the Corporate Business Plan and assist in shaping future policy.

Legislative Requirements

Local Government Act 1995

The Local Government (Administration) Regulations 1995 section S5.56(1)

Strategic Implications

These documents will be the guide and set the strategic direction for the Shire in relation to asset management and community strategic issues.

Sustainability Implications

Environment

Environmental issues have been addressed in the Strategic Community Plan.

Economic

Economic issues have been addressed in the Strategic Community Plan.

Social

Social issues have been addressed in the Strategic Community Plan.

Financial Implications

The costs of providing these reports have been included in the Shire of Dalwallinu Budget 2017/2018.

Comment

A complete analysis has been carried out by the senior management staff in consultation with Core Business Australia to ensure all relevant areas that have been legislated are compliant.

The Corporate Business Plan is a four year plan that will be reviewed annually. The Plan identifies and prioritises the principal strategies and activities the Shire will be undertaking with reference to the aspirations and objectives as outlined in the Strategic Community Plan.

The Corporate Business Plan outlines the services, operations and projects that will be delivered over the life of the Plan and the method of delivering these initiatives, with the associated costs.

The Plan will be a critical document that allows the Shire to strive towards providing sustainable assets and services to its community, and to undertake works in a prioritised and planned process. It is the centre piece of the Integrated Planning & Reporting Framework as it is linked to each of the other integrated plans and strategies.

The Corporate Business Plan is a dynamic, living document that is reviewed annually and amended according to the minor and major review cycles of the Strategic Community Plan, as well as any internal or external considerations that will have an impact in the near future. It currently contains a four year program of works inclusive of staffing costs.

Officer/Committee Recommendation/Resolution

MOTION 9077

Moved Cr AR Dickins

Seconded Cr KL Carter

That the Shire of Dalwallinu Asset Management Plan 2017 - 2037 and the Corporate Business Plan 2017 – 2021 as presented be adopted.

CARRIED 9/0

9.2.6 A8942 McConnell St Pithara - unpaid rates

Report Date:	19 December 2017
Applicant:	Shire of Dalwallinu
File Ref:	CP/1 – Acquisition and Disposal of Properties
Previous Meeting Reference:	F&A Committee Meeting – 12 December 20
Author:	Christie Andrews, Finance Officer
Senior Officer:	Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Absolute Majority
Disclosure of Interest:	Nil
Attachments:	Email from Laurie Harrington

Purpose of Report

Council is requested to acquire the property at 38 McConnell Street, Pithara in exchange for outstanding rates.

Background

Assessment Number A8942 relates to the property at 38 McConnell Street, Pithara and is currently owned by The Estate of Reginald Douglas Harrington. Outstanding Rates and Legal fees are amounting to \$3,750.38 as at 30 November 2017.

Mr Harrington handed the title deeds and the property over to the Catholic Church in 1948. As churches are exempt from rates, the Catholic Church only paid the emergency services levy on the property until 2015 when it was discovered the Catholic Church did not own the property. Attempts to recover the outstanding rates including legal action have resulted in the discovery of the death of Mr Harrington some 18 years ago.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – Section 3.55

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Acquisition of the property will impact the land assets and require around \$3,800 additional expenditure.

Comment

It is understood that the costs of acquisition could be reduced by completing a “contract for sale of land by offer and acceptance” instead of using a settlement agent. The family of Mr Harrington do not wish to acquire the property nor pay the debt. With this in mind the alternative may end up with additional legal costs and a necessity to write off the whole debt. Purchasing the land would allow for the Shire to dispose of it more appropriately at a later date.

Officer/Committee Recommendation/Resolution**MOTION 9078**

Moved Cr KM McNeill

Seconded Cr NW Mills

That Council direct the Chief Executive Officer to enter into a Contract for sale of land by offer and acceptance with Mr Laurie Harrington son of Reginald Harrington for the amount of rates owing on assessment A8942.

CARRIED BY ABSOLUTE MAJORITY 9/0

4.08pm Cr KJ Christian declared a financial interest and left the Council Chambers.

9.2.7 Request for Hall Hire Concession

Report Date:	19 December 2017
Applicant:	DM Dance & Fitness
File Ref:	CR/1 – Community Relations
Previous Meeting Reference:	F&A Committee Meeting – 12 December 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 DM Dance & Fitness

Purpose of Report

For Council to consider a request from Dayna Christian (DM Dance & Fitness) to grant a concession on the hire fees for the Dalwallinu Town Hall and the dance room located within the Dalwallinu Discovery Centre (DDC).

Background

In previous years, Council has charged the former Dalwallinu Dance Group as per Council's Fees & Charges, \$29 per day for the use of the Dalwallinu Town Hall and \$78 per day for the use of the dance room at the DDC. These fees were based on the 'Community' rate.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – s6.12

Strategic Implications

Shire of Dalwallinu Strategic Community Plan 2017-2027

Outcome 1.4 – Improved youth activities and services

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Engaging youth in fitness and dance may have a positive impact on the social wellbeing of the youth in the community.

Financial Implications

Should Council support the Officer recommendation there will be a loss of revenue from fees associated with the hire of the Dalwallinu Town Hall.

Comment

The concessions granted previously to the Dalwallinu Dance Group were due to the group being a community group. The applicant is starting up a private business aimed at engaging youth in fitness and dance.

The commencement of a program for youth in the community to be able to participate in fitness and dance will give the youth an activity to participate in out of school hours. The applicant envisages some 100 participants per day in these classes.

The applicant proposes to run dance classes on a Wednesday between 3pm – 8.30pm. She has indicated that if a concession is granted these facilities may be used up to three times a week.

As this is a private business, but benefiting the youth in the community, it is the Officer's Recommendation that a concession similar to the former dance group be granted.

Proposed fees to be charged to DM Dance & Fitness:

Hire of Dalwallinu Town Hall \$29 per day (concession of \$116 per day) (as per 17/18 Fees & Charges)

Hire of Dance Room (DDC) \$78 per day (nil concession) (as per 17/18 Fees & Charges)

Officer/Committee Recommendation/Resolution

MOTION 9079

Moved Cr KL Carter
Seconded Cr AR Dickins

That Council:

1. Grant a concession to DM Dance & Fitness for the use of the Dalwallinu Town Hall, to be charged at the daily rate for a community group as per the current Shire of Dalwallinu Fees & Charges Schedule, subject to the hirer cleaning the hall after each use;
2. Direct the Chief Executive Officer to advise DM Dance & Fitness that no concession is granted on the hire fee for the dance room located within the Dalwallinu Discovery Centre.

CARRIED 8/0

4.12pm Cr KJ Christian returned to the Council Chambers.

9.3 MATTERS FOR CONSIDERATION – WORKS

9.3.1 Great Northern Highway Widening and Realignment – Dalwallinu to Wubin

Report Date:	19 December 2017
Applicant:	Main Roads WA
File Ref:	RO/16
Previous Meeting Reference:	W&P Committee Meeting – 12 December 2017
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	MRWA drawings 1760-018, 1760-018-1,1760-019,1760-020,1760-021, 1760-022-1, 1760-023, 1760-024, 1760-025, 1760-026-1

Purpose of Report

Council is requested to consider the correspondence received from Main Roads WA in relation to the widening and realignment of Great Northern Highway between Dalwallinu and Wubin.

Background

Main Roads WA as part of the Perth to Darwin National Highway project, will be upgrading and realigning the Great Northern Highway between Dalwallinu to Wubin.

The proposed works will require widening of the highway, construction of new intersections and roads, and closure and disposal of a redundant section of an existing road. The works are expected to commence late 2018.

The land requirements for the project are depicted on the Main Roads drawings attached.

Policy Requirements

Nil

Legislative Requirements

Land Administration Act 1997

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Unknown

Social

Nil

Financial Implications

Nil. Main Roads WA will pay the costs associated with the road closure and dedications.

Comment

The proposed works will affect several freehold and Crown land parcels, including land under the Shire of Dalwallinu's control.

Land from a portion of Reserves 27482 and 37517 are required for road widening purposes. Also, it is proposed to realign the existing intersection of Peterson Road, Wubin to a new safer alignment. The redundant section of road is proposed to be closed and amalgamated into the adjoining freehold property.

Reserve 27482 is set aside for the purpose of 'Recreation', with a vesting or management order in favour of the Shire. The portion of Reserve 27482 required is shown as item 2 on drawing 1760-020.

Reserve 37517 is set aside for the purpose of 'Rubbish Disposal Site Sewerage Disposal' with a vesting or management order in favour of the Shire. The portion of Reserve 37517 required is shown on drawing 1760-026-1.

Land is also required from Lot 597 abutting Reserve 27482. A Notice of Intention to Take (NOITT) document L953004 is registered over the title for Lot 597. The period of currency for the NOITT lapsed on 1 June 2015. The purpose of the NPITT is 'Caravan Park' for the amalgamation and expansion into the Shire's adjoining caravan park.

Main Roads are confirming whether Council have any objections to the alignment of the proposed intersection through Lot 597. If Council support the alignment, Main Roads seek confirmation so they can provide instructions to the Department of Planning, Lands and Heritage on behalf of the Shire to remove NOITT L953004 from the title of Lot 597.

With respect to Reserves 27482 and 37517, it is possible that the reserve amendments and dedications may not be finalised prior to Main Roads WA requiring access to the land to commence construction works. Should that situation arise, Main Roads WA are seeking approval from Council for Main Roads and its contractors to enter onto the land to carry out construction works.

Officer /Committee Recommendation/Resolution

MOTION 9080

Moved Cr KL Carter
Seconded Cr NW Mills

That Council:

1. Consent to the excision and dedication of the land shown on Main Roads drawing 1760-020 from Reserve 27482;
2. Consent to the excision and dedication of the land shown on Main Roads drawing 1760-026-1 from Reserve 37517;
3. Consent to the dedication of the roads and road widening's as shown on Main Roads drawing numbers 1760-018-1, 1760-019, 1760-020, 1760-021, 1760-022-1, 1760-023, 1760-024, 1760-025 and 1760-026-1 pursuant to section 56 of the *Land Administration Act 1997 (LAA)*;
4. Support the closure of Peterson Road as shown on Main Roads drawing 1760-022-1, and for the closed road to be amalgamated into the adjoining freehold land;
5. Advertise the proposal for the road closure of Peterson Road in accordance with section 58 of the LAA, and subject to no objections being received, request the Minister of Lands to close the road pursuant to section 58 of the LAA;
6. Request the Department of Planning, Lands and Heritage to arrange the removal of lapsed Notice of Intention to Take L953004, over Lot 597 on Deposit Plan 194974, from Crown land Certificate of Title Volume 3159 Folio 893; and
7. Consent to Main Roads WA and its contractors to enter onto the portion of Reserve 27482 and 37517 depicted on Main Roads drawings 1760-020 and 176-026-1, to carry out any works required in association with the widening and realignment of the Great Northern Highway, if construction works commence prior to the finalisation of the excision and dedication from the reserves.

CARRIED 9/0

9.4 MATTERS FOR CONSIDERATION – ADMINISTRATION

9.4.1 Provision of Licensing Services

Report Date:	19 December 2017
Applicant:	Shire of Dalwallinu
File Ref:	CS/22 – Community Services - Licensing
Previous Meeting Reference:	Nil
Author:	Jean Sutherland, Chief Executive Officer
Senior Officer:	Jean Sutherland, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Licensing Agreement

Purpose of Report

Council is requested to enter into another five (5) year agreement with the Department of Transport for the provision of licensing services.

Background

The current agreement with the Department of Transport expires on 31 December 2017. In order to continue providing these services to the community a new agreement is required to be signed.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 – s9.49a

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil. Revenue and expenses associated with the provision of licensing services has been accounted for in the current budget.

Comment

The new contract with the Department of Transport will expire on 31 December 2022.

The provision of licensing services is a vital service for communities in rural areas.

Officer Recommendation /Resolution**MOTION 9081**

Moved Cr AR Dickins
Seconded Cr KM McNeill

That Council authorise the Shire President and Chief Executive Officer to sign and affix the common seal to the agreement with the Department of Transport for the provision of licensing services for a five (5) year period expiring on 31 December 2022.

CARRIED 9/0

10 APPLICATIONS FOR LEAVE OF ABSENCE

10.1 Cr JA Huggett – 27 February 2018 and 27 March 2018

MOTION 8-9082

Moved Cr AR Dickins

Seconded Cr KM McNeill

That the application for leave of absence of Cr JA Huggett to the Ordinary Meetings of Council to be held on 27 February 2018 and 27 March 2018 at Council Chambers, Dalwallinu be approved.

CARRIED 9/0

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)

Nil

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

Nil

15 SCHEDULING OF MEETING

MOTION 9083

Moved Cr AR Dickins
Seconded Cr KM McNeill

That an Ordinary Meeting of Council be held on 27 February 2018 at Council Chambers, Dalwallinu commencing at 3.30pm.

CARRIED 9/0

16 CLOSURE

There being no further business, the Chairperson closed the meeting at 4.16pm.

17 CERTIFICATION

I, **Steven Clifford CARTER**, certify that the Minutes of the meeting held on 19 December 2017, as shown on page numbers 1 to 50 were confirmed as a true record at the meeting held on 27 February 2018.

CHAIRPERSON

DATE