



Ordinary Council Minutes

Tuesday, 23 July 2019 at 3:30pm

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SHIRE OF DALWALLINU

MINUTES for the Ordinary Meeting of Council to be held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday, 23 July 2019, commencing at 3.30pm.

1 OPENING & ANNOUNCEMENT OF VISITORS

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

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
Deputy Chief Executive Officer	Mr KT Jones
Executive Assistant	Ms EJ Dutton

3.2 Apologies

Cr NW Mills

3.3 Leave Of Absence Previously Granted

Cr AR Dickins

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 MEETING/S

6.1 Ordinary Council Meeting – 25 June 2019

MOTION 9393

Moved Cr BH Boys

Seconded Cr GH Sanderson

That the Minutes of the Ordinary Meeting of Council held 25 June 2019 be confirmed.

CARRIED 7/0

6.2 Special Council Meeting – 16 July 2019

MOTION 9394

Moved Cr BH Boys

Seconded Cr JA Huggett

That the Minutes of the Special Meeting of Council held 16 July 2019 be confirmed.

CARRIED 7/0

7 PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES REPORTS/SUBMISSIONS

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

7.4 Delegates Reports/Submissions

Nil

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

9 REPORTS

9.1 WORKS AND SERVICES

9.1.1 Road Name – Unnamed Section of Road off Great Northern Highway, Wubin

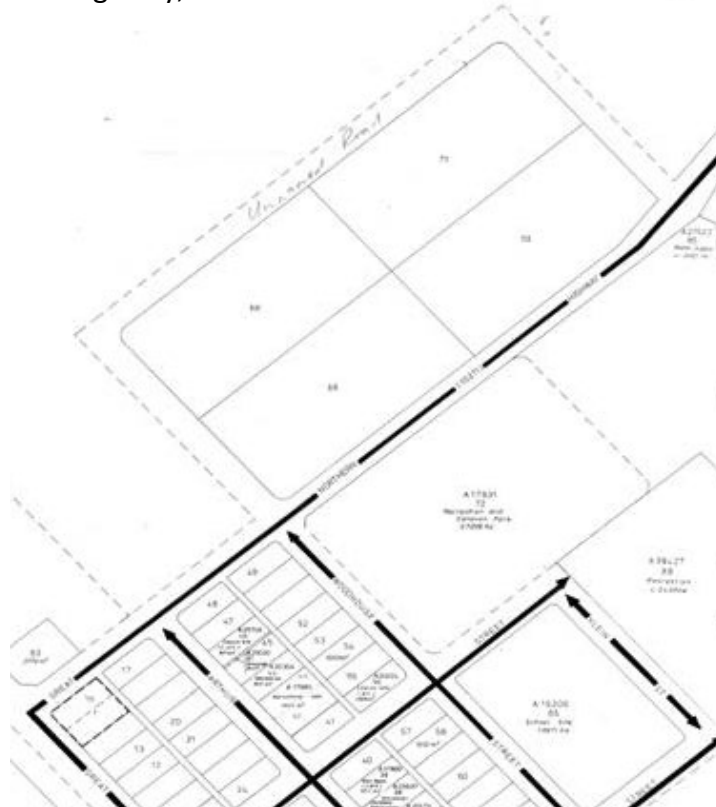
Report Date: 23 July 2019
Applicant: Landcorp
File Ref: RO/6 - Naming
Previous Meeting Reference: Nil
Author: Christie Andrews, Finance Officer
Senior Officer: Jean Knight, Chief Executive Officer
Voting Requirements: Simple Majority
Disclosure of Interest: Nil
Attachments: Nil

Purpose of Report

Council is requested to authorise the naming of one (1) road in Wubin, previously thought to be an extension of Woodhouse Street.

Background

During a recent check of house numbers in Wubin it was noticed that lots 68 and 71 did not have a street number. In the past these lots have been referred to as Woodhouse Street, however this section of road has never been named. Woodhouse Street starts at Great Northern Highway and heads south ending at Wubin East Road. Due to the numbering starting from Great Northern Highway, Woodhouse Street cannot be extended.





It was suggested by Landgate to name the road after a pioneer, soldiers who did not return from the war or an old large farming estate. Unfortunately the most suitable names have already been used within the Shire. After some consultation with the history books of the area and Joy Wornes the following suggestions were made:

- Behrenbeck - Rudolph Behrenbeck also known as Robert or Bob was born in Germany. Builder by trade he was sent to Wubin by Gustave Liebe to build the Klein's new home, once the house was complete he went on to begin construction of the hay, machinery and shearing sheds. Behrenbeck held land leases 6112/66 and 6160/56 totalling 2,000 acres, these were transferred to FWG Liebe on his death. A resident of Wubin for approximately 40 years, Behrenbeck passed away in 1917 aged 64 and was the first person buried in the Wubin Cemetery.
- Graham – Tommy Graham was a shearer who arrived after World War II. Graham had a hut and 5 acres where the current lots 68 and 71 are today. He lived in Wubin for some forty years until his death.
- Grevillea – The Bethanania grevillea once flowered prolifically between Wubin and Buntine.

Policy Requirements

Nil

Legislative Requirements

Land Administration Act 1997 Section 26A

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Unknown

Social

Nil

Financial Implications

Nil

Comment

Unfortunately both Graham and Grevillea have been deemed unsuitable by Landgate due to overuse within Western Australia.

The acceptable road types for these roads as per Landgate guidelines are as follows:

- Drive – wide thoroughfare allowing a steady flow of traffic, without many cross streets
- Road – open way or public passage primarily for vehicles

Officer Recommendation/Resolution

MOTION 9395

Moved Cr BH Boys

Seconded Cr JA Huggett

That Council approve the road name Behrenbeck Road for the unnamed section of road off Great Northern Highway, north of Woodhouse Street, Wubin.

CARRIED 6/1

9.2 PLANNING & DEVELOPMENT SERVICES

9.2.1 Development Application (DA 231819) General Industry

Report Date:	23 July 2019
Applicant:	BB Ngwenya <i>obo</i> Dallcon P/L
File Ref:	A74701
Previous Meeting Reference:	Nil
Author:	Doug Burke, Manager Planning & Development Services
Senior Officer:	Jean Knight, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Documents supporting the application

Purpose of Report

To consider an application for approval to allow for the proposed development of a 'small industrial factory' on the subject land as submitted by the applicant on 20 June 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 700 Huggett Drive, Dalwallinu
Land Use Zoning:	General Industry
Property Owner:	HD Sprigg
Applicant:	BB Ngwenya
Consent Authority:	Shire of Dalwallinu Council
Proposed Development:	Industry - General
Value of Development:	\$44K
Outside Consultation:	Nil

The proposal is for an extension to be added to the existing workshop which is currently used for concrete mould fabrication. The extension would be constructed with metal cladding on a metal frame 18 metres long, 10 metres wide with an overall height of 6 metres.

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.



Location of subject development site (Synergy)

Policy Requirements

Nil

Ordinary Council Meeting

Legislative Requirements

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^o 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	Nil impact. There is storm water drainage infrastructure located along the southern boundary that services a large portion of the Dalwallinu township. It is envisaged that any storm water runoff from the development will be directed to this drainage channel. 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	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>

	<p>The planning scheme requires general industry development to include a minimum 15% of lot to be landscaped area. The proposal includes an allocated 350m² of soft landscaping (16% 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	Nil change to the existing extent of risk
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 (Huggett Drive).</p> <p>The parking and unloading issues have already been addressed within the scope of the existing development.</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>Solid waste can be adequately stored and removed from site.</p> <p>Wastewater will need to be treated onsite as the town sewerage system does not extend to the subject property.</p> <p>The planning scheme requires that unsewered industrial development be restricted to 'dry industry' types that generate less than 540L per 1000m² on a daily rate.</p>
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	Vacant - undeveloped

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

Strategic Implications

Nil

Sustainability Implications

Environment

There are no known environmental implications.

Economic

There are no known economic implications.

Social

There are no known social implications.

Financial Implications

Nil

Comment

- 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.

One such control for general industry specifies prescribed setbacks for buildings from boundaries. The development table requires a nominal 7.5 metre setback from the front boundary. The proponent has requested consideration be given for a reduced setback.

Relaxing the front boundary setback to 2 metres would allow for a better use of the land made available for satisfactory development outcomes. 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.

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 9396

Moved Cr KL Carter
Seconded Cr KM McNeill

That Council approve the development application (DA 231819) for Lot 700 Huggett Drive, 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.

CARRIED 7/0

9.3 CORPORATE SERVICES

9.3.1 Accounts for Payment for June 2019

Date of Report:	23 July 2019
Applicant:	Shire of Dalwallinu
File No:	FM/6 - Expenditure Reports
Previous Meeting Reference:	Nil
Author:	Mrs Hanna Jolly, Accounting Officer
Senior Officer:	Mr Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Summary of Accounts for Payment

Purpose of Report

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

Background

A list of invoices paid for the month of June 2019 from the Municipal Account, to the sum of \$16,674.39 paid by cheque and \$1,459,743.47 paid by EFT are attached, together with a list of Bank Fees, Payroll, Direct Debit Payments and transfers to Reserves & Term Deposit. These payments total \$1,846,920.75. In addition, payments of \$91,422.62 were made from the Trust Account. The total payments from all accounts being \$1,938,343.37 have been listed for Council's ratification.

Policy Requirements

Nil

Legislative Requirements

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

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Account payments are in accordance with the revised budget for 2018/19 or authorised by separate resolution.

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 payee's 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'.

Officer Recommendation/Resolution

MOTION 9397

Moved Cr KL Carter
Seconded Cr KM McNeill

That in accordance with the requirements of section 13(1), 13(3) and 14(4) of the *Local Government (Financial Management) Regulations 1996* a list of payments made in June 2019 under the CEO's delegated authority is endorsed in respect to the following Bank accounts:

- (a) Municipal Fund Account totalling \$1,846,920.75 consisting of :

Cheque Numbers 35199-35200	\$16,674.39
Electronic Fund Transfers 9564 – 9701 (excluding Trust EFTs 9655-9668 &9671-9672)	\$1,459,743.47
Direct Debit Payments Credit Card 15073.1, 15076.1, 15097.1 and 260619	\$4,7293.89
Direct Debit Payments Gym Lease 15081.1	\$737.96
Electronic Fund Transfers Payroll	\$118,668.00
Bank Fees	\$810.43
Direct Debit Payments (Superannuation)	\$24,395.70
Transfers to/from Reserves Term Deposit	\$221,160.91

- (b) Trust Account payments totalling \$91,422.62 consisting of :

Cheque Numbers 644-645	\$1,258.00
Electronic Fund Transfers 9655-9668, 9671-9672	\$39,517.27
Direct Debits – Payments to DPI	\$50,647.35

CARRIED 7/0

9.3.2 Monthly Financial Statements for June 2019

Date of Report:	23 July 2019
Applicant:	Shire of Dalwallinu
File No:	FM/6 - Expenditure Reports
Previous Meeting Reference:	Nil
Author:	Mrs Hanna Jolly, Accounting Officer
Senior Officer:	Mr Keith Jones, Deputy Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Monthly Statement of Financial Activity, Variance Reports, Investments Held and Bank Reconciliations

Purpose of Report

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

Policy Requirements

Nil

Legislative Requirements

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

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

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

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

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil

Comment

Financial Reports as at last day of business of the previous month are appended, for the period ending 30 June 2019. It is to be noted that these financial statements are not the final statements for the 2018-19 financial year as further adjustments will be required for yearend accruals.

Attached for Council's consideration are:

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

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

Officer Recommendation/Resolution

MOTION 9398

Moved Cr KL Carter

Seconded Cr BH Boys

That the Financial Reports as submitted for the month ending 30 June 2019 be accepted.

CARRIED 7/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Proposed Lease – Kalannie Railway Station

Report Date:	23 July 2019
Applicant:	Yarra Yarra Catchment Management Group
File Ref:	CU/6 – Customer Requests
Previous Meeting Reference:	OCM – 15 May 2018 (M9165)
Author:	Jean Knight, Chief Executive Officer
Senior Officer:	Jean Knight, Chief Executive Officer
Voting Requirements:	Simple Majority
Disclosure of Interest:	Nil
Attachments:	Correspondence

Purpose of Report

Council is requested to reconsider a decision made at the May 2019 Ordinary Council Meeting regarding the lease of the Kalannie Railway Station.

Background

Correspondence was received on 19 June 2019 from Yarra Yarra Catchment Management Group (YYCMG) requesting that Council reconsider their decision to not continue with the lease for the building known as the Kalannie Railway Station.

YYCMG have indicated that they wish to take on a sub-lease and accept all costs associated with the building maintenance and any set up costs associated with the lease arrangements.

The Shire of Dalwallinu had the following three historic leases:

1. An area of 1,200^m² on Roche Street, Kalannie Railway Station and around the station building for the purposes of a railway station;
2. An area of 6125^m² on Roche Street for “Beautification”; and
3. An area of 147^m² at Wubin for the Station building.

The leases expired respectively on 31/3/2003, 31/1/2009 and 30/06/2003 but had been held over by the Public Transport Authority (PTA).

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

'MOTION 9165

Moved Cr GH Sanderson

Seconded Cr BH Boys

That Council direct the Chief Executive Officer to advise Arc Infrastructure that:

1. *The Shire of Dalwallinu wishes to renew the following leases:*
 - (a) *An area of 6125m² on Roche Street for "Beautification"; and*
 - (b) *An area of 147m² at Wubin for the Station building;*

2. *The Shire of Dalwallinu does not wish to renew the following lease:*
 - (a) *An area of 1,200m² on Roche Street, Kalannie Railway Station and around the station building for the purposes of a railway station.*

CARRIED 6/1'

Council resolved to not renew the lease for the Kalannie Railway Station as the building appeared underutilised and is suffering from termite damage around the windows and architraves.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil

Comment

Council has been trying to consolidate its properties and prioritising which buildings they were prepared to maintain.

Should Council wish to entertain the proposal, even though the applicant has indicated they would accept all the costs associated with the building maintenance, in the event the group folds, the Shire would ultimately be left with the costs as they would be the holders of the lease with PTA.

Whilst we acknowledge the achievements of the YYMG in delivering outcomes, we believe that they should approach the PTA to secure the lease in their own name.

Advice from the PTA is as follows:

“Should Yarra Yarra Catchment Group wish to have a lease of the Kalannie Railway Station in its own name – under the PTA requirements

- A formal application to lease would be required listing
 - The full title of the organisation seeking to lease the station
 - the names of the persons who would actually be signing the document or in whose name the lease would have to be if Yarra Yarra Catchment group is not entitled to sign a lease document
 - A full description of the purposes and usage the station would be put
- Upon receipt of the application PTA must carry out its Full Internal Lease Approval Process – which is quite lengthy and time consuming (could be several weeks to some months)
- *If at the end of that process, all the PTA Stakeholders have agreed to a new lease, PTA will instruct its Valuers to provide **a commercial rental estimate** & then will instruct this office to respond with the commercial terms nominated by PTA for the proposed new lease (ie the lease term – up to 10 years – no options at all – the rental – rental review clauses, method of payment etc etc)*
- *A formal Solicitors Prepared lease would be required (at approx. cost of \$1,700 plus GST) to the Yarra Yarra Catchment Group- not negotiable*
- *Shire Rates and Water Rates/ Consumption charges would be responsibility of Yarra Yarra Catchment Group – this is also not negotiable under the PTA Act”*

YYCMG were advised of the above in an email from PTA on 2 April 2019.

Officer Recommendation

Moved Cr KM McNeill
Seconded Cr BH Boys

That Council direct the Chief Executive Officer to advise the Yarra Yarra Catchment Group that they do not wish to reconsider their previous decision to not renew the lease for “an area of 1,200^{m2} on Roche Street, Kalannie Railway Station and around the station building for the purposes of a railway station’ and that they should approach the Public Transport Authority to request a lease in their own name.

LOST 3/4

MOTION 9399

Moved Cr GH Sanderson

Seconded Cr KJ Christian

That Council

1. Direct the Chief Executive Officer to advise the Yarra Yarra Catchment Group that they will renew the lease between the Shire of Dalwallinu and Public Transport Authority for 'an area of 1,200m2 on Roche Street, Kalannie Railway Station and around the station building for the purposes of a railway station';
2. Direct the Chief Executive Officer to draw up a sub-lease between the Shire of Dalwallinu and the Yarra Yarra Catchment Management Group for the Kalannie Railway Station Building with all lease preparation costs, building maintenance costs, Shire rates, electricity, and water rates/consumption to be borne by the Yarra Yarra Catchment Management Group.
3. Authorise the Shire President and Chief Executive Officer to sign and affix the common seal to all documents pertaining to the lease above.

CARRIED 7/0

Reason: Council felt strongly about supporting the YYCMG due to the renewed interest on the area and land care.

9.4.2 WALGA Annual General Meeting 2019

Report Date:	23 July 2019
Applicant:	Shire of Dalwallinu
File Ref:	GR/4 – Government Relations - WALGA
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:	AGM Motions

Purpose of Report

Council is requested to provide voting instructions for the Shire delegates for the Western Australia Local Government Association (WALGA) Annual General Meeting (AGM) to be held on 7 August 2019.

Background

The AGM for WALGA is held during the Local Government Convention each year. This year the meeting is scheduled to be held on Wednesday 7 August 2019 commencing at 1.30pm. For this meeting member Councils have provided agenda items for consideration by the association.

Council's registered voting delegates for the 2019 AGM are Cr's Steven Carter and Keith Carter with Cr Graham Sanderson listed as a proxy.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social

Nil

Financial Implications

Nil

Comment

There are nine (9) items presented for consideration which are attached to this item. These are as follows:

3.1 Coastal Erosion (Shire of Gingin)

In Brief

WALGA advocate for more resources to be provided to Coastal Councils to manage coastal hazards.

Intergovernmental agreement to develop a coordinated national approach to Council issues

3.2 Department of Housing leasing residential properties to charitable organisations (City of Kwinana)

In brief

Department of Housing policy and practice to lease housing assets, to not for profit organisations is eroding Local Government's rate base.

3.3 Motorist Taxation Revenue and Spending in WA (Shire of Manjimup)

In brief

Fair distribution of funding from motorists to road maintenance, congestion and road safety is sought.

An inquiry into road user pricing should be established.

3.4 Biosecurity groups (RBG's) (Shire of Bridgetown-Greenbushes)

In brief

Current WALGA policy position is that local government isn't supportive of Recognised Biosecurity Groups (RBGs).

Since development of this policy position 16 RBGs have been established in Western Australia, covering land within 61 separate local governments.

Individual local governments can be discouraged from trying to work with the RBG in its area due to the current sector policy provision.

It is timely to review the current policy position.

3.5 WALGA Members support for Waste to Energy (Shire of Dardanup)

In brief

Seeking support for the Waste Strategy: Western Australia's Waste Avoidance and Resource Recovery Strategy 2030 from WALGA Members.

To seek firm commitments from the State Government as to how it will be achieved, including alternative options and incentives to reduce and eventually eliminate reliance on landfill.

3.6 Membership of Development Assessment Panels (Shire of Mundaring)

In brief

DAP includes 3 experts and 2 elected members, which is considered by DoPLH as a balanced decision-making framework;

There is a need to strengthen transparency and increase public respect for the DAP process;

It is proposed that WALGA advocate for increasing local government membership on DAP.

3.7 Review of the Mining Act 1978 (Shire of Dundas)

In brief

FIFO and DIDO to be limited in a reviewed Mining Act, similar to the Stronger Resource Communities Act in Qld

That an MOU with Councils is addressed as a compulsory part of the mining application process

That the MOU forms part of the Audit process of the relevant Local Government

3.8 Financial Assistance Grant (Shire of Dundas)

In brief

Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council services and infrastructure

Expresses its concern about the decline in the value of Financial Assistance Grants funding at the national level from an amount equal to around 1% of Commonwealth Taxation Revenue in 1996 to a current figure of around 0.55%.; and

Calls on all political parties contesting the 2019 Federal Election and their local candidates to support the Australian Local Government Association's call to restore the national value of Financial Assistance Grants funding to an amount equal to at least 1 % of Commonwealth Taxation revenue and therefore to provide a Fairer Share of Federal funding for our local communities.

3.9 Third Party Appeal Rights (City of Bayswater)

In brief

Further amendments proposed to the Preferred Model for Third Party Appeals Process

Officer Recommendation/Resolution

MOTION 9400

Moved Cr KL Carter
Seconded Cr GH Sanderson

That the delegates for the Western Australia Local Government Association, Annual General Meeting to be held on 7 August 2019 be authorised to vote as follows:

- 3.1 Coastal Erosion - **Against**
- 3.2 Department of Housing leasing residential properties to charitable organisations - **Support**
- 3.3 Motorist Taxation Revenue and pending in WA - **Support**
- 3.4 Biosecurity Groups - **Support**
- 3.5 WALGA Members support for Waste to Energy - **Listen**
- 3.6 Membership of Development Assessment Panel - **Support**
- 3.7 Review of Mining Act 1978 - **Listen**
- 3.8 Financial Assistance Grants - **Support**
- 3.9 Third Party Appeal Rights - **Listen**

CARRIED 7/0

10 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION 9401

Moved Cr KM McNeill
Seconded Cr JA Huggett

That the application for leave of absence of Cr NW Mills for the Ordinary Meeting of Council to be held on 27 August 2019 & 24 September 2019 be approved.

CARRIED 6/1

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 9402

Moved Cr GH Sanderson
Seconded Cr JA Huggett

That Council moves into a confidential session to discuss:

14.1. CONFIDENTIAL: Setting Reserve Price – Sale of Land (Non Payment of Rates)
and

14.2 CONFIDENTIAL: Request for Lease amendment – Panaceum Group
and

14.3 CONFIDENTIAL: Award of Tender RFT2019-11 – Sale of 70 McNeill Street,
Dalwallinu under the terms of the *Local Government Act 1995, Section 5.23(2)*:

e. a matter that if disclosed, would reveal –
(ii) information that has a commercial value to a person; or
(iii) information about 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.”-

CARRIED 7/0

14.1 CONFIDENTIAL: Setting Reserve Price – Sale of Land (Non Payment of Rates)

Report Date: 23 July 2019
Applicant: Shire of Dalwallinu
File Ref: A554 and A8942
Previous Meeting Reference: OCM 16 April 2019 (M9363)
Author: Christie Andrews, Finance Officer - Rates
Senior Officer: Jean Knight, Chief Executive Officer
Voting Requirements: Simple Majority
Disclosure of Interest: Nil
Attachments: Nil

MOTION 9403

Moved Cr KM McNeill
Seconded Cr KL Carter

That Council adopt the Officer Recommendation contained within the report.

CARRIED 7/0

14.2 CONFIDENTIAL: Request for Lease amendment – Panaceum Group

Report Date: 23 July 2019
Applicant: Shire of Dalwallinu
File Ref: CS/45 – Service Provision - Panaceum
Previous Meeting Reference: OCM – 14 August 2018 (Motion 9228)
Author: Jean Knight, Chief Executive Officer
Senior Officer: Jean Knight, Chief Executive Officer
Voting Requirements: Simple Majority
Disclosure of Interest: Nil
Attachments: Correspondence from Panaceum Group

MOTION 9404

Moved Cr KL Carter
Seconded Cr KM McNeill

That Council adopt the Officer Recommendation contained within the report.

CARRIED 7/0

14.3 CONFIDENTIAL: Award of Tender RFT2019-11 – Sale of 70 McNeill Street, Dalwallinu

Report Date: 23 July 2019
Applicant: Shire of Dalwallinu
File Ref: FM/28 – Financial Management - Tendering
Previous Meeting Reference: OCM – 28 May 2019 (Motion 9369)
Author: Jean Knight, Chief Executive Officer
Senior Officer: Jean Knight, Chief Executive Officer
Voting Requirements: Simple Majority
Disclosure of Interest: Nil
Attachments: Tender Information

MOTION 9405

Moved Cr KM McNeill
Seconded Cr KL Carter

That Council:

1. Accept the offer of \$265,000 (inc GST) from Tyler Barnes for the purchase of 70 McNeill Street, Dalwallinu, subject to finance approval and a building & pest inspection;
2. 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 to finalise the disposal of 70 McNeill 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 7/0

PROCEDURAL MOTION 9406

Moved Cr GH Sanderson
Seconded Cr BH Boys

That the meeting come from behind closed doors.

CARRIED 7/0

15 SCHEDULING OF MEETING


The next Ordinary Meeting of Council will be held on 27 August 2019 at Council Chambers, Dalwallinu commencing at 3.30pm.

16 CLOSURE

There being no further business, the Chairperson closed the meeting at 4.09 pm.

17 CERTIFICATION

I, Steven Clifford Carter, certify that the minutes of the Special Council meeting held on the 16 July 2019, as shown on page numbers 1 to 31 were confirmed as a true record at the meeting held on 16 July 2019.



CHAIRPERSON

27/8/19
DATE