



MINUTES

ORDINARY COUNCIL MEETING

**Tuesday
27th September 2016**

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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, 27th September 2016.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 3:50pm.

2.0 ATTENDANCE RECORD

2.1 Present

Shire President	Cr SC Carter
Deputy President	Cr KL Carter
	Cr RS Nixon
	Cr GH Sanderson JP
	Cr KM McNeill JP
	Cr IW Hyde
	Cr KJ Christian

IN ATTENDANCE

Chief Executive Officer	Mr AJR Doust
Deputy Chief Executive Officer	Mr KT Jones
Executive Support Officer	Mrs GC Matias

2.2 Apologies

Cr AR Dickins

2.3 Leave Of Absence Previously Granted

Cr NW Mills

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr RS Nixon – 25th October 2016

MOTION 8692

Moved Cr IW Hyde
Seconded Cr GH Sanderson JP

That the application for leave of absence of Cr RS Nixon to the Ordinary Meeting of Council to be held on 25th October 2016 be approved.

CARRIED 7/0

5.0 MINUTES OF PREVIOUS MEETINGS

5.1 Ordinary Council Meeting – 23rd August 2016

MOTION 8693

Moved Cr GH Sanderson JP
Seconded Cr KL Carter

That the Minutes of the Ordinary Meeting of Council held 23rd August 2016 be confirmed.

CARRIED 7/0

6.0 NOTICES OF URGENT BUSINESS

Nil

7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS

Nil

9.0 MEMBERS REPORTS

9.1 Declarations of Interest

Cr IW Hyde – Proximity interest - Item 12.2
Cr KJ Christian – Proximity Interest – Item 15.5
Cr SC Carter - Proximity Interest – Item 15.5

10.0 MATTERS FOR CONSIDERATION – WORKS

Nil

11.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES

11.1 Request for Signs at Treasure Rd Wildflower Reserve

Applicant:	Jim Treasure
File No:	CUS/2 – CUSTOMER SERVICE request for information
Previous Meeting Reference:	Community Services & Economic Development Committee Meeting – 20 September 2016
Attachments:	Nil
Author:	Mr Keith Jones
Disclosure of Interest:	Nil
Date of Report:	13 th September 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider a request from Mr Jim Treasure to have signage erected indicating the area being a wildflower reserve and recognition of his father Mr Frank Treasure as the person who donated the land.

Comment

The signage would cost no more than \$500 which is a small amount to recognise the contribution to the Shire by Mr Treasure.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

There are no known environmental implications.

Economic

There are no known economic implications.

Social (Community Consultation not indicated for this activity)

There are no known social implications.

Financial Implications

Cost of signage is covered in the 2016/17 budget under E132389 – Tourism Development & Promotion.

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8694

Moved Cr KM McNeill JP

Seconded Cr IW Hyde

That signage be erected on Reserve 28184 indicating wildflower reserve and the contribution of land by Mr Frank Treasure.

CARRIED 7/0

12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

12.1 Development Application (DA 041617) – Fencing Proposal

Applicant:	J & L Falls <i>obo</i> Northpride P/L
File No:	DA 041617
Previous Meeting Reference:	Community Services & Economic Development Committee Meeting – 20 September 2016
Attachments:	Nil
Author:	Mr Doug Burke
Disclosure of Interest:	Nil
Date of Report:	13 th September 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider an application for approval to allow for proposed boundary fencing around commercial property submitted by the applicant on the 2nd September 2016. Council has until 1st November to make a determination.

The proposal requires planning approval as it 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 conditions.

Background

Subject Property:	2-8 McNeil Street (Lots 1-4), Dalwallinu
Land Use Zoning:	Commercial 10/50
Property Owner:	Northpride P/L
Applicant:	Owner
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Erection of boundary fencing
Value of Development:	\$25K
Outside Consultation:	Nil

The subject properties were recently acquired by the applicant to support an established retail agricultural supply business on adjoining land. The intent is to use the properties for the storage and facilitation of vehicles and product relative to the operation of the business. To secure

these assets and to minimise visual intrusion on the adjoining properties, it is proposed to erect a series of fences on the boundary (refer to attached plan).



Location of subject development site (google earth)

Comment

The proposed development would normally be considered under the R-Codes if it complied with the inherent deemed-to-comply provisions. Part 5.2.4 of the R-Codes permit street front fences without prior planning approval if:

- Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.

***Comment:** Non-compliant. It is intended to construct 45m of colorbond fencing along the McNeil road frontage to an overall height of 1.8m with lattice work to 2.1m. McNeil Street and Leahy Street are regarded as being primary streets whereas the service laneway (unnamed) located at the rear of the properties is regarded as being a secondary road frontage.*

Council has adopted a local planning policy with regard to the erection of fences (June 2014). The objectives of this policy are:

- a) *To protect the residential and commercial amenity from fences that are incompatible with the scale and visual amenity of an area normally frequented by residents, shoppers and pedestrians.*

- b) *To protect the visual amenity of areas that may have a direct view of fences that the Council deems to be incompatible with a reasonable expectation from a residential or commercial area. This includes the development of fences on land that abuts, adjoins or faces residential and commercial areas.*
- c) *To control the type of material used in the construction of fences to ensure some degree of integration and to minimise the creation of potential nuisance factors such as reflection, heat or noise.*

The policy states that The Council will only grant its planning consent for fences over 1.8 metres where it considers that circumstances justify a departure from this policy. These circumstances may include;

- i) areas where a potential danger exists;*
- ii) areas where plant and equipment are required to be protected;*
- iii) areas where a desire for privacy can be justified*
- iv) situations where the materials and scale of the fence are considered appropriate for the circumstances by the Council.*

In these cases the Council may impose conditions relating to the style and appearance of the fence.

Pat 2.3.2 of the *Shire of Dalwallinu Town Planning Scheme N° 2* (the Scheme) provides that a local planning policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Council has also adopted a *'Local Law Relating to Fencing'* (January 2000) that states:

'An owner or occupier of a Residential Lot or Commercial Lot shall not erect or affix to or allow to remain on or as part of any fence on any such lot any barbed wire or other material with spiked or jagged projections, unless prior written approval of the Building Surveyor has been obtained.'

The proposed fencing involves the incorporation of three strands of barb wire at the top of the chainmesh fence. The chainmesh fence is located within the property boundary and adjoining the secondary road frontage.

The local law provides specifications for a 'sufficient fence' on a commercial lot that includes the clause:

'Rail-less link, chain or steel mesh is to be a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm..'

The proposed fence has the following specifications:

- chain mesh fence height = 1800mm
- overall height including the three strands of barbed wire = 2300mm

Though the development does not comply with the local law, it could be argued that compliance with the height requirements would be an impost if the mesh component was only supplied generally in widths of 1800mm. Otherwise the prescribed minimum height of the chain mesh maybe included to address concerns as to the safety of people passing in close proximity to the strands of barbed wire.

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.



2-8 McNeil Street, Dalwallinu (Google Earth)

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 *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> <ul style="list-style-type: none"> • <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.	<ul style="list-style-type: none"> • There are no proposed amendments in progress that would affect a determination. • There are no other planning instruments currently being considered.
Any approved State planning policy	<i>State Planning Policy 3.1 Residential Design Codes.</i> The proposal does not comply with the provisions of the Code.
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	Policy 2 – Fences: 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	<p>The proposed development is regarded as being suitable in the context of its siting in an established Residential area.</p> <p>The streetscape would not be overly despoiled by any perceived loss of visual amenity.</p>

appearance of the development	
<p>The amenity of the locality including the following —</p> <p>(i) environmental impacts of the development;</p> <p>(ii) the character of the locality;</p> <p>(iii) social impacts of the development</p>	<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> <ul style="list-style-type: none"> • The proposed development will not create any unreasonable detrimental impacts on adjoining or nearby properties; • The subject site is not subject to any natural hazards that would prohibit the construction and operation of the development in the proposed form.
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.
the adequacy of —	
(i) the proposed means of access	Nil impact

to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles	
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
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	<ul style="list-style-type: none"> i) No public transport services available ii) Water, sewerage and electricity services are available iii) Solid waste can be adequately stored and removed from site. iv) N/A v) 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 is occupied by a free-standing shed and a public building no longer in use.
The impact of the development on the community as a whole notwithstanding the impact of the	Nil identified

development on particular individuals	
Any submissions received on the application	Nil
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 (Community Consultation not indicated for this activity)

There are no known social implications.

Financial Implications

Nil

Voting Requirements

Absolute Majority

Officer/Committee Recommendation/Resolution

MOTION 8695

Moved Cr RS Nixon
Seconded Cr KL Carter

That Council:

1. Approve the development application (DA 041617) 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 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, and
 - 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, and
 - c) During the construction of the development, the Applicant shall implement suitable public safety and site security control measures.

CARRIED BY ABSOLUTE MAJORITY 7/0

3.55PM CR IW Hyde declared a proximity interest and left the Council Chambers.

12.2 Development Application (DA 051617) – Grain Storage

Applicant: T Dolling *obo* CBH Group
File No: DA 051617
Previous Meeting Reference: Community Services & Economic Development Committee Meeting – 20 September 2016
Attachments: Nil
Author: Mr Doug Burke

Disclosure of Interest: Nil
Date of Report: 13th September 2016
Senior Officer: Mr Tony Doust

Purpose of Report

To consider an application for approval to allow for proposed additions to an existing business entity submitted by the applicant on the 25th August 2016. Council has until 25th October 2016 to provide a determination.

The proposal requires planning approval as the propose development will be situated on land that is classified under the Shire of Dalwallinu Town Planning Scheme N^o 2 (the Scheme) as a 'Local Reserve'.

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

Background

Subject Property: Bell Road (Lot 12), McLevie
Land Use Zoning: Public Purpose Reserve (unallocated)
Property Owner: Co-operative Bulk Handling Limited (CBH Group)
Applicant: T Dolling *obo* CBH Group
Consent Authority: Shire of Dalwallinu Council
Proposed Development: *'Grain storage in extension to existing and additional bulkheads'*
Value of Development: \$242K
Outside Consultation: Nil

The proposal is for the construction of an additional open bulkhead for the storage of grain and the extension of an existing bulkhead on land that has an established grain storage facility (refer to attached plans). The site is situated on the confluence of the Great Northern Highway, Bell Road and the 'Wheatbelt' railway. It is surrounded by grain producing agricultural properties zoned 'Rural'.



Location of subject development site (google earth)

Comment

Part 3.4 of the Scheme requires that:

'A person must not commence or carry out development on a Local Reserve without first having obtained planning approval under Part 8 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulation 2015.'

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.



CBH Grain Storage Site, McLevie (Google Earth)

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 *Planning and Development (Local Planning Schemes) Regulation 2015*.

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

'Matters for Consideration'	Comments
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	The following Schemes are applicable: <ul style="list-style-type: none"> • <i>Shire of Dalwallinu Planning Scheme N^o 2</i>

<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>	<ul style="list-style-type: none"> • There are no proposed amendments in progress that would affect a determination. • There are no other planning instruments currently being considered. 														
<p>Any approved State planning policy</p>	<p>Nil</p>														
<p>Any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)</p>	<p>Nil applicable</p>														
<p>Any policy of the Commission</p>	<p>Nil applicable</p>														
<p>Any policy of the State</p>	<p>Nil applicable</p>														
<p>Any local planning policy for the Scheme area</p>	<table border="0"> <tr> <td>Policy 1- Offensive Uses:</td> <td>Not applicable</td> </tr> <tr> <td>Policy 2 – Fences:</td> <td>Not applicable</td> </tr> <tr> <td>Policy 3 – East Pithara Road:</td> <td>Not applicable</td> </tr> <tr> <td>Policy 4 - Stables:</td> <td>Not applicable</td> </tr> <tr> <td>Policy 5 - Moveable Buildings:</td> <td>Not applicable</td> </tr> <tr> <td>Policy 6 - Aged Accommodation:</td> <td>Not applicable</td> </tr> <tr> <td>Policy 7 – Verandahs over Footpaths:</td> <td>Not applicable</td> </tr> </table>	Policy 1- Offensive Uses:	Not applicable	Policy 2 – Fences:	Not applicable	Policy 3 – East Pithara Road:	Not applicable	Policy 4 - Stables:	Not applicable	Policy 5 - Moveable Buildings:	Not applicable	Policy 6 - Aged Accommodation:	Not applicable	Policy 7 – Verandahs over Footpaths:	Not applicable
Policy 1- Offensive Uses:	Not applicable														
Policy 2 – Fences:	Not applicable														
Policy 3 – East Pithara Road:	Not applicable														
Policy 4 - Stables:	Not applicable														
Policy 5 - Moveable Buildings:	Not applicable														
Policy 6 - Aged Accommodation:	Not applicable														
Policy 7 – Verandahs over Footpaths:	Not applicable														
<p>Any structure plan, activity centre plan or local development plan that relates to the development</p>	<p>Nil applicable</p>														
<p>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></p>	<p>Nil applicable</p>														

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	<p>The proposed development is regarded as being suitable in the context of its siting in an established grain storage area.</p> <p>The streetscape would not be overly despoiled by any perceived loss of visual amenity.</p>
<p>The amenity of the locality including the following —</p> <p>(i) environmental impacts of the development;</p> <p>(ii) the character of the locality;</p> <p>(iii) social impacts of the development</p>	<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> <ul style="list-style-type: none"> • The proposed development will not create any unreasonable detrimental impacts on adjoining or nearby properties; • The subject site is not subject to any natural hazards that would prohibit the construction and operation of the development in the proposed form.
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.
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	The site is serviced with vehicular access to the Great Northern Highway, Bell Road and the 'Wheatbelt' railway
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
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;	<ul style="list-style-type: none"> i) No public transport services available ii) Water and electricity services are available iii) Solid waste can be adequately stored and removed from site. iv) N/A v) N/A

(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	
The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	Nil identified
The history of the site where the development is to be located	The site is occupied by an established grain storage and transport facility
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	Nil
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 (Community Consultation not indicated for this activity)

There are no known social implications.

Financial Implications

Nil

Voting Requirements

Absolute Majority

Officer/Committee Recommendation/Resolution

MOTION 8696

Moved Cr KL Carter
Seconded Cr KM McNeill JP

That Council:

1. Approve the development application (DA 051617) 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 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, and
 - 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, and
 - 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 Code of Australia, and
 - 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 site must be managed so as not to have a detrimental effect on neighbouring property.

CARRIED BY ABSOLUTE MAJORITY 6/0

3.56PM CR IW Hyde returned to the Council Chambers.

13.0 MATTERS FOR CONSIDERATION – HEALTH AND BUILDING

13.1 **Building Approvals**

Applicant: Shire of Dalwallinu
File No: DB/1 Development & Building Controls
Previous Meeting Reference: Nil
Attachments: Building Approvals August 2016
Author: Mr Doug Burke

Disclosure of Interest: Nil
Date of Report: 5th August 2016
Senior Officer: Mr Tony Doust

Purpose of Report

To receive and note the monthly report prepared to inform Council and the community regarding recent building/demolition approvals granted under the *Building Act 2011*.

Comment

A table of building approvals for the month of **August 2016** is provided below for Council's information.

Permit N°	Owner	Builder	Address	Type of work	Cost of Work
DP011617	Samuel G Roach	Owner Builder	58 Lot 228 Annetts Road, Dalwallinu WA 6609	Demolition	\$ 2,600

Running totals for the value of construction for the financial year to date are as follows:

Residential: \$ 959,395.00
Industrial/Commercial: \$ Nil

Policy Requirements

Nil

Legislative Requirements

The Shire's Building Surveyor has delegated authority under s.95 of the *Building Act 2011* to approve building/demolition applications on behalf of Council.

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Unknown

Social (Community Consultation)

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8697

Moved Cr KM McNeill JP

Seconded Cr KJ Christian

That the report detailing building approvals for the month of August 2016 be received.

CARRIED 7/0

14.0 MATTERS FOR CONSIDERATION – ECONOMIC DEVELOPMENT

14.1 Tender Selection Criteria – Richardson Park

Applicant:	Shire of Dalwallinu
File No:	ED/6
Previous Meeting Reference:	Full Council – 12 December 2014; CS&ED Committee Meeting – 20 September 2016
Attachments:	Nil
Author:	Mrs Tess JoynerSlot
Disclosure of Interest:	Nil
Date of Report:	14 September 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider the selection criteria to be included in the tender documentation pertaining to the revitalisation of Richardson Park.

Background

The Shire of Dalwallinu was successful in receiving \$326,550 from Lotterywest to revitalise Richardson Park in the town site of Dalwallinu. Conceptual designs are currently being finalised by UDLA in collaboration with the Richardson Park Focus Group and broader community. Due to time constraints of the grant agreement completion date (June 2017) and Local Government tender policy timelines, the timely prioritisation of the selection tender criteria would alleviate potential delays of the project. As the cost of the project will be exceeding \$150,000, Council are required under the Local Government (Functions and General) Regulations 1996, Section 14.(2a) to determine in writing the criteria for deciding which tender should be accepted.

Comment

This is a continuation of the first known Shire facilitated, community driven project process that has taken place. This process has encouraged and supported the communities' ideas and vision and has allowed for the realisation of the revitalisation of Richardson Park. The success of this approach is evident in the support of significant funding from Lotterywest.

Policy Requirements

Shire of Dalwallinu – Purchasing Policy - 3.5 Purchases over the value of \$150,000 by tender.

Legislative Requirements

Local Government Act 1995 Section 14.(2a) – Provision of Goods and Services

Strategic Implications

Shire of Dalwallinu – Strategic Community Plan – 2013-2023

- Outcome 1.2 – Enhanced quality of public amenities and all Shire facilities
 - 1.2.2 – Improve lighting in public places
 - 1.2.3 – Encourage greater usage of facilities
- Outcome 1.6 – Enhanced community meeting areas in town
 - 1.6.1 – Provide appropriate shade structures or trees in meeting places
 - 1.6.2 – Provide appropriate seating in meeting places
- Outcome 1.7 – Improves and enhanced playground areas
 - 1.7.1 – Provide appropriate shade structures in playgrounds
 - 1.7.2 – Investigate funding options to upgrade playground equipment
 - 1.7.3 – Investigate option for adventure style playground
- Outcome 2.1 – A growing Shire population
 - 2.1.2 – Advocate for more community facilities to attract people to the Shire

Sustainability Implications

Environment

The revitalisation aims to utilise as many natural materials as possible. Where dead trees need to be cut down these will be used as materials within the spaces.

Economic

Improved community facilities may attract tourists which would have a flow on effect to businesses within the town.

Social (Community Consultation)

The social benefit will be far reaching as the community is driving this project.

Financial Implications

This project is funded by a grant from Lotterywest of \$326,550, financial commitment from the Shire of Dalwallinu of \$83,450, donated materials and in-kind contributions from the local community and businesses.

Voting Requirements

Simple Majority

Officer Recommendation

Moved RS Nixon

Seconded KL Carter

That the following selection criteria be included in the documentation for the tender of the construction of the playground and revitalisation of Richardson Park;

- | | |
|--|-----|
| 1. Price | 50% |
| 2. Quality and relevance of materials | 20% |
| 3. Previous experience/ability to deliver quality outcomes | 15% |
| 4. Availability to complete within timeframe | 10% |
| 5. References | 5% |

Committee Recommendation

That the following selection criteria be included in the documentation for the tender of the construction of the playground and revitalisation of Richardson Park;

- | | |
|--|-----|
| 1. Price | 40% |
| 2. Quality and relevance of materials | 30% |
| 3. Previous experience/ability to deliver quality outcomes | 15% |
| 4. Availability to complete within timeframe | 10% |
| 5. References | 5% |

Officer Recommendation/Resolution

MOTION 8698

Moved RS Nixon
Seconded KL Carter

That the following selection criteria be included in the documentation for the tender of the construction of the playground and revitalisation of Richardson Park;

- | | |
|--|-----|
| 1. Price | 50% |
| 2. Quality and relevance of materials | 20% |
| 3. Previous experience/ability to deliver quality outcomes | 15% |
| 4. Availability to complete within timeframe | 10% |
| 5. References | 5% |

CARRIED 5/2

14.2 Xantippe Radio Station – 106.1FM

Applicant:	Shire of Dalwallinu
File No:	CU/1 – Customer Service - Requests
Previous Meeting Reference:	Nil
Attachments:	emails, quote and equipment brochure
Author:	Mr Keith Jones
Disclosure of Interest:	Nil
Date of Report:	22 September 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider the unbudgeted expenditure of upgrading the Xantippe Radio Transmitter 106.1FM.

Background

The Shire of Dalwallinu has received email correspondence from a local ratepayer Mr Bruce Smith who has offered to repair the Xantippe Radio Transmitter. It is unknown how long this transmitter has not been operating as the Shire administration office has no formal communication from any party in the community. Mr Smith has verbally made an indication to the Deputy CEO that it may have been since December 2015.

On Thursday 15 September 2016 an email was received by the Deputy CEO from a ratepayer who lives in the Xantippe area requesting the service be reinstated. This was the first time any official correspondence has been recorded in the Shire office. No other residents have made a request for the service via official channels.

An investigation of the Shire Assets Register shows that the radio station transmitter was set up in 1997.

Mr Bruce Smith has indicated that around \$5,000 would be the cost to repair the transmitter (a copy of quote is attached).

Comment

Based on the lack of complaints that the transmitter was not working, there seems to be little support for the radio station but there has been no community consultation on this topic.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

There are no environmental implications.

Economic

There are no economic implications.

Social (Community Consultation)

There has been no community consultation.

Financial Implications

\$5,000 added to the budget if motion is passed.

Voting Requirements

Absolute Majority

Officer Recommendation/Resolution

MOTION 8699

Moved Cr RS Nixon
Seconded Cr KL Carter

That the amount of \$5,000 be added to the budget for the purpose of repairing the 106.1FM radio transmitter at Xantippe.

CARRIED BY ABSOLUTE MAJORITY 6/1

15.0 MATTERS FOR CONSIDERATION – FINANCE

15.1 Accounts for Payment for August 2016

Applicant:	Shire of Dalwallinu
File No:	FM/6 - Expenditure Reports
Previous Meeting Reference:	Finance & Audit Committee Meeting – 20 th September 2016
Attachments:	Nil
Author:	Mrs Hanna Jolly
Disclosure of Interest:	Nil
Date of Report:	15 September 2016
Senior Officer:	Mr Tony Doust

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 August 2016 from the Municipal Account, to the sum of \$16,263.55 paid by cheque and \$892,606.67 paid by EFT are attached, together with a list of Bank Fees, Payroll, Direct Debit Payments and transfers to Reserve. These payments total \$1,120,212.62. In addition, payments of \$72,776.62 were made from the Trust Account. The total payments from all accounts being \$1,192,989.24 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 (Community Consultation)

Nil

Financial Implications

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

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8700

Moved Cr KL Carter
Seconded Cr IW Hyde

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 August 2016 under the CEO's delegated authority is endorsed in respect to the following Bank accounts:

(a) Municipal Fund Account totalling \$1,120,212.62 consisting of:

Cheque Numbers 34960 – 34966	\$16,263.55
Electronic Fund Transfers 5597 – 5689 <i>(excluding Trust EFTs 5640 & 5663)</i>	\$892,606.67
Electronic Fund Transfers Payroll	\$152,528.00
Bank Fees	\$755.63
Direct Debit Payments (Superannuation)	\$28,738.89
Loan 156	\$29,319.88

(b) Trust Account payments totalling \$72,776.62 consisting of:

Cheque Numbers 548 – 551	\$3,185.42
Electronic Funds Transfers 5640 & 5663	\$494.60
Direct Debits - Payments to DPI	\$69,096.60

CARRIED 7/0

15.2 Monthly Financial Statements for August 2016

Applicant: Shire of Dalwallinu
File No: FM/6 - Expenditure Reports
Previous Meeting Reference: Finance & Audit Committee Meeting – 20th September 2016
Attachments: Nil
Author: Mrs Hanna Jolly

Disclosure of Interest: Nil
Date of Report: 15 September 2016
Senior Officer: Mr Tony Doust

Purpose of Report

To receive the Financial Reports for the month ending 31 August 2016.

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.

Comment

Financial Reports as at last day of business of the previous month are appended, for the period ending 31 August 2016.

Attached for Council's consideration are:

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

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

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 (Community Consultation)

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8701

Moved Cr IW Hyde
Seconded Cr KM McNeill JP

That the Financial Reports as submitted for the month ending 31 August 2016 be accepted.

CARRIED 7/0

15.3 Outstanding Rates Debtors Report for August 2016

Applicant: Shire of Dalwallinu
File No: FM/6 - Expenditure Reports
Previous Meeting Reference: F&A Committee meeting – 20th September 2016
Attachments: Nil
Author: Miss Christie Andrews

Disclosure of Interest: Nil
Date of Report: 14 September 2016
Senior Officer: Mr Tony Doust

Purpose of Report

To receive the Outstanding Rates Debtors Reports as at 31 August 2016.

Background

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

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

Comment

Report on Outstanding Rates Debtors as at 31 August 2016 appends.

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

Important dates are as follows:

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

Breakdown of unpaid rates debtors as at 31 August 2016

Rates	2,960,753.46
Rubbish	147,199.49
Sewerage	145,745.03
ESL	52,942.73
Deferred Pensioner Rates	12,967.26
Paid in Advance	-2,544.74
Total Outstanding	3,317,063.23

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

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

There are no known environmental implications.

Economic

There are no known economic implications.

Social (Community Consultation)

There has been no community consultation.

Financial Implications

As at 31 August 2016 rates outstanding were \$3,317,063.23 in respect to collectable rates of which \$69,472.57 has been carried forward from 2015/16 or prior rating years, with 2016/17 rates raised being \$3,680,823.00.

Ratio = $\frac{\text{Total Outstanding}}{\text{Collectable}}$

= $\frac{98,303.71}{3,750,295.57}$

= 2.62%

Ratio = $\frac{\text{Total Owing}}{\text{Collectable}}$

= $\frac{3,317,063.23}{3,750,295.57}$

= 88.44%

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

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8702

Moved Cr IW Hyde
Seconded Cr KL Carter

That the Outstanding Rates Debtors Reports as at 31 August 2016 for ratepayers with unpaid balances be accepted.

CARRIED 7/0

15.4 Request for assistance with insurance – Kalannie Playgroup

Applicant:	Sarah Johnson – President Kalannie Playgroup
File No.	CU/2 – Customer Service
Previous Meeting Reference	F&A Committee Meeting – 20 th September 2016
Attachments:	Nil
Author:	Mr Keith Jones
Disclosure of Interest:	Nil
Date of Report:	14 September 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider the request to reduce costs associated with building insurance for the Kalannie Playgroup.

Background

A letter was received on 2 September 2016 from the Kalannie Playgroup (copy attached). The letter related to insurance for the 2014/15 financial year totalling \$929.21. The insurance costs for 2015/16 financial year have not been sent as yet but total \$718.20. The financial year 2016/17 insurance amount is \$590.86 and is significantly reduced because an excess of \$5,000 per claim has been set.

Comment

There has been requests from other community groups to reduce their insurance obligations however the Council has previously not allowed this to occur. Staff have made a number of investigations to find ways of reducing the insurance costs resulting in the latest move by Council to increase the excess to \$5,000 per claim. Any changes will set a precedent for all other community groups.

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

There are no known environmental implications.

Economic

There are no known economic implications.

Social (Community Consultation)

There has been no community consultation.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That the committee consider the request and information provided and make a recommendation to Council.

Committee Recommendation/Resolution

MOTION 8703

Moved Cr RS Nixon
Seconded Cr GH Sanderson JP

That the matter be held in abeyance to next meeting pending additional information, from Cr RS Nixon and Cr GH Sanderson meeting with the Playgroup.

CARRIED 7/0

4.23PM Cr KJ Christian and Cr Steven Carter declared a proximity interest and left the Council Chambers.

CR KL Carter assumed Chair.

15.5 Innovation Central Midlands Inc. – Aged Housing Development

Applicant:	Shire of Dalwallinu
File No.	GR/19 – Local Regional Development – Surrounding Shires
Previous Meeting Reference	F&A Committee meeting 20 th September 2016
Attachments:	Nil
Author:	Mr Keith Jones
Disclosure of Interest:	Nil
Date of Report:	15 September 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To ratify a decision made on 1 September 2016 by the Shire President, following verbal consultation with Councillors, relating to a submission by Innovation Central Midlands Inc. R4R funding for Aged Housing Development.

Background

At the Ordinary Council Meeting on 22 March 2016 the following resolution was carried:

MOTION 8568

Moved Cr AR Dickins
Seconded Cr NW Mills

Council approves the use of Lots: 603, 604, 605 and 606 Pioneer Place, Dalwallinu and Lots 12, 13 and 14 McNeill Street, Dalwallinu for the purpose of aged housing and endorses the action taken by the Shire President and the Chief Executive Officer in committing the Shire to meeting the future costs of any headworks charges and site works on the land.

CARRIED BY ABSOLUTE MAJORITY 8/0

Mr Steve Mason requested an updated letter of support from the Acting CEO on 24 August 2016 including figures as per the table below:

SHIRE	ITEM	Cost Per Unit	Year 1	Year 2	Year 3	COST (\$)	RESPONSIBILITY
Number of Units			3	6	0		
Dalwallinu	Site works	\$10,000	\$30,000	\$60,000	\$0	\$90,000	Council
	Survey/Design	\$10,000	\$30,000	\$60,000	\$0	\$90,000	Council
	Services	\$20,000	\$60,000	\$120,000	\$0	\$180,000	Council
	9 Independent Living Units	\$202,000	\$606,000	\$1,212,000	\$0	\$1,818,000	RFR
	Driveways/Paving	\$6,000	\$18,000	\$36,000	\$0	\$54,000	Council
	Footpaths	\$6,000	\$18,000	\$36,000	\$0	\$54,000	Council
	Fencing	\$5,000	\$15,000	\$30,000	\$0	\$45,000	Council
	Landscaping	\$6,000	\$18,000	\$36,000	\$0	\$54,000	Council
	Communal areas	\$1,667	\$5,001	\$10,002	\$0	\$15,003	Council
	Land Provision	\$32,222	\$96,666	\$193,332	\$0	\$289,998	Council
	Project Management	\$10,412	\$31,236	\$62,472	\$0	\$93,708	RFR/ICMI
	Audit	\$178	\$534	\$1,068	\$0	\$1,602	ICMI
	TOTAL	\$309,479	\$928,437	\$1,856,874	\$0	\$2,785,311	

Shire of Dalwallinu total for the three year project = \$872,001.

The land, headworks and site works highlighted in yellow were included in the support letter sent by the CEO relative to the motion 8568 in March, however not to the values as shown. The green highlights are figures not previously agreed by Council.

The Acting CEO sought direction from the Shire President as he did not have the authority to make this decision. The Shire President made contact with Councillors outside a normal meeting and determined that support was given and followed up with an email to the Acting CEO on 1 September instructing "Could you write a letter to Steve Mason telling him Shire of Dalwallinu agrees to everything he's asking for in his letter". Based on the Shire President's instructions the Acting CEO sent the letter (see attached copy).

Comment

This matter was time dependant and as such determined the method of communication.

Legislative Requirements

Local Government Act 1995 – Section 6.8 Unbudgeted Expenditure (Commitment not previously authorised or included in the current budget)

Strategic Implications

Important to the partnership with adjoining Local Government to provide facilities in each Shire by a joint funding approach.

Sustainability Implications

Environment

There are no known environmental implications.

Economic

Additional housing for the aged will provide opportunities to retain and increase population.

Social (Community Consultation)

There has been no community consultation.

Financial Implications

No impact on present budget. Future budgets will need to include a commitment for all associated costs detailed in the submission.

Voting Requirements

Absolute Majority

Officer Recommendation

That the decision by the Shire President instructing the Acting Chief Executive Officer to write a letter of support including financial commitments over a 3 year period of \$872,001 to Innovations Central Midlands Inc. be ratified

Committee Recommendation/Resolution

MOTION 8704

Moved Cr RS Nixon
Seconded Cr KM McNeill JP

That the decision by the Shire President instructing the Acting Chief Executive Officer to write a letter of support including financial commitments over a 3 year period of \$872,001 to Innovations Central Midlands Inc., which includes the previous commitment made in March 2016 for headworks land and site works, be ratified.

CARRIED BY ABSOLUTE MAJORITY 5/0

4.24PM Cr KJ Christian and Cr Steven Carter returned to the Council Chambers.

CR SC Carter resumed Chair.

15.6 Liebe Group Royalties for Regions Wheatbelt Regional Grants application

Applicant:	Liebe Group
File No.	GS/1 Grants & Subsidies – Applications – Community Groups
Previous Meeting Reference	February 2016 Council Meeting; F&A Committee Meeting – 20 th September 2016
Attachments:	Nil
Author:	Mr Keith Jones
Disclosure of Interest:	Nil
Date of Report:	16 September 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider a request from the Liebe Group for Council to agree to support their Royalties for Regions Wheatbelt Regional Grants application for funding of a purpose built facility in Dalwallinu.

Background

The following request has been received from Clare Johnston, EO, Liebe Group:-

“The Liebe Group are currently waiting for feedback regarding our National Stronger Regions Funding for a new office building. This application was supported by the Shire of Dalwallinu with a letter of support and pledge for \$20,000. The announcement has been postponed until October.

As the funding round was an extremely competitive we have decided to pursue complimentary funding opportunities. Hence we are in the process of seeking funding through the Royalties for Regions Wheatbelt Regional Grants Scheme to support the purpose built facility for the group which will also incorporate two spare office spaces to attract new professionals to the region. This round is for a maximum of \$300,000 and their investment must be matched by the Liebe Group.

As a not for profit group, Liebe Group members are committed to providing substantial cash and in-kind contribution wherever possible to this project.

We are seeking a letter of support for our application. Within the funding criteria we must demonstrate how the Liebe Group building will meet the identified needs in the region. From these we have identified some key areas we suggest for mentioning within the letter:

- The Liebe Group makes an economic difference to the region. This facility would enable us to increase opportunities of attracting more staff, professionals, research and development and services, providing future regional economic growth.

- The Liebe Group provides lifelong learning opportunities for the region.

The development of the new facility supports the Wheatbelt Regional Investment Blueprint’s aspiration of “Clever People” with increased participation in lifelong learning, developing innovation networks and building research and development capacity as well as developing leadership capabilities within the Wheatbelt. The project is expected to create local employment and support agricultural outcomes in the

region which will contribute significantly to the social and economic development of the area. This development will not only increase local employment opportunities during the construction stage but into the future as the Liebe Group expands its research and development and the opportunity for external businesses to secure tenure in the building.

A requirement of a successful application is that there is collaborative funding. The Liebe Group is seeking your support as a partner for this funding. The cash contribution previously pledged would be an excellent demonstration of this, we just require it to be a new pledge with the current funding source referenced. This funding would be for the 2017/2018 financial year."

Comment

This matter was originally passed in February 2016 on motion 8541 relating to National Stronger Regions Fund and Liebe Group is simply wishing to replace this with Royalties for Regions Wheatbelt Regional Grants application. There is no additional funding required.

Legislative Requirements

Nil

Strategic Implications

Community Strategic Plan - Outcome 2.2.1 – Advocate for additional commercial businesses to set up in towns

Community Strategic Plan - Outcome 2.7.1 – Maintain the relationship with local R&D groups such as the Liebe Group

Sustainability Implications

Environment

There are no known environmental implications.

Economic

The development of a purpose built facility will continue to support the local economy and may further encourage economic growth by way of attracting other businesses to the Shire.

Social (Community Consultation)

Liebe Group.

Financial Implications

Nil.

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8705

Moved Cr IW Hyde
Seconded Cr KM McNeill JP

That the Council direct the Chief Executive Officer to provide a letter of support to the Liebe Group for an application to the Royalties for Regions Wheatbelt Regional Grants Scheme for funding of a purpose built facility in Dalwallinu.

CARRIED 7/0

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION

16.1 Road Names – New Roads Dalwallinu Townsite

Applicant:	Landcorp (WA Land Authority)
File No:	RO/3 Naming
Previous Meeting Reference:	Nil
Attachments:	Map of Area – Townsite Dalwallinu
Author:	Mr Tony Doust
Disclosure of Interest:	Nil
Date of Report:	22 nd September 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider a request from Landcorp to name roads to be created by the subdivision of land in the Leahy/South/Strickland Streets area in Dalwallinu.

Background

The Senior Development Manager Landcorp has made the following request:

“Following a mid-year financial review, Landcorp has secured the funding needed to undertake the second stage of the Leahy Street residential subdivision and I have instructed Calibre Consulting to prepare the documentation to tender the project at the earliest opportunity. The next stage, of South Street, is also intended to comprise eight (8) lots, rather than the original proposal of five(5).

The original subdivision layout for the site has been changed to accommodate larger sized lots and the amended design will create three (3) separate roads in the long term. The configuration of the road pavements also has the capacity to change the way in which the roads are identified by future landowners and the Shire of Dalwallinu, see attached plan.

Section 26A of the Land Administration Act 1997 leaves the responsibility for the naming of the new roads within new subdivision with the local authority. It may also be possible that names may also have been allocated by the Geographic Names Committee (a sub-section of Landgate) to the roads shown in the original subdivision overlay.

Either way, Landcorp will not be able to put a future Deposited Plan in ‘order for dealing’ until a copy of the Committee’s letter of approval for the road names can be provided. I request that the shire proceed to secure approval for the road names based on the amended subdivisional plan and I have pro-former letters to the Geographic Names committee which I can make available to you to secure the requisite approval, if it would assist you in securing that written confirmation.

Comment

The map attached shows two (2) options for naming the Roads to be created by eventual subdivision all the land in the area including Lot 9000.

It is recommended that option 1 be adopted as the concept used for naming roads as this will provide a name for the cul-de-sac that is to be created by the subdivision to proceed at this time.

Policy Requirements

Council does not have a policy relating to naming roads.

Legislative Requirements

Land Administration Act 1997 Section 26A.

26A. New subdivisions, names of roads and areas in

- (1) If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.
- (2) The local government may require the person so subdividing the land —
 - (a) to propose a name for the proposed road or, if a name has already been proposed, to alter that name; and
 - (b) to propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.
- (3) If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.
- (4) The Minister may —
 - (a) approve the proposed name; or
 - (b) direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or
 - (c) refuse to approve the proposed name.
- (5) A person must not —
 - (a) assign a name to the area or road unless the name is first approved by the Minister;
 - (b) alter or change a name that has been so assigned, whether initially or from time to time, to the area or road unless the Minister first approves of the alteration or change of that name.

Penalty: \$1 000 and a daily penalty of \$100.

Strategic Implications

Not Applicable (N/A)

Sustainability Implications

Environment

N/A

Economic

N/A

Social (Community Consultation)

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

1. That Council approves of the option 1 (as per the attached plan) for the name of the new roads being created.

2. The Roads shown on the plan be named as follows:
 - (a) Road 1 - _____
 - (b) Road 2 - _____
 - (c) Road 3 - _____

Resolution

MOTION 8706

Moved Cr IW Hyde
Seconded Cr KM McNeill JP

1. That Council approves of the option 1 (as per the attached plan) for the name of the new roads being created.

2. The Roads shown on the plan be named as follows:
 - (a) Road 1 – Mills Street
 - (b) Road 2 – Butcher Street
 - (c) Road 3 – Kittler Place

CARRIED 7/0

16.2 Damage to Forces & their Horses Murals

Applicant: Irene Osborne
File No: CU/1 Request
Previous Meeting Reference: Council Meeting – 23rd August 2016
Attachments: Nil
Author: Mr Tony Doust

Disclosure of Interest: Nil
Date of Report: 22nd September 2016
Senior Officer: Mr Tony Doust

Purpose of Report

To consider a request from the artist engaged to paint the Murals “Forces and their Horses” to reinstate her name and other information that has been removed from the completed work.

Background

The following is an extract from the email received from Irene Osborne on 1st September 2016:

“I have recently been notified by my aged parents and friends of my family, who visited the “Forces and their Horses” murals I painted in Dalwallinu, that they could not find my name as the mural artist anywhere, on the mural walls, despite me painting this on it myself, when I completed painting the murals in September last year (2015).

Since then, I have checked and discovered that indeed, someone has recently painted over sections of text on 2x walls with the pale yellow background colour that I left for the purpose of touching up if needed in the future.

Please find attached photographs of the affected mural walls, with before and after views.

*Covered over and no longer visible, on the right side front mural of the Supply Wagon. My name, **Irene Osborne and logo**, also the wording: **Use of Images – Courtesy of the Australian War Memorial**.*

*On the second wall opposite left front, above the outline painting of the soldier on the horse, the title above it, **“Spirit of the ANZAC’s”** has also vanished.*

I am proud to have built good reputation over forty years of arts practice, as a highly regarded professional West Australian artist delivering, quality artworks to numerous towns and communities across the State and have many positive project endorsements to support this.

Having never had this happen before, I am offended by these actions that appear to target myself as the mural artist, and importantly, also disrespect the memory of the ANZACs and the Australian War Memorial.

The removal and painting over this information relating to myself is a breach, under the Copyright Act 1968 (Cth), of my moral rights of attribution – to be attributed as the artist, and also is an additional breach of my moral right of integrity because the logo/palette has been removed by being painted over, damaging to my professional reputation.

Removing the attribution to the Australian War Memorial is for them to address and because of this, and the ongoing issues regarding my treatment throughout this project. I feel it courteous and necessary to let Melissa Price, the local Federal member and representative of the ANZAC Centenary Funding Grant know what has happened.

As the Shire of Dalwallinu is responsible for the care of the murals project, I now request that the Shire:

- *Investigate whom is responsible for these acts of vandalism or ask the local police to do so, and I suggest whomever did this should pay the costs of repair and to make a public apology to myself, the AWM, the Shire and the local community.*

Comment

The matter was discussed by the Community Services & Economic Development Committee at its meeting on the 20th September 2016.

The Committee recommendation is now presented to council for consideration.

Policy Requirements

No specific policy.

Legislative Requirements

Not Applicable (N/A)

Strategic Implications

(N/A)

Sustainability Implications

Environment

N/A

Economic

N/A

Social (Community Consultation)

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Committee Recommendation/Resolution

MOTION 8707

Moved Cr IW Hyde
Seconded Cr KJ Christian

That the Committee recommends to Council that the Chief Executive Officer correspond with the artist (Irene Osborne) requesting a quote to reinstate the mural to original format.

CARRIED 7/0

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

Nil

18.0 CONFIDENTIAL BUSINESS - As per Local Government Act 1995, Section 5.23(2)

Nil

19.0 SCHEDULING OF MEETING

MOTION 8708

Moved Cr RS Nixon
Seconded Cr KJ Christian

That an Ordinary Meeting of Council be held on 25th October 2016 at Council Chambers, Dalwallinu commencing at 3.30pm.

CARRIED 7/0

20.0 CLOSURE

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

21.0 CERTIFICATION

I, **Steven Clifford CARTER**, certify that the Minutes of the meeting held on 27th September 2016, as shown on page numbers 1 to 52 were confirmed as a true record at the meeting held on the 25th October 2016.

CHAIRPERSON

DATE