



## Ordinary Council Minutes

Tuesday, 27 August 2019 at 3.30pm

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## **SHIRE OF DALWALLINU**

**AGENDA** for the Ordinary Meeting of Council to be held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday, 27 August 2019, commencing at 3.30pm.

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

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

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

### **3 ATTENDANCE RECORD**

#### **3.1 Present**

Shire President	Cr SC Carter
Deputy President	Cr KL Carter
	Cr GH Sanderson
	Cr KM McNeill
	Cr KJ Christian
	Cr JA Huggett
	Cr BH Boys
Chief Executive Officer	Mrs JM Knight
Executive Assistant	Ms EJ Dutton
Manager Planning & Development	Mr D Burke (3.30pm – 4.00pm)
	Mr Richard Sykes (3.30pm – 3.46pm)
	Mr Sam Sprigg (3.30pm – 3.58pm)

#### **3.2 Apologies**

Deputy Chief Executive Officer	Mr KT Jones
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#### **3.3 Leave Of Absence Previously Granted**

Cr NW Mills

### **4 DECLARATIONS OF INTEREST**

Nil

### **5 PUBLIC QUESTION TIME**

Nil

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

Nil

## **5.2 Public Question Time**

Nil

## **6 MINUTES OF PREVIOUS MEETINGS**

### **6.1 Ordinary Council Meeting – 23 July 2019**

#### **MOTION 9407**

Moved Cr JA Huggett

Seconded Cr BH Boys

That the Minutes of the Ordinary Meeting of Council held 23 July 2019 be confirmed.

**CARRIED 8/0**

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

### **7.1 Petitions**

Nil

### **7.2 Presentations**

Nil

### **7.3 Deputations**

Mr Richard Sykes, Chief Executive Officer of Panaceum Group - Item 14.1

Mr Sam Sprigg of Coerco - Item 9.2.3

### **7.4 Delegates Reports/Submissions**

Nil

## **8 METHOD OF DEALING WITH AGENDA BUSINESS (SHOW OF HANDS)**

## 9 REPORTS

### 9.2 PLANNING & DEVELOPMENT SERVICES

#### 9.2.1 Draft Amendment to the Local Planning Scheme: Amendment No5\*

<b>Report date</b>	27 August 2019
<b>Applicant</b>	PlanWest PL <i>obo</i> Cooperative Bulk Handling (CBH)
<b>File ref</b>	Property files (A980)
<b>Previous Meeting Reference</b>	OCM 28 May 2019 (M9353)
<b>Prepared by</b>	Doug Burke, Manager Planning & Development Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Proposal for amendment to the local planning scheme

#### **Purpose of Report**

For Council to consider Scheme Amendment No.5 to the *Shire of Dalwallinu Planning Scheme No. 2* (Planning Scheme) following public advertising.

The recommendation is that Council adopt the proposal as a draft amendment to the Planning Scheme and advise the Western Australia Planning Commission of such.

#### **Background**

Subject Property:	Lot 12 on Deposited Plan 7686 – Bell Rd, Dalwallinu
Land Use Zoning:	Reserve ‘Public Purposes’
Property Owner:	Cooperative Bulk Handling (CBH)
Applicant:	Planwest P/L
Consent Authority:	Western Australia Planning Commission

The following resolution was made at the meeting held 28 May 2019.

#### **‘MOTION 9353**

*Moved*                      *Cr NW Mills*  
*Seconded*                *Cr BH Boys*

*That Council adopt the proposed amendment (Amendment No 4) to the Shire of Dalwallinu Town Planning Scheme No 2 for the purpose of reclassifying:*

- *That portion of Lot 12 DP 76386 Bell Road, Dalwallinu (McLevie) 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; and
- (c) the amendment is not a complex or basic amendment.

**CARRIED 9/0'**

The amendment was advertised for public comment for a period for 42 days, ending 7 August 2019. Two submissions were received during the advertising period. Both submissions were received from public authorities in support of the proposed amendment.

*"In response to the information provided, the Department of Primary Industries and Regional Development does not object to the proposed rezoning."* (Angela Stuart-Street, Research Officer Land and Water Assessment Sustainability and Biosecurity)

*"Further to your correspondence and attachments of 24 June 2019 Main Roads has examined the proposal to rezone Lot 12 from Public Purposes to Rural Zone and from the information provided has determined that the proposal does not appear to result in any impacts to the Main Roads network. Therefore Main Roads has no objections or comments relating to the re-zoning."* (Janet Hartley-West, Network Manager Wheatbelt)

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Planning & Development Act 2005*

*Planning & Development (Local Planning Schemes) Regulation 2015*

##### Local

*Shire of Dalwallinu Town Planning Scheme No. 2*

#### **Policy Implications**

Nil

#### **Financial Implications**

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

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

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



### Social implications

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

### Environmental implications

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

### **Officer Comment**

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.

Before the end of the consideration period for a standard amendment to a local planning scheme Council must pass a resolution —

- (a) to support the amendment without modification; or
- (b) to support the amendment with proposed modifications to address issues raised in the submissions; or
- (c) not to support the amendment.

## Officer Recommendation/Resolution

### **MOTION 9408**

Moved            Cr AR Dickins  
Seconded       Cr KL Carter

That Council resolve to:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, support Amendment N° 5 to the *Shire of Dalwallinu Local Planning Scheme N°2* to:  
Amend the scheme map to rezone the following property:
  - Lot 12 on Deposited Plan 7686 – Bell Rd, Dalwallinu       from ‘Reserve – Public Purposes’ to ‘Rural’ as depicted on the Scheme Amendment map;
2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the documents associated with Amendment N° 5 to the *Shire of Dalwallinu Local Planning Scheme N°2*;
3. Pursuant to Part 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, forward Amendment N° 5 and Council’s decision to the Western Australian Planning Commission for consideration.

**CARRIED 8/0**

## 9.2.2 Proposed Road Closure – Huggett Drive, Dalwallinu\*

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Shire of Dalwallinu
<b>File ref</b>	RO/9 – Road Closures
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Doug Burke, Manager Planning & Development Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Correspondence and plan of proposed road closure

### **Purpose of Report**

For Council to consider a permanent road closure of parts of Huggett Drive, Dalwallinu as indicated on the attached plan.

### **Background**

The Shire has been approached by adjoining landholders to consider the permanent closure of a part of Huggett Drive. The rationale is that they then may approach the Department of Planning, Lands & Heritage with the option of purchasing those portions of road reserve no longer needed as a carriageway.

### **Consultation**

Owners of Huggett Drive properties  
Chief Executive Officer

### **Legislative Implications**

#### State

*Land Administration Act 1997*

### **Policy Implications**

Nil

### **Financial Implications**

The Shire will respond to the request to instigate the process of road closure with the understanding that all disbursements will be reimbursed/covered by Dallcon and Arro Enterprises.

### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection undertaken: Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

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

### Environmental implications

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

### **Officer Comment**

Rikky Sprigg of Dallcon and Andrew Peterson of Arro Enterprises have indicated in writing their interest in the possible purchase and sublimation of portions of the Huggett Drive Road reserve.

It has been noted that Huggett Drive road reserve was designed as a highway corridor to provide a potential alternative link for the Great Northern Highway. Main Roads have indicated that that option is no longer considered.

It is proposed to reduce the indicated sections of the Huggett Drive road reserve from a nominal 40 metre width to that of a local road, being 21 metres. None of the existing verge on the northern side of the road reserve or any sealed section of the road will be adversely affected by the partial road closure.

The process for closing roads is guided by s.58 of the *Land Administration Act 1997* and requires that the Shire first advertise the proposal for a period of at least 35 days before advising the relevant Minister of any resolution to close the road permanently.

The proposed road closure will be restricted to those portions of the road reserve adjacent to Lots 802, 803, 804 (Dallcon) and Lot 805 (Arro Enterprises), as indicated on the attached plan.

### **Officer Recommendation/Resolution**

#### **MOTION 9409**

Moved            Cr KL Carter  
Seconded       Cr BH Boys

That Council:

1. Direct the Chief Executive Officer to advertise in the local newspaper the proposed permanent road closure of those portions of Huggett Drive, Dalwallinu as indicated on the annexure;
2. Direct the Chief Executive Officer to report to the Council at the conclusion of the advertising period.

**CARRIED 8/0**

### 9.2.3 Development Application (DA 241819) General Industry\*

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Bradley Sprigg
<b>File ref</b>	A74701
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Doug Burke, Manager Planning & Development Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Documents supporting the application

#### **Purpose of Report**

For the Council to consider an application for approval to allow for the proposed development of a 'workshop for general purpose manufacturing/recycling' on the subject land as submitted by the applicant on 2 April 2019.

The proposed development requires discretionary approval from the council.

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

#### **Background**

Subject Property:	Lot 3 Harris Street, Dalwallinu
Land Use Zoning:	General Industry
Property Owner:	B & P Sprigg
Applicant:	Bradley Sprigg
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Industry - General
Value of Development:	\$55K
Outside Consultation:	Nil



*Location of subject development site (SynergySoft)*

The proposal is for the development of a number of industrial workshops and ancillary outbuildings. The development will be undertaken in stages with Stage 1 consisting of 'Proposed Shed N° 1, Proposed Dome Shelter, Proposed Transportable Office and Ablution Building. No time frame has been given for subsequent stages of development.

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

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

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

The subject property is zoned 'General Industry' under the *Shire of Dalwallinu Planning Scheme N° 2*. General industry requires the discretionary approval of the local government.

It is understood that the property may be utilised, in part, as the site of operations for Plastic Processing WA P/L, an entity that has a close association with Coerco. Coerco is an established

company based in Dalwallinu that provides injection moulded plastic product to the general market. Plastic Processing WA provides recycled raw material to Coerco.

## Consultation

Nil

## Legislative Implications

### State

#### *Planning and Development Act 2005*

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

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

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	<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 General Industry Zone is:</p> <p>'To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations may need to be separated from residential and other sensitive areas.'</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 Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	<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>
Any approved State planning policy	Nil identified

Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	Nil identified.
Any policy of the Commission	Nil applicable
Any policy of the State	Nil applicable
Any local planning policy for the Scheme area	Nil applicable
Any structure plan, activity centre plan or local development plan that relates to the development	Nil applicable
Any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Nil applicable
In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	Not applicable
The built heritage conservation of any place that is of cultural significance;	No items of cultural significance noted
The effect of the proposal on the cultural heritage significance of the area in which the development is located;	Nil impact
The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the effect of the height, bulk, scale, orientation and appearance of the development	The proposed development is regarded as being suitable in the context of its siting, previous land use and proximity to sensitive land use on adjoining land.
The amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development	Nil issues identified
The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	<p>Nil impact.</p> <p>There is storm water drainage infrastructure located along the southern boundary that services a large portion of the Dalwallinu township.</p> <p>It is envisaged that any storm water runoff from the development will be directed to this drainage channel.</p>



	Rainwater harvesting would be encouraged.
Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	<p>An objective requirement for the land use zone is:</p> <p><i>‘To encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.’</i></p> <p>The planning scheme requires general industry development to include a minimum 15% of lot to be landscaped area. The proposal includes an allocated 688m<sup>2</sup> of soft landscaping (4.6% of plot)</p> <p>There is no evidence of significant trees or other vegetation of note that should be retained.</p>
The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	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 issues have been identified.
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	<p>Frontage to a sealed road (Harris Street &amp; Dowie Street).</p> <p>The development will allow for a number of options for vehicular parking onsite.</p>
The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	Employee vehicles and those commercial vehicles required to deliver raw material and retrieve and transport any finished product.
The availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	<p>No public transport services available.</p> <p>Electricity and potable water are available.</p> <p>The site has access to the sewerage system</p> <p>Solid waste can be adequately stored and removed from site.</p>
The potential loss of any community service or benefit resulting from the development other than potential loss	Nil impact anticipated.

that may result from economic competition between new and existing businesses	
The history of the site where the development is to be located	The property has had a mixed history of land use. The majority of the site was used as the caravan park overflow area. A smaller portion was used by Main Roads as a depot for vehicles and raw material dump.
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	Endangered flora in the adjacent road reserve

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Yes

#### **Triple Bottom Line Assessment**

##### Economic implications

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

##### Social implications

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

##### Environmental implications

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

#### **Officer Comment**

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Act and associated regulations;
- A site inspection was conducted and consideration has been given to the potential impacts upon all lands adjoining or located nearby.

The planning scheme contains a section that outlines the general development requirements for new construction. A defined table that supports that section lists those development controls that pertain to particular types of development.

The proposed development satisfies the prescribed development standards as regards all metrics except landscaped areas. The plan of proposed development indicates that the periphery of the site adjoining the road reserve will be used for landscaping. No other detail has been provided other than that it will be a nominal 3000mm wide and will include 2100mm high cyclone fencing and, where required, be supported by a concrete retaining wall.

The planning scheme prescribes a minimum landscaped area of 15% of the site. Lot 3 is 14, 852m<sup>2</sup>, thus the minimum area of landscaping should be 2,228m<sup>2</sup>. The plan of proposed development only allows for a total of 688m<sup>2</sup>.

The planning scheme allows for variations to be made to a development standard *‘if the local government sees fit’* and is satisfied that the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the area.

The site, other than the caravan park, is the only property that has access to the sewerage system within the industrial estate. A major concern to the Shire, as the owner and operator of the system, is the influence of trade waste on the system’s functionality.

Trade waste is liquid wastewater from a commercial or industrial entity that enters the sewer system. To protect the sewer system, some trade waste may need to be treated before it is discharged. Treatment might include removing harmful chemicals or fats or can correct the characteristics of the wastewater, like its pH or temperature.

At the ordinary meeting of the Council in August 2000, it was resolved that:

*“That the use of skid mounted transportable units as an ablution block will not be approved as the materials are not in keeping with the general amenity of the area.”*

Recently it has been observed that a skid mounted transportable unit has been set up on site and plumbed into the sewerage system (refer to attached photograph). This has been designated on the plan of proposed development as being an ‘Ablution Building 1 x 20 Sea Container’.

## **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 9410**

Moved                      Cr AR Dickins  
Seconded                Cr BH Boys

That Council approve the development application (DA 241819) for Lot 3 Harris Street, Dalwallinu, pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:

1. The development is to be carried out in accordance with the documents endorsed with the Shire's stamp, except where amended by other conditions of this consent. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency;
2. Without further approval from Shire of Dalwallinu Council, in writing, this approval will lapse and have no force or effect after two years of the date of this permit;
3. Suitable arrangements being made with the Shire for the provision of vehicular crossover(s) to service the lot shown on the approved plan of development (Shire of Dalwallinu Policy 5.7 - *Property Access and Crossovers*). Crossover to be located and constructed to the specifications and satisfaction of the Shire's Manager Works and Services;
4. A landscape plan is to be submitted to the Shire for approval before the development may commence. The landscape plan is to include a practical water-harvesting and re-use management system;
5. Landscaping areas, vehicle parking spaces, crossovers, etc. are to be installed prior to occupying the proposed development and maintained thereafter by the owner/occupier to the satisfaction of the Shire;
6. No trade waste is to be discharged into the sewerage system without the written approval of the Chief Executive Officer;
7. Onsite operations involving heavy machinery will be limited to the hours between 7.00am and 7.00pm, Monday through to Saturday. Heavy machinery may not be operated outside these hours or on public Holidays unless it can be demonstrated that the heavy machinery can be operated in compliance with the 'Assigned Levels' in the *Environmental Protection (Noise) Regulations 1997*.
8. The existing ablutions (marked on the site plan as 'Ablution Building 1 x 20 Sea Container') will be removed from the site on completion of Stage 1 of the development project.

**CARRIED 8/0**

#### **9.2.4 Development Application (DA 011920) Fuel Depot\***

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Lance Burns
<b>File ref</b>	A71402
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Doug Burke, Manager Planning & Development
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Documents supporting the application

#### **Purpose of Report**

For the Council to consider an application for approval to allow for the proposed development of a 'fuel depot' on the subject land as submitted by the applicant on 24 July 2019.

The proposed development requires discretionary approval from Council.

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

#### **Background**

Subject Property:	Lot 36 Sanderson Terrace, Kalannie
Land Use Zoning:	General Industry
Property Owner:	T & C Stanley
Applicant:	Lance Burns <i>obo</i> WA Fuels
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Fuel Depot
Value of Development:	\$375K
Outside Consultation:	The adjoining neighbours were advised of the proposed development and given nine days to provide a submission.

The proposal is for the development of a Fuel Depot that will have a manifest of diesel contained within two x 110,000 litre self-bunded tanks and a 10,000 litre self-bunded tank containing petrol. The fuel depot will be supported by an office and associated amenities.

The site has historically being used for residential purposes as evidenced by the existing dwelling at the western end of the block. The property has frontage onto Sanderson Terrace, which is sealed, and Warren Way, which is unsealed.

The property is 12,343m<sup>2</sup> in area, and is adjoined by similar sized blocks of land that are commonly zoned 'General Industry'.

A Fuel Depot is defined under the *Planning and Development (Local Planning Schemes) Regulation 2015* as being:

***fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —***

- (a) as a service station; or***
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle.***

The subject property is zoned 'General Industry' under the *Shire of Dalwallinu Planning Scheme N° 2*. The development of a Fuel Depot requires the discretionary approval of the local government.



*Location of subject development site (SynergySoft)*

## **Consultation**

Nil

## **Legislative Implications**

### State

*Planning and Development Act 2005*

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

In considering an application for development approval Council is to have due regard to the following matters to the extent that, in the opinion of Council, those matters that are relevant to the

development the subject of the application. In assessing the development application, the matters listed in Section 67 of the *Planning and Development (Local Planning Schemes) Regulation 2015* have been taken into consideration for the preparation of this report and are addressed as follows:

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	<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 General Industry Zone is:</p> <p>'To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations may need to be separated from residential and other sensitive areas.'</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 Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	<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>
Any approved State planning policy	Nil identified
Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	Nil identified.
Any policy of the Commission	Nil applicable
Any policy of the State	Nil applicable
Any local planning policy for the Scheme area	Nil applicable
Any structure plan, activity centre plan or local development plan that relates to the development	Nil applicable
Any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Nil applicable
In the case of land reserved under this Scheme, the objectives for the reserve	Not applicable

and the additional and permitted uses identified in this Scheme for the reserve	
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 amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development	Nil issues identified
The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	Nil impact.  The design has been undertaken by an accredited consultant that recognizes the requirement to effectively contain any fuel spills and maintain effective separation from groundwater aquifers or surface water runoff.
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	An objective requirement for the land use zone is:  <i>‘To encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.’</i>  The plans provided have given no indication as to landscaping being undertaken during the development other than “Blue metal being laid on the grassed areas to allow vehicles to move freely through the compound”.  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,	The land does not have a history of experiencing these types of events.



subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	The development site is not a designated 'bushfire prone' area.
The suitability of the land for the development taking into account the possible risk to human health or safety	The accredited consultant has included fire-fighting equipment in the design complying with the <i>Dangerous Goods Regulation 2007</i> .
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 – Sanderson Terrace, as well as frontage to a formed, unsealed roadway – Warren Way.  There will be ample room for the parking of a vehicle onsite by the employee – if required. The site will not generally be accessible to the public
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	Envisaged traffic movements onsite will be contained to the bulk fuel delivery vehicle and the local distribution tanker.
The availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	No public transport services available.  Electricity and potable water are available.  Solid waste can be adequately stored and removed from site.  Wastewater will need to be treated onsite as the property is not serviced by a sewerage system.  The planning scheme requires that unsewered industrial development be restricted to 'dry industry' types that generate less than 540L per 1000m <sup>2</sup> on a daily rate. The proposed development will comply with that requirement.
The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	Nil impact anticipated.
The history of the site where the development is to be located	The site was previously used for residential purposes as evidenced by the domicile situated on the western portion of the property
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 during the advertising period from S & M Boyanich, who have an

	adjoining premises at 10 Sanderson Terrace. They have raised the concern as to possible dust issues relating to increased traffic on Warren Way. The Manager Works and Services has been consulted and has advised that sealing of the road is not required and that any issues regarding dust creation due to increased traffic movements on Warren Way will be dealt with in real time.
The comments or submissions received from any authority consulted under clause 66	The Department of Mines, Industry Regulation and Safety was consulted as to licensing requirements.
Any other planning consideration the Council considers appropriate	Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### **Officer Comment**

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Act and associated regulations;
- A site inspection was conducted and consideration has been given to the potential impacts upon all lands adjoining or located nearby.

### **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 9411**

Moved                      Cr GH Sanderson  
Seconded                Cr KL Carter

That Council approve the development application (DA 011920) for Lot 36 Sanderson Terrace, Kalannie, pursuant to Section 68(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* subject to the following conditions:

1. The development is to be carried out in accordance with the documents endorsed with the Shire's stamp, except where amended by other conditions of this consent. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency;
2. Without further approval from Shire of Dalwallinu Council, in writing, this approval will lapse and have no force or effect after two years of the date of this permit;
3. Suitable arrangements being made with the Shire for the provision of vehicular crossover(s) to service the lot shown on the approved plan of development (Shire of Dalwallinu Policy 5.7 - *Property Access and Crossovers*). Crossover to be located and constructed to the specifications and satisfaction of the Shire's Manager Works and Services.

**CARRIED 8/0**

## 9.2.5 Dalwallinu West Landfill (Stage II) Management Plan\*

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Shire of Dalwallinu
<b>File ref</b>	WM/14
<b>Previous Meeting Reference</b>	OCM – 26 February 2019 (M9309)
<b>Prepared by</b>	Doug Burke, Manager Planning & Development
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Draft Dalwallinu West Landfill (Stage II) Management Plan

### **Purpose of Report**

Council is requested to consider adopting the draft Dalwallinu West Landfill (Stage II) Management Plan.

### **Background**

Due to the lack of available space at the Dalwallinu West Landfill facility it has been deemed necessary to expand operations to an adjoining area on the same property.

To optimise the disposal of waste in line with the *Waste Avoidance and Resource Recovery Strategy 2030*, as adopted by the Western Australia State Government, a management plan has been drafted incorporating best practice measures.

At the Ordinary Council Meeting held 15 May 2018, Council resolved the following:

### **'MOTION 9309**

*Moved* Cr KL Carter  
*Seconded* Cr GH Sanderson

*That Council approve the commencement of operations at Stage 2 of the Dalwallinu Waste Management Facility (Lot 3 Dalwallinu West Rd), subject to the following conditions:*

- 1. A Site Management Plan must be submitted to and approved by the Shire prior to Dalwallinu Waste Management Facility (Stage 2) site becoming operational.*

***CARRIED 9/0'***

Council resolved to consider a draft management plan for adoption prior to the opening of the Stage II for receiving municipal waste.

### **Consultation**

Nil

### **Legislative Implications**

State

*Environmental Protection Act 1986*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications.**State

*Waste Avoidance and Resource Recovery Strategy*

**Site Inspection**

Site inspection undertaken: Not applicable

**Triple Bottom Line Assessment**Economic implications

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

Social implications

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

Environmental implications

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

**Officer Comment**

Implementing the draft Dalwallinu West Landfill (Stage II) Management Plan would be consistent with the State waste management strategy and suit best-practice for operating a rural landfill.

**Officer Recommendation/Resolution****MOTION 9412**

Moved           Cr KL Carter  
Seconded       Cr BH Boys

That Council adopt the draft Dalwallinu West Landfill (Stage II) Management Plan.

**CARRIED 8/0**

## 9.3 CORPORATE SERVICES

### 9.3.1 Accounts for Payment for July 2019\*

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Shire of Dalwallinu
<b>File ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Hanna Jolly, Accounting Officer
<b>Supervised by</b>	Keith Jones, Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Summary of Accounts for Payment

#### **Purpose of Report**

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

#### **Background**

A list of invoices paid for the month of July 2019 from the Municipal Account, to the sum of \$16,242.40 paid by cheque and \$608,451.82 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 \$791,632.33. In addition, payments of \$65,059.11 were made from the Trust Account. The total payments from all accounts being \$856,691.44 have been listed for Council's ratification.

#### **Consultation**

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

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

The attached list meets the requirements of the Financial Regulations.

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

#### **Legislative Implications**

##### State

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

#### **Policy Implications**

Nil

#### **Strategic Implications**

Nil

## Triple Bottom Line Assessment

### Economic implications

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

### Social implications

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

### Environmental implications

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

## Officer Comment

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

## Officer Recommendation/Resolution

### **MOTION 9413**

Moved           Cr KL Carter  
Seconded       Cr AR Dickins

That Council, in accordance with the requirements of sections 13(1), 13(3) and 13(4) of the *Local Government (Financial Management) Regulations 1996* a list of payments made in July 2019 under Chief Executive Officer's delegated authority is endorsed in respect to the following bank accounts:

1. Municipal Fund Account totalling \$791,632.33 consisting of:

Cheque Numbers (35201)	\$16,242.40
EFT Payments (EFT 9702-9769)	\$608,451.82
(Excluding Trust EFT 9726-9731)	
EFT Payments – Payroll	\$112,783.00
Direct Debit – Credit Card (DD15148.1)	\$3,988.78
Direct Debit – Gym Equipment Lease (DD15109.1)	\$5,144.45
Direct Debit – Superannuation	\$23,188.85
Bank Fees	\$538.74
Loan payments and Guarantee Fee	\$21,294.29

2. Trust Account totalling \$65,059.11 consisting of:

Cheque Numbers (646)	\$504.00
EFT Payments (EFT 9726-9731)	\$899.11
Direct Debit Payments to DPI	\$63,656.00

**CARRIED 8/0**

### 9.3.2 Monthly Financial Statements for July 2019\*

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Shire of Dalwallinu
<b>File ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Hanna Jolly, Accounting Officer
<b>Supervised by</b>	Keith Jones, Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Monthly Statement of Financial Activity, Variance Report, Investments Held and Bank Reconciliations

#### **Purpose of Report**

Council is requested to receive and accept the Financial Reports for the month ending 31 July 2019.

#### **Background**

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

#### **Consultation**

Chief Executive Officer

#### **Legislative Implications**

##### State

*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)*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Triple Bottom Line Assessment**

##### Economic implications

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

##### Social implications

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

##### Environmental implications

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



**Officer Comment**

Financial Reports as at last day of business of the previous month are appended, for the period ending 31 July 2019.

Attached for Council's consideration are:

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

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

**Officer Recommendation/Resolution****MOTION 9414**

Moved            Cr KL Carter  
Seconded       Cr KJ Christian

That Council accept the Financial Reports as submitted for the month ending 31 July 2019.

**CARRIED 8/0**

### 9.3.3 Financial Management Review – July 2019\*

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Shire of Dalwallinu
<b>File ref</b>	FM/29 – Financial Management General
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Keith Jones – Deputy Chief Executive Officer
<b>Supervised by</b>	Jean Knight – Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	2019 Financial Management System Review

#### **Purpose of Report**

Council is requested to consider and accept the Financial Management Review (FMR) conducted in June 2019 by AMD Chartered Accountants.

#### **Background**

In accordance with the provisions of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996 Part 2 section 5. (2) (c)* “The CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once every 3 financial years) and report to the local government the results of those reviews.

The contracted auditor, AMD Chartered Accountants, has recently completed the Financial Management Review carried out in June 2019.

#### **Consultation**

Chief Executive Officer  
Accounting Officer

#### **Legislative Implications**

##### State

*Local Government Act 1995 – Part 7 Audit*

*Local Government (Financial Management) Regulations 1996 Part 2 section 5.(2)(c)*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

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

*Social implications*

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

*Environmental implications*

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

**Officer Comment**

Management comments have been made by the Deputy Chief Executive Officer in the attached FMR.

**Officer Recommendation/Resolution**

**MOTION 9415**

Moved: Cr AR Dickins  
Seconded: Cr KM McNeill

That Council acknowledge the issues raised by AMD Chartered Accountants, in the Financial Management Review conducted in June 2019 and, taking into consideration the management comments, accept the report.

**CARRIED 8/0**

### 9.3.4 Asset Write Offs\*

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Shire of Dalwallinu
<b>File ref</b>	FM9 – Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	List of Assets

#### **Purpose of Report**

Council is requested to authorise the writing off of assets from the Asset Register with a value less than \$5,000.

#### **Background**

An amendment was made on 26 June 2018 to Regulation 17A (5) of the *Local Government (Financial Management) Regulations 1996*. This regulation states:

*‘An asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5,000’*

An internal audit has been undertaken of the Shire of Dalwallinu Asset Register and a list of assets below the threshold is now presented to Council.

#### **Consultation**

Accounting Officer  
Chief Executive Officer

#### **Legislative Implications**

##### State

*Local Government (Financial Management) Regulations 1996.*

#### **Policy Implications**

##### Local

*Shire of Dalwallinu Policy 3.2 – Significant Accounting Policies*

#### **Financial Implications**

This proposal will see a reduction in the asset values on the balance sheet of \$173,629.11.

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

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

##### Social implications

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

Environmental implications

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

**Officer Comment**

To comply with the amendment to the regulations an audit of the asset register has been undertaken.

Asset items with a value of less than \$5,000 have been removed from the asset register. If the assets are still in use they have been transferred to an Asset Inventory Listing which will have all of the Shire's assets that have a value less than \$5,000.

**Officer Recommendation/Resolution**

**MOTION 9416**

Moved           Cr AR Dickins  
Seconded       Cr KL Carter

That Council, in accordance with Regulation 17A (5) of the *Local Government Financial Management Regulations 1996*, authorise the writing off of assets to the value of \$173,629.11, as attached to this report.

**CARRIED 8/0**

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Withdrawal of Counter Offer – Sale of lot 16 (3) Myers Street, Dalwallinu

Report date	20 August 2019
Applicant	Shire of Dalwallinu
File ref	A299
Previous Meeting Reference	OCM – 26 March 2019 (M9345), OCM – 28 May 2019 (M9376)
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

#### Purpose of Report

Council is requested to consider withdrawing the counter offer made to the Dalwallinu Op Shop for the purchase of Lot 16 (3) Myers Street, Dalwallinu.

#### Background

Correspondence was received from the Dalwallinu Community Op Shop offering to purchase 3 Myers Street, Dalwallinu for the sum of \$40,000.

At the Ordinary Meeting of Council held 26 March 2019, Council resolved the following:

#### **'MOTION 9345**

*Moved* Cr KL Carter  
*Seconded* Cr AR Dickins

*That Council:*

1. *Declines the offer from the Dalwallinu Community Op Shop Group to purchase Lot 16 (3) Myers Street, Dalwallinu;*
2. *Authorise the Chief Executive Officer to advertise Lot 16 (3) Myers Street, Dalwallinu for sale by tender.*

***CARRIED 7/0'***

The tender was advertised in the Totally Locally, Kalannie Kapers, Shire website, Shire Facebook and a notice was placed on the noticeboard at the Shire Administration Centre.

Tenders closed on Wednesday 1 May 2019 and one (1) tender was received from the Dalwallinu Community Op Shop.

This offer was presented to Council at the Ordinary Meeting of Council held 28 May 2019 where Council resolved the following:

### **'MOTION 9376**

Moved            Cr KL Carter  
Seconded       Cr KM McNeill

*That Council:*

- 1. Advise the Dalwallinu Community Op Shop Group that Council are willing to accept an offer of \$66,000 (inc GST) for the purchase of 3 Myers Street, Dalwallinu;*
- 2. Subject to acceptance of the counter offer in Point 1 by Dalwallinu Community Op Shop Group, 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 to the proposal, authorise the Chief Executive Officer finalise the disposal of 3 Myers Street, Dalwallinu;*
- 4. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to all documents pertaining to this disposal.*

***CARRIED 9/0'***

Correspondence was forwarded to the Dalwallinu Community Op Shop (Mr John Wallis) on 29 May 2019 advising of Council's counter offer above.

No response had been received by 16 July 2019, therefore further correspondence was forwarded requesting that if they did not wish to accept Council's counter offer could they confirm this in writing. At the date of writing this report no correspondence had been received.

There has been a recent enquiry regarding this property, therefore it is prudent for Council to tidy up this current offer with Dalwallinu Community Op Shop before possibly pursuing other interest in the property.

#### **Consultation**

Nil

#### **Legislative Implications**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil as there has been no acceptance of the offer to the Dalwallinu Community Op Shop. In addition there has been no allowance in the 2019-2020 budget for the sale of this property.

#### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection undertaken: Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

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

#### Environmental implications

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

### **Officer Comment**

Correspondence has been forwarded to the Dalwallinu Community Op Shop advising of Councils counter offer and subsequent follow up correspondence to which there has been no response.

As there has been other interest in the property, it is the Officer's recommendation to withdraw the counter offer before pursuing other interested parties.

### **Officer Recommendation/Resolution**

#### **MOTION 9417**

Moved                Cr KJ Christian

Seconded          Cr KL Carter

That Council:

1. Due to no response from the Dalwallinu Community Op Shop, withdraw the counter offer of \$66,000 (inc GST) for the sale of Lot 3 Myers Street, Dalwallinu to the Dalwallinu Community Op Shop;
2. Direct the Chief Executive Officer to advise the Dalwallinu Community Op Shop of Point 1 above.

**CARRIED 8/0**



## 9.4.2 Sale of Vacant Land – Pioneer Place, Dalwallinu

Report Date: 27 August 2019  
Applicant: Shire of Dalwallinu  
File Ref: A1021, A1022, A1024, A44403  
Previous Meeting Reference: Nil  
Author: Jean Knight, Chief Executive Officer  
Senior Officer: Jean Knight, Chief Executive Officer  
Voting Requirements: Simple majority  
Disclosure of Interest: Nil  
Attachments: Nil

### Purpose of Report

Council is requested to consider the disposal of four (4) vacant lots in Pioneer Place, Dalwallinu.



### Background

Over the years there has been demand for vacant lots in the Dalwallinu townsite. Council is currently planning to undertake a thirteen (13) lot subdivision in Bell Street, Dalwallinu with lot sizes ranging from 749<sup>m</sup><sup>2</sup> to 900<sup>m</sup><sup>2</sup>.

There has been an indication that there is interest in smaller lot sizes. It has been identified that the Shire currently has four (4) vacant services lots in Pioneer Place:

Lot 607 (6) Pioneer Place – 307<sup>m</sup><sup>2</sup>

Lot 604 (5) Pioneer Place – 323<sup>m</sup><sup>2</sup>

Lot 605 (7) Pioneer Place – 233<sup>m</sup><sup>2</sup>

Lot 603 (3) Pioneer Place – 237<sup>m</sup><sup>2</sup>

### Policy Requirements

Nil

## **Legislative Requirements**

### State

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

## **Strategic Implications**

*Shire of Dalwallinu Strategic Community Plan 2017-2027*

Goal 2 – Sustainable Living (Economic)

Outcome 2.1 A growing Shire population

Outcome 2.4 Increased housing development

## **Sustainability Implications**

### ***Environment***

Nil

### ***Economic***

Nil

### ***Social***

Nil

## **Financial Implications**

It is unknown what financial implications are associated with this proposal until the tenders for the property have been received.

No allowance for the revenue from these lots has been included in the 2019-2020 budget. It would be the Officer's recommendation that should the lots sell, that the funds be placed in the Land & Buildings Reserve to fund future developments.

## **Comment**

It is proposed to advertise the properties for sale by tender for a period of three (3) weeks. Should any tenders be received these will be presented in a report to the next practicable Ordinary Council meeting for consideration.

## **Officer Recommendation/Resolution**

### **MOTION 9418**

Moved           Cr AR Dickins  
Seconded       Cr KM McNeill

That Council authorise the Chief Executive Officer to advertise for sale by tender:

Lot 607 (6) Pioneer Place, Dalwallinu

Lot 604 (5) Pioneer Place, Dalwallinu

Lot 605 (7) Pioneer Place, Dalwallinu

Lot 603 (3) Pioneer Place, Dalwallinu.

**CARRIED 7/1**

### 9.4.3 Sale of Land – Non Payment of Rates

Report Date:	27 August 2019
Applicant:	Shire of Dalwallinu
File Ref:	A554 and A8942
Previous Meeting Reference:	OCM – 16 April 2019, OCM – 23 July 2019
Author:	Jean Knight, Chief Executive Officer
Senior Officer:	Jean Knight, Chief Executive Officer
Voting Requirements:	Simple majority
Disclosure of Interest:	Nil
Attachments:	Nil

#### Purpose of Report

Council is requested to authorise the Shire President and Chief Executive Office to sign the Contract of Sale for 47 Leahy Street, Pithara to Mr Wilfredo Pastera.

#### Background

At the Ordinary Council Meeting held 16 April 2019, Council resolved to acquire two properties in Pithara (47 Leahy Street and 38 McConnell Street) due to non-payment of rates. Previous attempts to purchase the properties from the current owners proved very difficult due to incomplete data so the best option was to acquire the properties and sell by public auction.

At the Ordinary Council Meeting held 16 April 2019, Council resolved the following:

#### **'MOTION 9363**

Moved                      Cr KL Carter  
Seconded                Cr NW Mills

*That the Council, pursuant to Section 6.64 (1) (b) of the Local Government Act 1995, proceed to sell the properties listed hereunder which have rates in arrears for three (3) or more years, and recover from the proceeds of sale the outstanding balances:*

- Assessment 554
- Assessment 8942

***CARRIED 9/0'***

At the Ordinary Council Meeting held 23 July 2019, Council resolved the following:

#### **'MOTION 9343**

Moved                      Cr KM McNeill  
Seconded                Cr KL Carter

*That Council set the following reserve prices for the properties that are to be offered at public auction on Wednesday 14 August 2019:*

A554 – 47 Leahy Street, Pithara	\$500.00
A8942 – 38 McConnell Street, Pithara	\$500.00

***CARRIED 7/0'***

## Policy Requirements

Nil

## Legislative Requirements

### State

*Local Government Act 1995 – Section 6.64*

*Local Government Act 1995 – Section 9.49A*

## Strategic Implications

Nil

## Sustainability Implications

### ***Environment***

Nil

### ***Economic***

Nil

### ***Social***

Nil

## Financial Implications

As mentioned in previous reports, there will be a negative financial implication as the sale of proceeds from the sale of the lot will not recover the rates outstanding, however there has been an allowance made in the 2019-2020 budget to cover the rates that are required to be written off.

## Comment

The properties were advertised in the Shire newsletter, Shire Facebook page, Totally Locally, Kalannie Kapers and a notice was placed on the noticeboard at the Shire Administration Centre.

The auction, conducted by Russell McPherson was held on Wednesday 14 August at 11am in the Committee Room at the Shire Administration Centre.

No offers were received for 38 McConnell Street, Pithara.

One offer of \$500 was received for 47 Leahy Street, Pithara from Mr Wilfredo Pastera.

## Officer Recommendation/Resolution

### **MOTION 9419**

Moved           Cr KM McNeill

Seconded       Cr KJ Christian

That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to all documents pertaining to the sale of 47 Leahy Street, Pithara to Mr Wilfredo Pastera.

**CARRIED 8/0**

## 10 APPLICATIONS FOR LEAVE OF ABSENCE

### **MOTION 9420**

Moved            Cr SC Carter  
Seconded       Cr AR Dickens

That the application for leave of absence of Cr K Carter for the Ordinary Meeting of Council to be held on 24 September 2019 be approved.

**CARRIED 8/0**

## 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)

### **PROCEDURAL MOTION 9421**

Moved            Cr AR Dickens  
Seconded       Cr KJ Christian

That Council moves into a confidential session to discuss:

14.1. CONFIDENTIAL: Request for Lease amendment – Panaceum Group  
and

14.2 CONFIDENTIAL: Sale of Surplus Plant & Equipment by Tender  
and

14.3 CONFIDENTIAL: Business Plan – Bell Street Subdivision  
under the terms of the *Local Government Act 1995, Section 5.23(2)*:

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

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

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

14.4 CONFIDENTIAL: Deputy Chief Executive Officer – New Contract  
under the terms of the *Local Government Act 1995, Section 5.23(2)*:

a. *a matter affecting an employee*

**CARRIED 8/0**

#### 14.1            **CONFIDENTIAL: Request for Lease Amendment – Panaceum Group\***

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Panaceum Group
<b>File ref</b>	CS/45 – Service Provision - Panaceum
<b>Previous Meeting Reference</b>	OCM – 14 August (Motion 9229), 23 July 2019 (Motion9244)
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Correspondence from Panaceum 2. Panaceum P/L Statement

##### **MOTION 9422**

Moved            Cr BH Boys  
Seconded        Cr KL Carter

That Council adopt the Officer Recommendation contained within the report.

**CARRIED 8/0**

#### 14.2            **CONFIDENTIAL: Sale of Surplus Plant and Equipment by Tender\***

<b>Report date</b>	27 August 2019
<b>Applicant</b>	Shire of Dalwallinu
<b>File ref</b>	PS/9 – Plant & Equipment - Disposal
<b>Previous Meeting Reference</b>	OCM 26 March 2019 (M9333), OCM 16 April 2019 (M9375)
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Tenders received

##### **MOTION 9423**

Moved            Cr KL Carter  
Seconded        Cr GH Sanderson

That Council accept the offer of \$4,000 (plus GST) from Neil Bywaters for the purchase of the Iveco Prime Mover – DL8354.

**CARRIED 7/1**

#### 14.3 CONFIDENTIAL: Business Plan – Bell Street Subdivision\*

Report date	27 August 2019
Applicant	Shire of Dalwallinu
File ref	A6324
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Absolute Majority
Attachments	Business Plan

##### **MOTION 9424**

Moved Cr AR Dickins  
Seconded Cr KM McNeill

That Council:

1. endorse the Business Plan for a thirteen (13) Lot subdivision at Lot 555 Bell Street, Dalwallinu;
2. amend the 2019-2020 Budget to reflect the increased project cost to \$1,404,457;
3. amend the 2019-2020 Budget to reflect the increase of the Treasury loan from \$1,100,000 to \$1,400,000.

**CARRIED 8/0 BY ABSOLUTE MAJORITY**

#### 14.4 CONFIDENTIAL: New Contract – Deputy Chief Executive Officer

Report date	27 August 2019
Applicant	Shire of Dalwallinu
File ref	PE/117 – Personal File
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	Nil

##### **MOTION 9425**

Moved Cr KL Carter  
Seconded Cr BH Boys

That Council notes the new contract for Mr Keith Jones as Deputy Chief Executive Officer with the Shire of Dalwallinu for a period of one (1) year expiring on 18 September 2020.

**CARRIED 8/0**

**PROCEDURAL MOTION 9426**

Moved            Cr AR Dickins  
Seconded       Cr KL Carter

That the meeting come from behind closed doors.

**CARRIED 8/0**

**15      SCHEDULING OF MEETING**

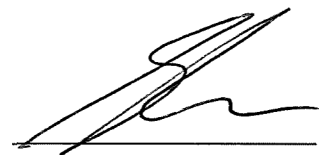
The next Ordinary Meeting of Council will be held on 24 September 2019 at Council Chambers, Dalwallinu commencing at 3.30pm.

**16      CLOSURE**

There being no further business, the Chairperson closed the meeting at 4.35pm.

**17      CERTIFICATION**

I, Steven Clifford Carter, certify that the minutes of the Special Council meeting held on the 27 August 2019, as shown on page numbers 1 to 48 were confirmed as a true record at the meeting held on 24 September 2019.



CHAIRPERSON

24/9/19  
DATE