




Norseman Woodlands to Eucla Coast

Minutes Certification

I certify that the Minutes of the 25th July 2023 Ordinary Council Meeting were presented to the Council and confirmed at the 22nd August 2023 Ordinary Council Meeting.



Cr L Bonza
President

22.08.2023

Date



Norseman Woodlands to Eucla Coast

CONFIRMED MINUTES
Ordinary Council Meeting
25th July 2023

CONFIRMED MINUTES for the ORDINARY Meeting of Council
held in the Council Chambers at the Shire Administration Office –
Prinsep Street Norseman on the
25th July 2023 commencing at 6:00pm AWST

Notes to Minutes

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1. Declaration of Opening and Announcement of Visitors.

The Shire President welcomed all in attendance and declared the meeting open at: 6.00pm

This Ordinary Council Meeting will be video recorded to assist in the preparation of the minutes of the meeting.

1.1 Acknowledgment of Country

The Shire of Dundas recognises the Ngadju and Mirning as First Nations People in the Shire of Dundas, acknowledging them as traditional custodians and pay our respects to their Elders, past, present, and emerging.

1.2 Attendance at meetings by electronic means

2. Declarations of Financial, Proximity, Impartiality Interests & Gifts Received.

Financial Interests: Pania Turner: Item 10.3.3

Proximity Interests: Nil

Impartiality Interests: Nil

Gifts Received by Councillors: Nil

As per the Shire of Dundas Code of Conduct section 3.4 Gifts, adopted by the Council on 21 October 2014 and reference to Regulation 34B of the Local Government (Administration) 1996.

3. Record of Attendance of Councillors / Officers and Apologies.

Cr LG Bonza	Shire President
Cr AR Patupis	Deputy Shire President (via Teams)
Cr JEP Hogan	
Cr SM Warner	
Cr VL Wyatt	
Cr J Maloney	

Peter Fitchat	Chief Executive Officer
Pania Turner	Manager of Corporate and Community Services
Barry Hemopo	Manager of Works and Services
Latif Samadi	Information and Technology Officer

Apologies

Cr VL Wyatt

Public Gallery

Sharon Brown ,Marie Koot, Lourdes Has, Chantelle McLeod, Ann McLeod, Frank McLeod, Sarcha McLeod, Ann Ocon, Mark Pink, Steve VEVERS, Jillian Cerriales, Manho Dulavy, Perly De Vera, Marissa Mortel, Leon Cuso, Katherine Cuso, Jammie-Lee Bennett, Bonnie Vicensoni, Joy Turker, Gemma Knight, Darren Wood, Mark Dalgleish, Ashley Young, Andrew Chounding, T. Carr, Neuri De Sousa Fra, Kelly Willison, Brad Davis, Daryl Fishwick, Emelia Brydon, Anton Carlsen, Margaret McEwan, Tony Dowling, Jonah Turner, Julie Curtin, Meralyn Lagurbay, Jacinta Bourji, Lynn Webb.

4. Applications for Leave of Absence.

Cr VL Wyatt
Carried For: 5 Against: 0

5. Response to Previous Public Questions Taken on Notice.**6. Public Question Time.**

In accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996, any person may during Public Question Time ask any question.

Question submitted by Katherine Cuso

Topic 1: Explanation why the expression of interest submitted by Dr Rowlands was not acceptable, and who made the decision?

Response from the Shire President Cr. Bonza

The expression of interest was rejected because it did not satisfy certain criteria. This was a decision of Council, who then directed the CEO to administer the decision.

Question submitted by Katherine Cuso

Topic: How was the decision made to “sue” people for comments made on Facebook?

Response from the Shire President Cr. Bonza.

The CEO in consultation with the President sought legal advice on how to address false/defamatory statements made on social media regarding the misuse of Shire’s funds and dishonesty by the President and CEO. Nobody has been sued, instead letters of request to cease the defamatory statements were issued.

Question submitted by Mark Pink

Topic: Seeking financial information/report on the Laundromat, concerned there is cost shifting from the laundromat to other areas.

Response from CEO, Peter Fitchat. The Shire’s financials including the costs of the laundromat are included in the annual budget. Additionally, the monthly financial statements are presented to Council at the Ordinary Council Meeting these reports and statements are published on the Shire of Dundas website.

Topic: Clarity on expenditure of Roads Funding

Response from Shire President Cr. Bonza and CEO Peter Fitchat. The Shire’s financial including the costs of the laundromat, and roads expenditure are included in the publicly available Budget, on which an external audit has been conducted and received a clean audit result.

Invitation extended to Mr Pink to come to the Shire Office and have the financials printed if he cannot access them on the website.

If a member of the public has concerns about incorrect expenditure of funds it should be reported to the Department of Local Government, Sport and Cultural Industries (DLGSCI). The Shire can support people with information on how to report their concerns.

7. Confirmation of Minutes of Previous Meeting.

Minutes of the Ordinary Meeting of Council held on 10th June 2023 be confirmed as a true and accurate record.

Recommendation

That the minutes of the Ordinary Meeting of Council held on 10th June 2023 be confirmed as a true and accurate record.

Moved: Cr. Hogan

Seconded: Cr. Warner

Resolution

That the minutes of the Ordinary Meeting of Council held on 10th June 2023 be confirmed as a true and accurate record.

Carried by: Simple Majority

For: 5

Against: 0

8. Petitions, Deputations or Presentations.

8.1 Citizenship Ceremony

8.1.1 Miss Rose Ann Ocon

8.1.2 Mrs Ann Denise Mcleod

Presiding Officer Shire President Mrs L. Bonza

- Welcome and introduction
- Minister's Message
- Australian citizenship ceremony
- Australian citizenship affirmation (all in attendance are invited to make the affirmation)
- As an Australian citizen I affirm my loyalty to Australia and its people, whose democratic beliefs share, whose rights and liberties I respect, and whose laws I uphold and obey.
- Australian National Anthem

8.2 Reports of Committees

8.2.1 GVROC

Council representatives Cr Bonza and Cr Warner

Cr Bonza has reported the following items:

- The next GVROC meeting is scheduled to take place on Friday the 28th July to be hosted by the Shire of Coolgardie at Kambalda.

8.2.2 WALGA

Council representatives Cr Bonza and Cr Patupis

Cr Bonza has reported the following items:

- State Council meeting was held 5th July at WALGA in West Leederville.
- I was unable to attend the meeting as was our Deputy State Councillor.
- The Shire has made a number of submissions on items being dealt with by way of Flying Minutes through that WALGA process. Some of the things being considered have been the WA proposed ban on e-waste to landfill, the strategic review of the infrastructure investment scheme, the biodiversity and agriculture management act Stage 3 review and the draft state waste infrastructure plan.
- The next State Council meeting is scheduled to be held on the 12th and 13th September hosted by the Great Southern Region in Katanning.

8.2.3 Regional Roads Group

Council representatives Cr Bonza and Cr Wyatt

- No meeting held.

8.2.4 Roadwise

Council representatives Cr Wyatt and Cr Warner

- No meeting held.

8.2.5 Local Emergency Management Committee

Council representatives Cr Bonza and Cr Warner

Cr Bonza has reported the following items:

- LEMC meeting held Wednesday 19th July.
- Topics raised included ongoing issues recruiting sufficient numbers of volunteers for various emergency management organisations across the region.
- Ongoing advocacy for an emergency response helicopter to be based in Kalgoorlie.
- Eucla Police now in charge of emergency management for the Forrest Airstrip.
- Planning is underway for various emergency response exercises to be held this year.

8.2.6 Steering Committee Coastal Management Plan

Council representatives Cr Bonza and Cr Patupis

Cr Bonza has reported the following items:

- A community member has been nominated to be part of this committee.
- A preferred consultant has been chosen to assist with the strategy.
- Awaiting confirmation of the next meeting date to finalise above and move forward.

9. Announcements by Presiding Member without Discussion.

10. President and CEO will be heading to Kalgoorlie on Sunday 30th to meet with the new Minister for Local Govt and attend the community cabinet meeting.

11. Reports

10.1 Planning, Development, Health and Building

Agenda Reference and Subject	
10.1.1 – PROPOSED WEATHER MONITORING MAST (WGEH03) – LOCALITY OF MADURA (MIRNING COUNTRY)	
Location / Address	Lot 1555 on DP 66813 within the locality of Madura and the land district of Nurina (approximate co-ordinates Lat: -31.724694 Long: 126.820054)
File Reference	DA02/2023
Author	Anthony Dowling, Dowling Giudici + Associates (DG+A) - Town Planning Consultant
Date of Report	18 July 2023
Disclosure of Interest	DG+A receives consulting fees from the Shire of Dundas

Summary

An application for **temporary** development approval has been received from Western Green Energy Hub (WGEH) Pty Ltd for the installation of a **third** weather monitoring mast (**WGEH03**) at the aforementioned location, being on Mirning country and within the Madura pastoral lease, Nurina land district, and approximately 26 kilometres north-west of the 'Madura Pass' (and nearby roadhouse).

As per the two existing weather monitoring masts (previously approved by Council) the purpose of this weather monitoring mast is to collect a range of data to guide and inform the future design and development of a planned renewable energy hub (the '**Western Green Energy Hub**') proposed to be located within the Nurina and Mundrabilla land districts, and near the Eucla townsite.

It is recommended that development approval to this proposed mast be granted for a period of 5 years only.

Background

Council has previously granted temporary development approvals (Refs: DB01/2021 and DB02/2021) to 2 other similar masts now located within the Mundrabilla district (WGEH01 mast located at Lat: -31.456552 Long: 128.713819, and WGEH02 mast located at Lat: -31.2248, Long: 127.9412 respectively).

Both of these approvals expire on 31 July 2026. This date coincides with the expiry dates of the respective State government leases granted to WGEH P/L to install the temporary weather monitoring masts **WGEH01** and **WGEH02** upon the above Crown land locations.

As Council will recall, WGEH P/L is a consortium comprising the entities Intercontinental Energy and CWP Global, and the Mirning People (traditional custodians of Mirning Country and the native title holders in which the mast site and ultimately, the renewable energy hub is to be located).

WGEH P/L have previously briefed Council on the planned renewable energy hub (which will primarily produce '**green hydrogen**' for export).

WGEH P/L now seek temporary development approval for the installation of 2 further weather monitoring masts (**WGEH03** and **WGEH04**) within the Nurina district and on Mirning country. This report only deals with development application **DA02/2023** for the proposed mast **WGEH03**. The report following this one deals with development application **DA03/2023** for the proposed mast **WGEH04**.

Proposal

Development approval is sought for the installation of a 160 metre high guyed-latticed weather monitoring mast (up to 161 metres high with additional sensors and lightning protection) within lot 1555, specifically **approximate** co-ordinates latitude -31.724694 and longitude 126.820054.

A district-scale location map (**WGEH03 Overview Location Map**) and a site-specific location map (**WGEH03 Detailed Location Map**) of the proposed mast site are provided at **Attachments 10.1.1.1** and **10.1.1.2** respectively in the papers relating to this meeting agenda.

Detailed drawings of the proposed mast, and a photograph of one of the existing temporarily approved masts, are provided at **Attachments 10.1.1.3** and **10.1.1.4** respectively in the papers relating to this agenda.

A letter from the Madura pastoral lessee supporting the proposed mast within the Madura pastoral lease is also provided at **Attachment 10.1.1.5** in the papers relating.

An aeronautical impact assessment report facilitated by the applicant accompanied the development application is included in the papers relating at **Attachment 10.1.1.6** and, a copy of the report can also be accessed by clicking on the below link:

[Click HERE](#)

As for the existing mast sites, the proposed WGEH03 mast site is remote, approximately 26 kilometres north-west of the Madura Pass and nearby roadhouse with access to it via existing tracks extending from the Eyre Highway. The mast will be located approximately 180 metres from the nearest track.

The mast will be installed upon level ground, and will require minimal vegetation clearing. Clearing of the site will be undertaken by the Mirning people.

The applicant advises that the Mirning people have completed a cultural heritage survey of the site and access routes with the site location and access routes being determined that no Aboriginal cultural heritage sites will be impacted. Notwithstanding, monitors will be present during installation and ground disturbance works. Ground-disturbance works will be minimal and will comprise minor excavation to support the construction of the mast base and guy-wire anchor points. The mast will be brought to the site in sections from Madura on a flatbed trailer towed by a 4WD vehicle. Installation of the mast will take approximately one week.

The mast will record wind speeds, direction, temperature, and humidity continuously, sending the captured data automatically via remote communications, resulting in minimal visits to the site.

The mast is intended to remain in place for up to 5 years from the date it is installed and thereafter will be dismantled and removed from the site.

No services will be provided to the site.

Statutory Environment

- *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)*
- *Shire of Dundas Local Planning Scheme No. 2 (LPS 2)*

The **LPS Regs** provide the procedures and processes for making and determining an application for development approval as well as the matters to be considered in determining whether to grant development approval.

LPS 2 provides for the assessment of the permissibility of proposed land uses and applicable development controls and standards that ought to apply to proposed development thereon.

The subject land is zoned **Rural** under LPS 2.

A mast is not included within any **use class** listed in LPS 2 and therefore, is considered as an '**unlisted use**'.

To this end (*cf* clause 18 (4) in LPS 2), Council can determine whether the proposed use/development is:

- (a) consistent with the objectives of the Rural zone and is therefore a use that may be permitted subject to conditions imposed by the local government; or

- (b) determine that the use may be consistent with the objectives of the Rural zone and give notice under clause 64 of the deemed provisions (in part 7, Schedule 2 of the PD Regs) before considering and determining an application for development approval for the use of the land; or
- (c) determine that the use is not consistent with the objectives of the Rural zone and is therefore not permitted in the zone.

The objectives of the **Rural** zone are as follows:

- To provide for the maintenance or enhancement of specific local rural character
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses

Arguably, the proposed mast specifically accords with the last listed objective above. Arguably too, neither would it detract from or impede the attainment of the other above listed objectives given that – except for the surrounding pastoral use - no other surrounding rural uses occur or are proposed (as far as can be ascertained) within proximity of the subject site.

Whilst the proposed mast may not be a typical 'rural' use, such infrastructure typically occurs in rural, regional and remote areas. It should be noted that the use class '**telecommunications infrastructure**' – which the proposed use can be deemed similar to – is a **permitted** use class ('P') within the Rural zone.

On this basis, it is deemed that the installation of the WGEH03 mast in the proposed location will be consistent with the prescribed rural zone objectives (*cf* 18(4)(a) of LPS 2) and thus, can be permitted.

Policy Implications

The Shire has no local planning policies that apply to the proposed development.

Financial Implications

There are no specific financial implications for the Shire of Dundas relating to the proposal.

Strategic Implications

The weather monitoring undertaken by the proposed mast is a determinant as to whether the proposed 'green energy' hub within the Mundrabilla and Nurina districts will proceed as intended. If the hub proceeds it will significantly and substantially assist the Shire in achieving

one of its principal objectives of its *Strategic Community Plan 2022-32*, namely ‘**economic diversification and growth**’, and a step towards attaining its goal of ‘**Economic Development and Financial Sustainability**’ (Goal 4).

Consultation

Pursuant to clause 66 in Part 9 of Schedule 2 in the LPS Regs a copy of the development application was forwarded to the following government (Federal and State) authorities/agencies for consideration and advice of any objections or recommendations:

- Department of Defence (DoD)
- Civil Aviation Safety Authority (CASA)
- Airservices Australia (AA)
- WA Department of Water and Environmental Regulation (DWER)

The applicant also forwarded – independently of the Shire – a copy of its development application and accompanying **aeronautical impact assessment report** to the DoD, CASA, and AA.

The DoD, AA, and CASA all advised of no objection to the proposal, although CASA recommended the following actions be undertaken in accordance with its *Part 139 (Aerodromes) - Manual of Standards* (if the mast is granted development approval):

1. Installation of hazard/warning obstacle light(s) on the mast due to the potential for low level aerial agricultural flying or other flying in the area; and
2. Painting the mast surface (eg. in alternating red and white bands of colour) in order to distinguish it from the background environment;
3. Placing marker balls on the upper third of the guy wires to assist with visibility in case of any low level aerial agricultural or other flying.

At the time of writing this report DWER had yet to respond with its advice on the proposal. As the statutory 42 day comment/advice period has since passed, pursuant to clause 66 (4) in Schedule 2 of the LPS Regs, it is deemed that DWER has no objection to the proposed mast.

Whilst it can be anticipated that any concern DWER might have with the proposal is likely to be in respect of the proposal to clear indigenous vegetation from the mast site, it nevertheless remains the responsibility of the applicant/proponent to ascertain (if development approval is granted) whether a subsequent clearing permit is required to be obtained from DWER to clear any indigenous vegetation from the mast site as well as ascertaining and addressing (where warranted) any other identifiable local environmental issues pursuant to relevant legislation.

Comment

Because a mast is not a prescribed use class under LPS 2 there are no particular development standards that apply to the proposed development. In the absence of these it is left to the discretion of Council to impose any reasonable development standards to be applied in the construction, installation and use of the mast (as it sees fit), so long as **the imposition of any standard will achieve a valid planning outcome**.

Sub-clause (5)(a) of clause **32 General Development Standards and Requirements** in LPS 2 can provide some guidance in this respect. This scheme provision enables Council to consider granting development approval to non-rural uses where these can be demonstrated

to be of benefit to the district and not detrimental to the area's natural resources and environment generally.

As the proposed mast is to inform the resource capability for the planned renewable energy hub, and as the proposed mast site is very remote and unlikely to adversely impact the existing pastoral use of the land, any aviation operations, nor Aboriginal cultural heritage, the proposed development is deemed acceptable.

It is recommended that development approval be granted but only for a period of 5 years. If necessary, the applicant can apply to the Shire to extend the approval period if this is deemed necessary.

Determination Options

In determining the application Council has the option of:

- A. Approving the application for development approval with or without conditions; or
- B. Refusing to approve the application for development approval.

It is recommended that the application be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. Pursuant to clause 18(4)(a) of the *Shire of Dundas Local Planning Scheme (LPS) 2* determines that the proposed installation of the weather monitoring mast (WGEH03) upon lot 1555 on DP 66813 (approximate coordinates Lat: -31.724694 Long: 126. 820054) is *consistent* with the objectives of the Rural zone and is therefore a use that can be permitted upon the subject land; and
2. Pursuant to clause 68 (2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE development application DA02/2023 to install a weather monitoring mast (WGEH03) upon lot 1555 on DP (approximate coordinates Lat: -31.724694 Long: 126.820054), with the approved development generally being designed and laid out in accordance with the following plans/drawings:
 - (a) WGEH03 Overview Location Map
 - (b) WGEH03 Detailed Location Map
 - (c) ART Group Drawing No.ART-22439-DRG-0001

and subject to the following conditions:

- (i) The approval is limited to a period of five (5) years, expiring 25 July 2028;
- (ii) Upon the approval expiring (and unless the approval has been extended by the local government), the mast and any supporting infrastructure is to be dismantled and wholly removed from the subject site with the subject site revegetated to the satisfaction of the Shire of Dundas.

Advice Notes

- I. In relation to condition (i) above, upon expiry of the approval period, the approval hereby granted will be of no further effect unless a written request to extend the approval period has been received by the local government at least 3 months prior to the approval expiry date.
- II. In respect to condition (ii) above, the local government is to be advised accordingly when the mast has been dismantled and the site revegetated. Please note that the Shire reserves the right to consult with the relevant government authority/agency having responsibility for prescribing land rehabilitation requirements to determine if revegetation of the site accords with the applicable standards of the time.
- III. It is the responsibility of the applicant/section 91 licensee to apply for and obtain:
 - (a) any necessary building permit required to install the mast and its supporting infrastructure prior to its installation, and
 - (b) any necessary demolition licence to dismantle the mast prior to the mast being dismantled.

Moved Cr: Warner
Seconded Cr: Maloney

Resolution

That Council:

3. Pursuant to clause 18(4)(a) of the *Shire of Dundas Local Planning Scheme (LPS) 2* determines that the proposed installation of the weather monitoring mast (WGEH03) upon lot 1555 on DP 66813 (approximate coordinates Lat: -31.724694 Long: 126. 820054) is *consistent* with the objectives of the Rural zone and is therefore a use that can be permitted upon the subject land; and
4. Pursuant to clause 68 (2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE development application DA02/2023 to install a weather monitoring mast (WGEH03) upon lot 1555 on DP (approximate coordinates Lat: -31.724694 Long: 126.820054), with the approved development generally being designed and laid out in accordance with the following plans/drawings:
 - (d) WGEH03 Overview Location Map
 - (e) WGEH03 Detailed Location Map
 - (f) ART Group Drawing No.ART-22439-DRG-0001

and subject to the following conditions:

- (iii) The approval is limited to a period of five (5) years, expiring 25 July 2028;
- (iv) Upon the approval expiring (and unless the approval has been extended by the local government), the mast and any supporting infrastructure is to be dismantled and wholly removed from the subject site with the subject site revegetated to the satisfaction of the Shire of Dundas.

Advice Notes

- IV. In relation to condition (i) above, upon expiry of the approval period, the approval hereby granted will be of no further effect unless a written request to

extend the approval period has been received by the local government at least 3 months prior to the approval expiry date.

- V. In respect to condition (ii) above, the local government is to be advised accordingly when the mast has been dismantled and the site revegetated. Please note that the Shire reserves the right to consult with the relevant government authority/agency having responsibility for prescribing land rehabilitation requirements to determine if revegetation of the site accords with the applicable standards of the time.
- VI. It is the responsibility of the applicant/section 91 licensee to apply for and obtain:
- (c) any necessary building permit required to install the mast and its supporting infrastructure prior to its installation, and
 - (d) any necessary demolition licence to dismantle the mast prior to the mast being dismantled.

Carried by: Simple Majority

For: 5

Against: 0

Agenda Reference and Subject	
10.1.2 – PROPOSED WEATHER MONITORING MAST (WGEH04) – LOCALITY OF COCKLEBIDDY (MIRNING COUNTRY)	
Location / Address	Lot 1500 on DP 65157 within the locality of Cocklebiddy and the land district of Nurina (approximate co-ordinates Lat: -31.753791 Long: 126.436822)
File Reference	DA03.2023
Author	Anthony Dowling, Dowling Giudici + Associates (DG+A) - Town Planning Consultant
Date of Report	19 July 2023
Disclosure of Interest	DG+A receives consulting fees from the Shire of Dundas

Summary

An application for **temporary** development approval has been received from Western Green Energy Hub (WGEH) Pty Ltd for the installation of a **fourth** weather monitoring mast (**WGEH04**) at the aforementioned location, being on Mirning country and within the **Moonera** pastoral lease, Nurina land district, and approximately 44 kilometres north-east of the Cocklebiddy roadhouse.

As per the two existing weather monitoring masts (previously approved by Council) and the proposed third mast (see the preceding report of this meeting agenda) the purpose of this weather monitoring mast is to also collect a range of data to guide and inform the future design and development of a planned renewable energy hub (the '**Western Green Energy Hub**') proposed to be located within the Nurina and Mundrabilla land districts, and near the Eucla townsite.

As per the mast WGEH03 proposal, it is recommended that development approval be granted for a period of 5 years only to this mast proposal.

Background

(See the preceding report on the proposed WGEH03 mast for the **background** to this proposal)

This report only deals with development application DA03/2023 for the proposed mast **WGEH04**.

Proposal

Likewise for proposed mast WGEH03 development approval is sought for the installation of a fourth (**WGEH04**) 160 metre high guyed-latticed weather monitoring mast (up to 161 metres high with additional sensors and lightning protection) within lot 1500, specifically **approximate** co-ordinates latitude **-31.753791** and longitude **126.436822**.

A district-scale location map (**WGEH04 Overview Location Map**) and a site-specific location map (**WGEH04 Detailed Location Map**) of the proposed mast site are provided at **Attachments 10.1.2.1** and **10.1.2.3** respectively in the papers relating to this meeting agenda.

Detailed drawings of the proposed mast are provided at **Attachment 10.1.2.4** in the papers relating to this agenda. The proposed mast is identical to proposed mast WGEH03.

The lessee of the Moonera pastoral lease (who is also the lessee of the adjoining Madura pastoral lease in which mast WGEH03 is proposed) also supports proposed mast **WGEH04** being located within the **Moonera** pastoral lease (please see **Attachment 10.1.1.5** to the preceding report in the papers relating).

The aeronautical impact assessment report accompanying the development application for mast WGEH03 also includes assessment of the proposed mast site **WGEH04** (please see the preceding report in this agenda for the link to the digital copy of the aeronautical impact assessment report).

As for the existing mast sites, and proposed mast WGEH03, the proposed **WGEH04** mast site is remote, lying approximately 44 kilometres north-east of the Cocklebiddy roadhouse.

Access to this site is via existing tracks extending from the Eyre Highway and the Cocklebiddy roadhouse. As for mast WGEH03 this mast will also be located approximately 180 metres from the nearest track, be installed upon level ground. This site will also require minimal vegetation clearing which is also proposed to be undertaken by the Mirning people.

They have also completed a cultural heritage survey of this site and access routes and have determined that no Aboriginal cultural heritage sites will be impacted. Notwithstanding, monitors will be present during installation and ground disturbance works. Ground-disturbance works will be minimal and will comprise minor excavation to support the construction of the mast base and guy-wire anchor points. The mast will be brought to the site in sections from Madura on a flatbed trailer towed by a 4WD vehicle. Installation of the mast will take approximately one week.

As for proposed mast WGEH03 this mast will record wind speeds, direction, temperature, and humidity continuously, sending the captured data automatically via remote communications, resulting in minimal visits to the site.

This mast is also intended to remain in place for 5 years (as for mast WGEH03) after which it will be dismantled and removed from the site.

No services will be provided to the site.

Statutory Environment

Comments made in the '**Statutory Environment**' in the preceding report on the proposed WGEH03 mast equally apply to this mast site. And, likewise for proposed mast site WGEH03 the installation of the **WGEH04** mast in the proposed location will be **consistent** with the prescribed **Rural** zone objectives (*cf* 18(4)(a) of LPS 2) and thus, it too can be permitted.

Policy Implications

The Shire has no local planning policies that apply to this proposed development.

Financial Implications

There are no specific financial implications for the Shire of Dundas relating to this proposal.

Strategic Implications

As per the comments made in respect to proposed mast site WGEH03 in the preceding report of this meeting agenda.

Consultation

Ditto.

Comment

Given that proposed mast WGEH4 will be identical to proposed mast WGEH03, that this mast site is also remote and exhibits similar geographic characteristics to proposed mast site WGEH03, it is recommended that development approval be granted to the installation of mast **WGEH04**, but also, only for a period of 5 years. The applicant can apply to the Shire to extend the approval period if this is deemed necessary.

Determination Options

In determining the application Council has the option of:

- C. Approving the application for development approval with or without conditions; or
- D. Refusing to approve the application for development approval.

It is recommended that the application be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. Pursuant to clause 18(4)(a) of the *Shire of Dundas Local Planning Scheme (LPS) 2* determines that the proposed installation of the weather monitoring mast (WGEH04) upon lot 1500 on DP 65157 (approximate coordinates Lat: -31.753791 Long: 126.436822) is **consistent** with the objectives of the Rural zone applying to the land, and is therefore a use that can be permitted upon the subject land;

2. Pursuant to clause 68 (2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE development application DA03/2023 to install a weather monitoring mast (WGEH04) upon lot 1500 on DP 65157 (approximate coordinates Lat: -31.753791 Long: 126.436822), with the approved development generally being designed and laid out in accordance with the following plans/drawings:

- (a) Overview Location Map
- (b) WGEH03 Detailed Location Map
- (c) ART Group Drawing No.ART-22439-DRG-0002

and subject to the following conditions:

- (i) The approval is limited to a period of five (5) years, expiring 25 July 2028;
- (ii) Upon the approval expiring (and unless the approval has been extended by the local government), the mast and any supporting infrastructure is to be dismantled and wholly removed from the subject site with the subject site revegetated to the satisfaction of the Shire of Dundas.

Advice Notes

1. In relation to condition (i) above, upon expiry of the approval period, the approval hereby granted will be of no further effect unless a written request to extend the approval period has been received by the local government at least 3 months prior to the approval expiry date.
2. In respect to condition (ii) above, the local government is to be advised accordingly when the mast has been dismantled and the site revegetated. Please note that the Shire reserves the right to consult with the relevant government authority/agency having responsibility for prescribing land rehabilitation requirements to determine if revegetation of the site accords with the applicable standards of the time.
3. It is the responsibility of the applicant/section 91 licensee to apply for and obtain:
 - (a) any necessary building permit required to install the mast and its supporting infrastructure prior to its installation, and
 - (b) any necessary demolition licence to dismantle the mast prior to the mast being dismantled.

Moved Cr: Warner
Seconded Cr: Hogan

Resolution

That Council:

3. Pursuant to clause 18(4)(a) of the *Shire of Dundas Local Planning Scheme (LPS) 2* determines that the proposed installation of the weather monitoring mast (WGEH04) upon lot 1500 on DP 65157 (approximate coordinates Lat: -31.753791 Long: 126.436822) is *consistent* with the objectives of the Rural zone applying to the land, and is therefore a use that can be permitted upon the subject land;

4. Pursuant to clause 68 (2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE development application DA03/2023 to install a weather monitoring mast (WGEH04) upon lot 1500 on DP 65157 (approximate coordinates Lat: -31.753791 Long: 126.436822), with the approved development generally being designed and laid out in accordance with the following plans/drawings:

- (d) Overview Location Map
- (e) WGEH03 Detailed Location Map
- (f) ART Group Drawing No.ART-22439-DRG-0002

and subject to the following conditions:

- (iii) The approval is limited to a period of five (5) years, expiring 25 July 2028;
- (iv) Upon the approval expiring (and unless the approval has been extended by the local government), the mast and any supporting infrastructure is to be dismantled and wholly removed from the subject site with the subject site revegetated to the satisfaction of the Shire of Dundas.

Advice Notes

4. In relation to condition (i) above, upon expiry of the approval period, the approval hereby granted will be of no further effect unless a written request to extend the approval period has been received by the local government at least 3 months prior to the approval expiry date.
5. In respect to condition (ii) above, the local government is to be advised accordingly when the mast has been dismantled and the site revegetated. Please note that the Shire reserves the right to consult with the relevant government authority/agency having responsibility for prescribing land rehabilitation requirements to determine if revegetation of the site accords with the applicable standards of the time.
6. It is the responsibility of the applicant/section 91 licensee to apply for and obtain:
- (c) any necessary building permit required to install the mast and its supporting infrastructure prior to its installation, and
 - (d) any necessary demolition licence to dismantle the mast prior to the mast being dismantled.

Carried by: Simple Majority

For: 5

Against 0

10.2 Members and Policy

Agenda Reference & Subject	
10.2.1 Climate Change Declaration	
Location / Address	Shire of Dundas
File Reference	EM.MO.6
Author	Chief Executive Officer - Peter Fitchat

Date of Report	07 July 2023
Disclosure of Interest	Nil

Summary

For Council to consider adopting a Climate Change Declaration as presented in papers relating.

Background

The climate change is a reality that will have significant and ongoing impacts on the environment, society, and economy of Western Australia, as well as the Local Government sector. Human behaviours, pollution, and consumption patterns contribute to both immediate and long-term effects on the climate and environment. The Local Government has the responsibility to mitigate and manage the effects of climate change on the community to the best of its abilities.

Under the United Nations Framework Convention on Climate Change, Australia is a signatory to the Paris Agreement which aims to limit global temperature rises to well below two (2) degrees Celsius, and to pursue efforts to limit even further to 1.5 degrees Celsius.

The Government of Western Australia released on 2020 the "*Climate Policy: A plan to position Western Australia for a prosperous and resilience low-carbon future*" as the state government commits to working with industry and the community, to reinvigorate the economy, prepare for climate change and achieve the aspiration of net zero emissions by 2050.

In recognition of the significance of taking action on climate change, the Western Australia Local Government Association (WALGA) developed a WALGA Climate Change Policy statement in 2018 that states:

Local Government acknowledges:

- I. The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.*
- II. Climate change threatens human societies and the Earth's ecosystems.*
- III. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.*
- IV. A failure to adequately address this climate change emergency places an unacceptable burden on future generations.*

Local Government is committed to addressing climate change.

Local Government is calling for:

- I. Strong climate change action, leadership, and coordination at all levels of government.*
- II. Effective and adequately funded Commonwealth and State Government climate change policies and programs.*

The WALGA's Climate Change declaration is a voluntary pledge Councils can make to demonstrate their commitment to climate action through localised mitigation and adaptation initiatives achievable to their council. The Declaration has been in existence since 2012 with 51 Councils across the State having signed the WALGA Climate Change declaration to date, representing 83% of the State's population.

Signing the declaration supports WALGA in its advocacy efforts to the Commonwealth and State Government for improved policy outcomes and increased resourcing and funding, to ensure Local Governments are adequately supported in delivering on-ground action for their communities in the face of increasing impacts from climate change. This includes pilot programs such as the Regional Climate Alliance, which WALGA successfully advocated for following the State Government's release of the Climate Change Policy in 2019.

Statutory Environment

Local Government Act 1995 (WA)

Policy Implications

Council has no policies in relation to this matter at the moment but once this is accepted by Council.

Financial Implications

Commitments in the Climate Change Declaration which require the Shire will be undertaken within existing budget and/or external grant funding sought or prioritised through future budgets.

Strategic Implications

Climate change actions have a multifaceted impact across various sectors of the Shire of Dundas Strategic Community Plan, with the potential to positively influence different levels of the community.

Natural environment – Goal 2

Our natural environment is viewed as a precious asset that is protected and enjoyed. A place where sustainable opportunities and collaboration is nurtured.

Governance and Leadership – Goal 5

We are a trusted Local Government; we are a strong advocate for our community; we are lead with respect and accountability.

Consultation

WALGA, GVROC, GVROC Regional Climate Alliance Officer, CEO

Comment

The Shire of Dundas actively engages in collaboration with the Regional Climate Alliance to advocate and strive for compromise in meeting the needs of both present and future generations through the continuous integration of environmental protection, social advancement, and economic prosperity.

Voting Requirements

Simple Majority

Officer Recommendation

That the Council:

1. Notes the State and Federal Government climate initiatives, and that the Shire continues to work with State and Federal Governments to seek funding to support and assist our community and regional approach to implementing the State and Federal Government initiatives.
2. Resolves to sign the WALGA Voluntary Climate Change Declaration.

Moved: Cr. Patupis

Seconded: Cr. Hogan

Resolution

That the Council:

1. Notes the State and Federal Government climate initiatives, and that the Shire continues to work with State and Federal Governments to seek funding to support and assist our community and regional approach to implementing the State and Federal Government initiatives.
2. Resolves to sign the WALGA Voluntary Climate Change Declaration.

Carried by: Simple Majority

For: 5

Against: 0

10.2.2 Disaster Management Plan – Records Management	
Location / Address	Shire of Dundas
File Reference	IM.RM.3
Author	Information and Technology Officer
Date of Report	11 July 2023

Summary

For the Shire of Dundas to consider and approve the reviewed Disaster Management Plan (Records Management) of the Shire of Dundas.

Background

The Disaster Management Plan (Records Management) forms part of the Record Keeping Plan which is a requirement of the State Records Commission and as such is required to be reviewed every 2 years.

Statutory Environment

State Records Act 2000 S19

Policy Implications

A.5 Record keeping and Management Policy

Financial Implications

Nil

Strategic Implications

Governance and Leadership - Goal 5

We are a trusted Local Government; we are a strong advocate for our Community; we lead with respect and accountability.

Consultation

Information and Technology Officer
Senior Officers

Comment

Maintaining the integrity of our records systems is a component of good governance, and the review is a statutory requirement requiring Shire to be current with its current directory contacts as part of the emergency procedures in case of emergency and disaster and prevent crucial records from being damaged.

Voting Requirements

Absolute Majority

Officer Recommendation

That the Shire of Dundas Council:

- 1. endorse the reviewed Shire of Dundas Disaster Management Plan (Records Management), and**
- 2. approve its submission to the State Records Commission.**

Moved: Cr. Hogan
Seconded: Cr. Warner

Resolution

That the Shire of Dundas Council:

- 1. endorse the reviewed Shire of Dundas Disaster Management Plan (Records Management), and**
- 2. approve its submission to the State Records Commission.**

Carried by: Simple Majority For: 5 Against: 0

10.3 Administration, Finance and Community Development

Agenda Reference & Subject	
10.3.1 Draft Annual Budget 2023 - 2024	
Location / Address	Shire of Dundas
File Reference	FM.BU
Author	Chief Executive Officer – Peter Fitchat
Date of Report	19 July 2023
Disclosure of Interest	Nil

Summary

For Council to consider and adopt the draft 2023/2024 Annual Budget.

Background

In preparation for the 2023/2024 Annual Budget, the Chief Executive Officer and staff presented a detailed estimate of operational activities and a proposed capital works program that is consistent with the Shire's Strategic Planning Framework, to the Shire's Elected Members at two budget workshops.

The operational expenditure and capital project estimates are being funded by Council reserves, revenue from operating activities, capital funding with the remaining deficit being funded by rates. For Council to achieve a balanced budget that ensures continuity of operations, asset renewals and to continue to meet the future needs of the community, a 2% increase was applied to the differential rates.

To provide equity in the rating of properties across the Shire, a Differential Rating system has been utilised for the imposition of rates. As required by s.6.36 of the Local Government Act, a notice of the intention to Levy Differential Rates for 2023/24 financial year was advertised on the 14th of June 2023 in the Kalgoorlie Miner. A copy of the notice was also placed on local noticeboards and the Shire website.

The proposed rates published were as follows:

Category of Property	Cents in \$	Minimum Payment \$
GRV TOWNSITES	0.168284	385.76
GRV ROADHOUSE/SERV STATION	0.168284	385.76
GRV MINING	0.230397	385.76
UV PASTORAL	0.089158	200.00
UV MINING LEASES	0.168413	385.76
UV EXPLORATION LEASES	0.168413	385.76
UV PROSPECTING LEASES	0.168413	385.76

Submissions received in relation to Differential Rating

There were nil submissions received.

Comment:

The detailed estimate of operational activities and the proposed capital works program discussed at the recent budget workshops with the Elected Members and Executive

Management, considered the current CPI and Local Government Cost Index (LGCI) movements whilst factoring in the impact of the increase in the cost of living to ratepayers.

Over the twelve months to the March 2023 quarter, the CPI rose 7%.

Whilst the CPI increases have an overall effect on all shire daily operations, the main services and supplies that were affected in council business were medical, education and fuels.

Based on the LGCI, it is anticipated that local government costs are expected to grow 2.9% in the 2023-24 year.

As mentioned, when determining rates in June 2023, Council do not want to see this inflation burden land onto the Shire of Dundas rate payers. The shire is continuously seeking grants or funding that can either assist with operations or provide the capital needed to maintain or upgrade assets for the local community. As funding is not always successful and it is not a wise business decision to base future income on the "possibility" of funding or grants to ensure business continuity, the Council have sought other business ventures to maximise steady income streams in the long term. The most recent business undertakings have been to the Private Works services, Laundromat, and the increase in service at the Norseman Airport noting that this additional business is also required to fund the renewals of the assets utilised for these services.

Council has also included in the 2023/24 budget, the revenue and expenditure for the Norseman IGA and Post Office and the proposed undertaking of the Norseman Medical Services.

The Shire of Dundas is also home to the mining industry. The mining industry has a positive effect on the local economy (whilst the mine is active and producing product) seeing increases in property sales and growth in products and services to the local businesses. The mining industry also impacts the shire daily operational costs specifically transport infrastructure and regulatory services. This additional cost to the shire is represented in the differential rate for the mining categories.

The Shire of Dundas drives to become sustainable through the diversification into other industries whilst continuing the daily operations and providing services to the local community including maintaining, renewing, and upgrading the Community assets. With the current pressure of the cost of living, the changes in economic services and taking the CPI and LGCI into consideration, a 2% increase to rate revenue and other fees and charges is included in the 2023/24 budget. This same increase has been applied across all operational costs with the exception of decreasing or increasing budgets where the movement is required to ensure continuity of that service.

Objectives and Reasons - Proposed Differential Rates and Minimum Payments for the 2023/2024 Financial Year

It is to be noted by Council and the Community that a slight change in wording from what was advertised for the Objectives and Reasons for the Proposed Differential Rates and Minimum Payments for the 2023/24 Financial Year have an amendment to Part 4 Minimum Rates as follows:

Advertised:

Minimum Rates

The setting of minimum rates within rating categories is an important method of ensuring that all properties contribute an equitable rate amount.

A minimum rate of \$385.76 has been set for all GRV rating categories. The Shire imposes one general minimum rate payment that applies to all GRV rateable properties within the boundaries of the town site. The rate is imposed to discourage holding undeveloped land with the Shire, which reduces the amenity of the area, and thereby encourages its early development.

The UV minimums (\$385.76) are applied to ensure that the rate burden is distributed equitably between all property owners. Mining, Exploration and Prospecting leases fall under this category and the majority are held by large mining companies.

However, the UV Pastoral minimum has been set at \$200.00 as this is the prescribed amount as per Regulations 52 and 53 of the Local Government (Financial Management) Regulation 1996 as this category exceeds the prescribed percentage.

Amendment included in the Draft Statutory Budget Note 2(d):

Differential Minimum Payment

The setting of minimum payments within rating categories is an important method of ensuring that all properties contribute an equitable rate amount.

A minimum payment of \$385.76 has been set for all GRV rating categories. The Shire imposes one general minimum rate payment that applies to all GRV rateable properties within the boundaries of the town site. The rate is imposed to discourage holding undeveloped land with the Shire, which reduces the amenity of the area, and thereby encourages its early development. The UV minimums (\$385.76) are applied to ensure that the rate burden is distributed equitably between all property owners. Mining, Exploration and Prospecting leases fall under this category and the majority are held by large mining companies.

However, the UV Pastoral minimum payment has been set at \$200.00 as this is the highest amount permitted by legislation given the high number of properties subject to a minimum payment.

Statutory Environment

It is a requirement of the Local Government Act that the Shire's Annual Budget, be adopted by the 31 August of each year, unless Ministerial approval is obtained for an extension to this date.

In accordance with the requirements of s.6.2 of the Local Government Act, a detailed estimate for the current financial year of the following has been prepared and included as part of the 2023/24 draft Budget documents in the papers relating:

- Particulars of the estimated expenditure proposed to be incurred by the Shire.
- The revenue and income, independent of the general rates to be raised by the Shire.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

Financial Implications

The budget presented in the papers relating is a balanced budget which was presented to Council at a final budget workshop on the 13th of July 2023.

The proposed 2023/24 draft budget includes capital expenditure of \$5,694,022 funded by \$1,494,889 from non-operating grants, subsidies and contributions, \$320,000 from reserve funds and the balance of \$3,879,133 from the Shire's own funds which included are reserve fund transfer at the 22/23 year end from the IGA and Post Office Reserve of \$1,723,287.

An expenditure budget of \$16,970,130 has been allocated for operating activities and programs which includes employee costs, materials, contracts, utilities, insurance, maintenance works and \$3,588,127 is allocated for the depreciation of Shire Assets.

The total budgeted income estimated for operating activities is \$12,403,165. This includes income expected to be raised from rates of \$3,504,280.

Other than the budgets increasing due to inflation, this year's draft budget will see some significant movement in operating activities. These are:

- Norseman IGA and Post Office Operations and
- Norseman Medical Services

A detailed copy of the 2023/24 draft statutory budget is attached in the papers relating.

Strategic Implications

The Council's Strategic Community Plan, Corporate Business Plan and Long-Term Financial Plan have been considered in formulation of the draft budget for 2023/24.

Consultation

- Councillors
- Chief Executive Officer
- Manager of Works and Services
- Manager of Community Development
- Finance Assistant

Voting Requirements

Absolute Majority

Officer Recommendation

That the Council adopt the following recommendations in relation to the Shire of Dundas 2023/24 Annual Budget:

- 1. That the following Differential General Rate Categories along with the rate in the dollar and minimum amounts as per the below table be imposed by the Shire of Dundas for the 2023/24 financial year:**

Category of Property	Cents in \$	Minimum Payment \$
GRV TOWNSITES	0.168284	385.76
GRV ROADHOUSE/SERV STATION	0.168284	385.76
GRV MINING	0.230397	385.76
UV PASTORAL	0.089158	200.00
UV MINING LEASES	0.168413	385.76
UV EXPLORATION LEASES	0.168413	385.76
UV PROSPECTING LEASES	0.168413	385.76

- 2. That the statement of objectives and reasons for levying differential rates attached in the papers relating, be approved.**
- 3. Rates Paid by Instalments and Overdue Rates**

In accordance with the Local Government Act 1995, where ratepayers choose to pay their rates by instalments the Shire is required to adopt a rate of interest to be charged for this option and to determine an administrative charge for this service. Similarly, the Shire is required to adopt the rate of penalty interest to be imposed on outstanding rates.

- a) That an administrative charge of \$10 per instalment notice be imposed if the payment of a rate or service charge is made by instalments FOR “non-excluded persons”;
 - b) Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose a flat fee of \$50.00 on any ratepayer who wishes to negotiate alternative payment arrangements for “non-excluded persons”;
 - c) That an interest rate of 5.5% per annum be imposed on rates paid by instalments in 2023/24;
 - d) That a penalty interest rate of 11% per annum be imposed on rates which remain unpaid after they become due and payable.
5. The interest and administration charges in paragraph 4 (above) shall not apply to persons assessed as suffering financial hardship as per Council’s COVID-19 Financial Hardship Policy.

6. Rates due dates

- a) That, in accordance with section 6.50 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, the following dates be set as the dates upon which rates and service charges become due and payable:

Option 1 – Payment in full by a single instalment

Due date: 21st September 2023

Option 2 – payment in full by four instalments

Instalment	Due Dates
1 st Instalment	Thursday, 21 st September 2023
2 nd Instalment	Friday, 24 th November 2023
3 rd Instalment	Wednesday, 14 th February 2024
4 th Instalment	Wednesday, 17 th April 2024

- b) That, in accordance with Regulation 66 of the Local Government (Financial Management) Regulations 1996, if an instalment (other than the first instalment) remains unpaid after the day on which the next instalment becomes due and payable, the ratepayer’s right to pay by instalments be revoked.

7. The early rates payment incentive scheme be offered consisting of three cash payments as set out in the table below;

Prize	Amount	Due Dates
1 st Prize	\$850 Cash	Wednesday, 30 th August 2023
2 nd Prize	\$600 Cash	Wednesday, 30 th August 2023
3 rd Prize	\$350 Cash	Wednesday, 30 th August 2023

Prizes to be allocated by a draw to be held at the next scheduled Ordinary Council Meeting after the closing date that rates are due. To be eligible the ratepayer must make payment in full by the nominated due date.

8. Pursuant to Section 67 of the Waste Avoidance and Resources Recovery Act 2007, the following charges for collection of domestic and commercial waste per bin per annum;

One Service Per week

120/240 Litre MGB per Residential Property	\$218
360 Litre MGB per Residential Property	\$307

Two Services Per week

120/240 Litre MGB per Commercial Property	\$307
360 Litre MGB per Commercial Property	\$441

9. The percentage and dollar value for identifying and reporting material variances for the Monthly Statement of Financial Activity presented to the Council for review and comparison to Budget will indicate the variance value plus (+) or minus(-) of 10% for items greater than \$5,000 variance;
10. 2023/24 Budget in statutory format including the following as given in papers relating be adopted;
- (a) Statement of Comprehensive Income by Nature and Type
 - (b) Statement of Cash Flow
 - (c) Statement of Financial Activity
 - (d) Notes to and forming part of the Budget
 - (e) Schedule of Fees and Charges 23/24

Moved Cr: Hogan
Seconded Cr: Patupis

Resolution

That the Council adopt the following recommendations in relation to the Shire of Dundas 2023/24 Annual Budget:

4. That the following Differential General Rate Categories along with the rate in the dollar and minimum amounts as per the below table be imposed by the Shire of Dundas for the 2023/24 financial year:

Category of Property	Cents in \$	Minimum Payment \$
GRV TOWNSITES	0.168284	385.76
GRV ROADHOUSE/SERV STATION	0.168284	385.76
GRV MINING	0.230397	385.76
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UV EXPLORATION LEASES	0.168413	385.76
UV PROSPECTING LEASES	0.168413	385.76

5. That the statement of objectives and reasons for levying differential rates attached in the papers relating, be approved.
6. Rates Paid by Instalments and Overdue Rates

In accordance with the Local Government Act 1995, where ratepayers choose to pay their rates by instalments the Shire is required to adopt a rate of interest to be charged for this option and to determine an administrative charge for this service. Similarly, the Shire is required to adopt the rate of penalty interest to be imposed on outstanding rates.

- e) That an administrative charge of \$10 per instalment notice be imposed if the payment of a rate or service charge is made by instalments FOR “non-excluded persons”;
 - f) Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose a flat fee of \$50.00 on any ratepayer who wishes to negotiate alternative payment arrangements for “non-excluded persons”;
 - g) That an interest rate of 5.5% per annum be imposed on rates paid by instalments in 2023/24;
 - h) That a penalty interest rate of 11% per annum be imposed on rates which remain unpaid after they become due and payable.
7. The interest and administration charges in paragraph 4 (above) shall not apply to persons assessed as suffering financial hardship as per Council’s COVID-19 Financial Hardship Policy.
 8. Rates due dates
 - c) That, in accordance with section 6.50 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, the following dates be set as the dates upon which rates and service charges become due and payable:

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- d) That, in accordance with Regulation 66 of the Local Government (Financial Management) Regulations 1996, if an instalment (other than the first instalment) remains unpaid after the day on which the next instalment becomes due and payable, the ratepayer’s right to pay by instalments be revoked.

11. The early rates payment incentive scheme be offered consisting of three cash payments as set out in the table below;

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12. Pursuant to Section 67 of the Waste Avoidance and Resources Recovery Act 2007, the following charges for collection of domestic and commercial waste per bin per annum;

One Service Per week

120/240 Litre MGB per Residential Property	\$218
360 Litre MGB per Residential Property	\$307

Two Services Per week

120/240 Litre MGB per Commercial Property	\$307
360 Litre MGB per Commercial Property	\$441

13. The percentage and dollar value for identifying and reporting material variances for the Monthly Statement of Financial Activity presented to the Council for review and comparison to Budget will indicate the variance value plus (+) or minus(-) of 10% for items greater than \$5,000 variance;
14. 2023/24 Budget in statutory format including the following as given in papers relating be adopted;
- (f) Statement of Comprehensive Income by Nature and Type
 - (g) Statement of Cash Flow
 - (h) Statement of Financial Activity
 - (i) Notes to and forming part of the Budget
 - (j) Schedule of Fees and Charges 23/24

Carried by: Absolute Majority For: 5 Against 0

Agenda Reference & Subject	
10.3.2 Budget Amendments	
Location / Address	Shire of Dundas
File Reference	FM.BU.22/23
Author	Chief Executive Officer – Peter Fitchat
Date of Report	21 st July 2023
Disclosure of Interest	Nil

Summary

For the Council to consider various budget amendments to the 2022/23 Operational Budget.

Background

It has been identified in the most recent budget review completed by Management, that several operational budgets for 2022/23 have material variances and will require amendments. The reasons for the amendments are provided in the Budget Amendment Report in the papers relating.

These amendments are to existing budgets only. No new items or projects have been included.

Statutory Environment

Local Government Act 1995

Policy Implications

There are no policy implications resulting from the recommendation of this report.

Financial Implications

As per the May 2023 monthly financial report, Council's closing funding surplus is \$2,192,551.

The result of these budget amendment will be a surplus of \$1,512,202.37. Parts of this is already recognised in the May surplus however the remaining surplus will form part of the closing funding balance carried forward to the 2023/24 budget, that amount is \$5,125,213.00 and accounted for and displayed in the presented budget for 2023/24 Financial Year..

Strategic Implications

4.1 A financially responsible Local Government

- 4.1.1 Financial accountability and informed decision-making by Council.
- 4.1.2 Compliance with the Local Government Act 1995 and all relevant legislation and regulations.
- 4.1.3 Continual improvement in financial planning and asset management.
- 4.1.4 Risk is managed through planning, internal and external reviews, and reporting to Council.
- 4.1.5 The community is engaged in planning for the future and other matters that affect them.
- 4.1.6 The Shire will regularly monitor communication channels to ensure community are informed on matters that affect them.
- 4.1.7 A culture of continuous improvement will apply to all levels of customer service.

Consultation

- Chief Executive Officer
- Manger of Works and Services

- Manager of Corporate and Community Services
- Finance Assistant

Comment

The purpose of this report is to recognise material budget variances and make the appropriate amendments and to provide transparency to the Elected Members and the Community Members on any budget variations that have occurred since the most recent budget review.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council accept the following amendments to the 2022/23 operational budget:

1. Summary of Operational Revenue & Expenditure Budget Amendments:

	Current Budget	Amended Budget	Increase to Budget
Revenue	\$ 1,434,251.00	\$ 3,626,165.25	\$ 2,191,914.25
Expenditure	\$ 1,300,100.00	\$ 1,979,811.88	\$ 679,711.88
		Total Surplus	\$ 1,512,202.37

2. Detail of Operational Revenue & Expenditure Budget Amendments:

REVENUE	GL	Current Budget	Amend Budget to
Private Works Revenue	7333	\$ 50,000.00	\$ 275,688.00
WATER SALES	7273	\$250,000.00	\$ 345,933.00
Visiting Centre Retail Stock Sales	7295	\$ 35,000.00	\$ 51,456.00
Visitor Centre shower tokens & water	7299	\$ 3,000.00	\$ 5,985.00
Aerodrome Landing Fees	6503	\$200,000.00	\$ 264,015.00
Roads Financial Assistance Grant	4613	\$177,271.00	\$ 617,708.00
Hall Hire	3333	\$ 2,000.00	\$ 5,730.00
Gym Membership Fees	3443	\$ 20,000.00	\$ 26,896.00
Youth Grant	2183	\$ 85,416.00	\$ 88,431.00
Other Rubbish Collection	2643	\$ 52,480.00	\$ 82,866.00
Liquid Waste Disposal	2834	\$ 25,000.00	\$ 33,016.00
Aged Persons Rent	2533	\$ 9,000.00	\$ 11,000.00
Community Contributions	2373	\$ 1,000.00	\$ 2,408.00
Rent of the Co-Location	0713	\$ 1,500.00	\$ 1,751.00
Dog Impounding Fees	0843	\$ 1,500.00	\$ 2,000.00
Commissions	0413	\$ 11,000.00	\$ 13,199.00
Rates Enquiry Fees	0131	\$ 2,000.00	\$ 2,510.00
Rates Non-payment Penalty	0171	\$ 35,000.00	\$ 40,839.25
Grants Commission - General	0181	\$473,084.00	\$ 1,754,734.00

EXPENDITURE	GL	Current Budget	Amend Budget to
Private Works (expenditure)	7302	\$ 38,300.00	\$ 272,763.00
WHS	7672	\$ 15,000.00	\$ 23,000.00
RDO Accruals	8022	\$ 930.00	-\$ 4,638.12
RAM Systems	7702	\$ 6,783.00	\$ 15,000.00
Visitor Centre Expenses	7265	\$113,960.00	\$ 134,081.00
Laundry Operational Costs	7282	\$133,511.00	\$ 239,229.00
Woodlands Centre Operational Costs	7272	\$ 96,700.00	\$ 123,895.00
Norseman & Eucla Aerodrome Maintenance	6502	\$ 49,200.00	\$ 56,982.00
Street Cleaning	6112	\$ 6,704.00	\$ 10,426.00
Norseman St Maintenance	4602	\$194,792.00	\$ 238,797.00
Depot Building Maintenance	4692	\$ 14,042.00	\$ 18,934.00
Admin Allocated - Transport	5082	\$ 75,742.00	\$ 98,000.00
Community Events	3087	\$ 48,162.00	\$ 55,276.00
Swimming Pool Water Charges	3462	\$ 12,803.00	\$ 18,917.00
Swimming Pool Contract Services	3542	\$ 75,510.00	\$ 113,291.00
Sports Complex Cleaning	3662	\$ 2,143.00	\$ 2,892.00
Gym Cleaning	3702	\$ 4,720.00	\$ 6,193.00
Library Superannuation	3822	\$ 3,841.00	\$ 5,300.00
Public Conveniences Maintenance	2322	\$ 18,128.00	\$ 21,719.00
Litter Control	2652	\$ 19,582.00	\$ 24,027.00
Storm Drainage	2882	\$ 26,753.00	\$ 41,591.00
Effluent Drainage	2872	\$ 12,352.00	\$ 16,398.00
Youth Utilities	2042	\$ 2,030.00	\$ 2,402.00
Youth Salaries	2002	\$121,962.00	\$ 141,494.00
Youth Super	2012	\$ 14,077.00	\$ 27,786.00
Youth Vehicle	2092	\$ 4,000.00	\$ 4,762.00
Doctor's Vehicle	1582	\$ 5,467.00	\$ 7,243.00
Medical Centre Maintenance	1592	\$ 4,000.00	\$ 6,500.00
Animal Control Wages	0862	\$ 71,428.00	\$ 81,951.00
Admin Phone/Internet	0472	\$ 7,000.00	\$ 10,688.00
Advertising	0482	\$ 5,500.00	\$ 8,000.00
Legal Fees	0612	\$ 30,000.00	\$ 74,222.00
Travel & Accommodation (Governance)	0562	\$ 25,500.00	\$ 30,000.00
Rates Valuation Expenses	0602	\$ 5,912.00	\$ 10,274.00

Moved Cr: Warner
 Seconded Cr: Hogan

Resolution

That Council accept the following amendments to the 2022/23 operational budget:

1. Summary of Operational Revenue & Expenditure Budget Amendments:

	Current Budget	Amended Budget	Increase to Budget
Revenue	\$ 1,434,251.00	\$ 3,626,165.25	\$ 2,191,914.25

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Visitor Centre Expenses	7265	\$113,960.00	\$ 134,081.00
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Admin Allocated - Transport	5082	\$ 75,742.00	\$ 98,000.00
Community Events	3087	\$ 48,162.00	\$ 55,276.00
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Storm Drainage	2882	\$ 26,753.00	\$ 41,591.00
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Advertising	0482	\$ 5,500.00	\$ 8,000.00
Legal Fees	0612	\$ 30,000.00	\$ 74,222.00
Travel & Accommodation (Governance)	0562	\$ 25,500.00	\$ 30,000.00
Rates Valuation Expenses	0602	\$ 5,912.00	\$ 10,274.00

Carried by: Absolute Majority

For: 5

Against 0

Pania Turner exited the meeting at 6:34pm

Agenda Reference & Subject	
10.3.3 Shire of Dundas Organisational Structure 2023	
Location / Address	Shire of Dundas
File Reference	PE.AR
Author	Peter Fitchat
Date of Report	20 July 2023
Disclosure of Interest	Nil

Summary

For Council to consider the revised operational Organisational Structure to achieve the 10 Year Strategic Community Plan goals and outcomes.

Background

Council employs the CEO, who is then responsible for executing the Council's strategic vision and managing the day-to-day operations of the Shire. The CEO oversees all aspects of the organisation's functions, with senior managers reporting directly to the CEO concerning their assigned departments and workforces. Council endorsed the current structure in 2020 to meet the organisation's changing needs.

The new Strategic Community Plan 2022-2032 endorsed by Council in July 2022 captures new expectations and goals of the Community. Through community consultation, five priority areas were highlighted:

Community

Natural Environment

Built Environment

Economic Development and Financial Sustainability

Governance Leadership

A review of the organisation structure is required to ensure the Shire's workforce is suitably organised to meet increased community expectations and compliance to government implemented-legislation.

Statutory Environment

Section 5.37(1) of the Local Government Act 1995, Council may designate employees or persons belonging to a class of employees to be senior employees.

Policy Implications

HR.5 Acting Chief Executive Officer/Acting in "Senior" Positions
HR.10 Equal Opportunity and Diversity
HR.14 Staff Recruitment and Selection
HR.19 Senior Employees

Delegations Register

Financial Implications

Salaries and employee costs are allocated for in the 2023/24 Financial Year budget.

Strategic Implications

A competent and committed workforce is required to implement and address the objects and strategies captured in the Strategic Community Plan 2022-2032.

Consultation

Councillors, Senior Staff, CEO.

Comment

Council's Organisational Structure (see Papers Relating) has officers in positions of Senior Management. Council has made strategic steps to build financial sustainability and build a strong economic base through:
improvements at the Norseman Airstrip
laundromat business
improved visitor centre experience
purchase of Norseman IGA
licensee for Norseman Licenced Post Office

The progress in business development requires additional administrative support. Council will be aware that the executive team's current members have taken additional duties to assist the Shire operations as the Shire moved from a deficit to a much-improved financial position. In the long term, this is unsustainable. The proposed organisation re-structure recognises the growing workforce requirements and the training and professional development that has occurred and continues to occur.

A fundamental change is the recommendation to re-introduce the Deputy CEO position into the organisation structure. The DCEO, as the Deputy Chief Executive Officer, provides high-level support to the CEO in various tasks, usually focusing on financial, governance and compliance, administration, and human resources areas. The Shire of Dundas focus on community outcomes and requires that a DCEO also understand community development and

the needs of people living in rural and remote regions. The DCEO collaborates with the CEO and other executive team members to ensure the achievement of Shire objectives and the efficient implementation of the Council's directives. The Shire will continue to be supported by external financial consultants, which provides transparency in the Shire's financial and compliance processes. Should the DCEO position be approved, the M CCS position will be removed from the organisation's operational structure.

Several supervisor/mid-level officer roles will be readjusted to address the changing business and operational requirements within different departments. Under the guidance of the CEO and per Council policies and approved budgets, managers, supervisors, and officers are responsible for ensuring their respective areas are working towards achieving the Strategic Community Plan 2022-2032 objectives.

In accordance with the Local Government Act 1995 that Council designates the positions of staff that they determine to be senior employees.

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Manager of Corporate Community Services

Voting Requirements

Simple Majority

Officer Recommendation

That Council approve the introduction of the Deputy CEO role into the Shire of Dundas Organisational Structure for the operational staff and note the changes proposed in papers relating. Delegate the CEO to take the required steps to formalise the position.

Moved Cr: Hogan
Seconded Cr: Patupis

Resolution

That Council approve the introduction of the Deputy CEO role into the Shire of Dundas Organisational Structure for the operational staff and note the changes proposed in papers relating. Delegate the CEO to take the required steps to formalise the position.

Carried by: Simple Majority For: 4 Against 1 Cr: Maloney

Pania Turner returned to the meeting at 6:36pm.

Agenda Reference & Subject	
10.3.4 Attendance at the 2023 WALGA Local Government Convention: 17 – 19 September 2023, at the Crown Perth.	
Location / Address	Shire of Dundas
File Reference	GR.WA
Author	Chief Executive Officer – Peter Fitchat
Date of Report	22 nd June 2023
Disclosure of Interest	Nil

Summary

For the Council of the Shire of Dundas to consider and appoint Shire of Dundas delegates at **2023 WALGA Local Government Convention: 17 – 19 September 2023, at the Crown Perth.**

Background

The WA Local Government Association (WALGA) is the peak industry body that advocates on behalf of WA's 139 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency.

The 2023 WALGA Local Government Convention will be held at Crown Perth from 17-19 September 2023. The theme for the 2023 Convention is Local Futures, it aims to explore how Local Governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local.

Statutory Environment

Nil

Policy Implications

EM.1 Conferences – Elected Members Attendance and Representation
HR.2 Travel & Accommodation Allowances & Expenses

Financial Implications

The budget required is approximately \$12,000 in total for the two elected members and a Shire Officer for WALGA which is included into the 2023/24 Budget to accommodate this cost.

Strategic Implications

Representation at State and National platforms is essential for the Shire of Dundas to ensure that small local governments such as the Shire of Dundas are resourced and supported to achieve the strategic objectives of their community plans.

Governance and Leadership – Goal 5

We are a trusted Local Government; we are a strong advocate for our community; we are lead with respect and accountability.

5.1 A trusted Local Government

5.1.1 Accountable and informed decision-making by Council.

5.2 We are a strong advocate for our community.

5.2.1 The Shire develops partnerships with government and non-government organisations, and key stakeholders to achieve positive outcomes for the community.

Consultation

Councillors and Senior Staff

Comment

Elected members and serving officers are permitted to be delegates with a formal Council resolution. As it is normal practice for the Shire President (although not compulsory) to be a voting delegate, the Council has the opportunity to nominate another voting delegates to WALGA AGM.

Voting Requirements

Simple Majority

Officer Recommendation

That the Shire of Dundas Council:

1. **nominate the Shire President Cr. Laurene Bonza and Cr. _____ as delegates to attend the 2023 WALGA Local Government Convention.**
2. **authorise the Chief Executive Officer, or appointed Senior Officer, to accompany the councillor delegates to provide executive support.**

Moved: Cr. Hogan
 Seconded: Cr. Patupis

Resolution

That the Shire of Dundas Council:

1. **nominate the Shire President Cr. Laurene Bonza and Cr. Warner as delegates to attend the 2023 WALGA Local Government Convention.**
2. **authorise the Chief Executive Officer, or appointed Senior Officer, to accompany the councillor delegates to provide executive support.**

Carried by: Simple Majority For: 5 Against: 0

Agenda Reference & Subject	
10.3.5 Medical Services	
Location / Address	Shire of Dundas
File Reference	PH.AG
Author	Paul Owen GFG Consulting, Peter Fitchat CEO
Date of Report	18 July 2023
Disclosure of Interest	Nil

Summary

For Council to consider the proposal from I-Medical Australia to establish and run a medical centre from the existing facility in Norseman on a contractual basis for three years with a possible three-year extension.

Background

At the June ordinary meeting, Council resolved the following:

1. Resolve not to proceed with a formal tender process for the provision of medical services, due to receiving no acceptable submissions through the expression of interest process and.
2. Note the report on the strategy to provide the community with quality medical services through the establishment of a Shire run, General Medical Practice, employing a doctor and receptionist.
3. That the CEO engage the Shire's accountants and other appropriate consultants as required to prepare the necessary details for budget allocations in the 2023/24 budget, and.
4. That the CEO initiate the process to recruit a doctor and receptionist in preparation for establishing a Shire-run General Medical Practice under a compliant agreement with a fully maintained house (utilities) and vehicle (Servicing and Fuel) plus \$60,000.00 for a locum fee with travel.
5. And that the Council retains the ability to consider any other viable option that may be proposed by a suitably qualified medical service provider.

An advertisement seeking applications from suitably qualified medical practitioners or organisations was published nationally on Seek on 14 July and provided to Rural Health West for publishing on their web site and distribution to their network.

The advert sought interest from doctors seeking an employment arrangement as well as inviting proposals for other operating models.

General Practitioner - Norseman -

<https://www.seek.com.au/job/68702926?tracking=TMC-SAU-eDM-SharedJob-13246>

Rural Health West have published on Seek and on their website:

General Practitioner - Practice Opportunity -

<https://www.seek.com.au/job/68794958?tracking=TMC-SAU-eDM-SharedJob-13246>

<https://ruralhealthwest.com.au/practice-opportunity-in-norseman/>

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Federal Legislation regarding Health and Medical Services [Search \(legislation.gov.au\)](https://www.legislation.gov.au)

Policy Implications

F3. Purchasing Policy

HR6. Use of Shire Vehicles Policy

ST9. Housing and Housing Subsidy Policy

T11. Asset Management Policy

F6. Tender Evaluation Process Policy

F5. Panels of Pre-Qualified Suppliers Policy

F4. Regional Price Preference Policy

F1. Investments Policy

A9. Internal Audit and Risk Management Policy

A3. Legal Representation Policy

The Shire does not have a policy on the provision of Health Services; however, Council has previously resolved to request ALGA to work with Federal Minister Hon. Mark Butler and all regional and remote Councils to provide effective and affordable medical services.

Financial Implications

The proposal from I-Medical Australia requires the Shire to carry out some remedial and maintenance works to bring the facility up to the required standards, including new floor coverings, air conditioning and painting. In addition, there are some one-off setup costs totalling approximately \$51,000.

There is a possibility that some Federal Grant funding (\$25k) may be available to offset some of these costs.

The provision of a house and fully maintained vehicle are covered in existing budget allocations and are not included in the above.

The proposal from I-Medical Australia is to operate on a contract basis, providing a mixed billing practice with a fee of \$75 implemented for all non-pensioners and concession card holder of which will all be bulk billed.

Strategic Implications

3.1.3 Shire buildings and facilities are appropriately managed according to their need and use.

4.1.1 Financial accountability and informed decision-making by Council.

4.3.1 Support local business collaboration and capacity building.

4.3.2 Encourage Buy Local.

Consultation

CEO, Manager of Corporate & Community Services – Shire of Dundas, Business Operations Manager, GFG Consulting, Rural Health West, WA Country Health Service.

Comment

Although the advertisement has only recently been published and only one submission received to date, Council should consider the proposal for the following reasons.

1. Dr Rowlands has taken indefinite leave and requested locum support more than \$18,000 per week.
2. Previous EOI process failed to identify any suitable providers.
3. General shortage of GP's across the country
4. The proposal from I-Medical Australia presents an excellent operating model that will benefit the community.

According to I-Medical Australia Managing Director, Ashley Yong, their intention is to establish a medical centre with a GP and continued support of allied health services, including nurses, Audio metrist, a podiatrist, a psychologist and potentially a pathologist where blood can be taken.

The initial plan is to provide a locum that will remain in the clinic on a two-week rotational basis until such time as they can secure a long-term, full-time GP.

The success of this proposal will be enhanced by frequent and open communication between Council and the medical services provider as well as robust and comprehensive contractual agreements. It is imperative that legal advice is sort in preparing the various agreements.

I-Medical commits to an operating model that contains a mixed billing practice where a standard appointment attracts an upfront fee of \$75. The Medicare rebate where applicable will applied after the appointment. People holding approved pension and concession cards will be bulk-billed.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **Resolve to enter into a contractual agreement for the provision of medical services with I-Medical Australia subject to the following.**
 - a. **The service is to operate predominantly from the existing medical centre with assistance to the hospital.**
 - b. **That the premises be brought up to standard (at the Shires cost) to meet the requirements of AGPAL accreditation.**
 - c. **The Shire contributes a one-off upfront amount as a set-up fee of \$51,000, and this payment includes an upfront Locum engagement cost, including flights and travelling accommodation to start the medical practise.**
 - d. **That the Shire makes available a house with maintenance including the garden to I-Medical Australia, and I-Medical pays for utilities.**

- e. That the Shire makes available a vehicle for the exclusive use of the I-Medical Australia Practice that includes future replacement and maintenance with a fuel card assigned to the vehicle.
2. Delegate the CEO to engage the Shire's Lawyers, Rural Health West and GFG Consultants as required to prepare the necessary contracts and delegate the Shire President Cr Laurene Bonza and the CEO Peter Fitchat to sign the contract on behalf of the Shire of Dundas.

Moved Cr: Patupis
 Seconded Cr: Warner

Resolution

That Council:

1. Resolve to enter into a contractual agreement for the provision of medical services with I-Medical Australia subject to the following.
 - a. The service is to operate predominantly from the existing medical centre with assistance to the hospital.
 - b. That the premises be brought up to standard (at the Shires cost) to meet the requirements of AGPAL accreditation.
 - c. The Shire contributes a one-off upfront amount as a set-up fee of \$51,000, and this payment includes an upfront Locum engagement cost, including flights and travelling accommodation to start the medical practise.
 - d. That the Shire makes available a house with maintenance including the garden to I-Medical Australia, and I-Medical pays for utilities.
 - e. That the Shire makes available a vehicle for the exclusive use of the I-Medical Australia Practice that includes future replacement and maintenance with a fuel card assigned to the vehicle.
2. Delegate the CEO to engage the Shire's Lawyers, Rural Health West and GFG Consultants as required to prepare the necessary contracts and delegate the Shire President Cr Laurene Bonza and the CEO Peter Fitchat to sign the contract on behalf of the Shire of Dundas.

Carried by: Simple Majority

For: 4

Against: 1 Cr: Hogan

10.4 Officers Reports

Agenda Reference & Subject	
10.4.1 Sale of Land for Non Payment of Rates	
Location / Address	Shire of Dundas
File Reference	RV.RP.6
Author	Chief Executive Officer
Date of Report	21 July 2023
Disclosure of Interest	Nil

Summary

This report aims to advise Council of the debt collection recovery procedures commenced under the Local Government Act 1995 in regard to outstanding rates of the following lands.

A241	132 Prinsep Street, Norseman
A122	17 Mildura Street, Norseman
A2810	21 Carr Street, Norseman
A2809	23 Carr Street, Norseman
A2803	25 Carr Street, Norseman
A2806	29 Carr Street, Norseman
A168	32 Simon Street, Norseman
A2820	Lot 799 on DP 222912 (13L Okay Road, Norseman)
A2821	Lot 800 on DP 222912 (15L Okay Road, Norseman)
A615	166 Prinsep Street, Norseman

Sale of land by a Local Government Authority is in accordance with the Local Government Act 1995, sections 6.56, 6.60, 6.64 and 6.68.

Background

In accordance with the Local Government Act 1995, sections 6.56, 6.60, 6.64 and 6.68, Council is able to authorise the debt recovery process for outstanding rates and charges, required by the Local Government Act 1995, to facilitate the sale of the land where they remain outstanding for a period in excess of three years.

Where rates remain unpaid for a period of 3 years, the Shire can sell the property to recover the outstanding rates and costs incurred. At papers relating the letters from the Shire of Dundas to the landowners dated from 2020 to inform that the rates were in arrears for a period of excess of 3 years. The landowners have not attempted to recover the rates, service charges and interest through legal proceedings.

The costs of undertaking these actions are recoverable by Council, under section 6.56 of the Local Government Act 1995.

The following table show details of the outstanding balances from the past three years.

Printed on : 06.07.23 at 14:17		SHIRE OF DUNDAS (BR863SS)				
Rates Outstanding Debtors (Non-pensioners)						
Year to Date as at 06.07.23						
Assessment	Property Address	3rd Previous Year & greater	2nd Previous Year	Previous Year	Current Year	Total
01 NORSEMAN						
A241	132 PRINSEP STREET NORSEMAN 64	7527.68	967.12	988.09	1159.42	10642.31
A122	17 MILDURA STREET NORSEMAN 644	2894.37	665.32	697.59	806.43	5063.71
A2810	21 CARR STREET NORSEMAN 6443	4508.22	804.07	830.69	968.12	7111.10
A2803	25 CARR STREET NORSEMAN 6443	4537.02	804.07	830.69	968.12	7139.90
A2806	29 CARR STREET NORSEMAN 6443	4508.22	804.07	830.69	968.12	7111.10
A2809	23 CARR STREET NORSEMAN 6443	4508.22	804.07	830.69	968.12	7111.10
A168	32 SIMON STREET NORSEMAN 6443	4320.26	754.29	783.15	910.14	6767.84
A2820	13L OKAY ROAD NORSEMAN WA 6443	3847.43	754.29	783.15	910.14	6295.01
A2821	15L OKAY ROAD NORSEMAN WA 6443	3847.43	754.29	783.15	910.14	6295.01
A615	166 PRINSEP STREET NORSEMAN 64	3929.00	444.00	455.20	471.20	5299.40

Statutory Environment

Work with the Heritage Team at the DPLH regarding matters about the Aboriginal Cultural Heritage Act 2021.

Local Government Act 1995

The actions to be taken against landowners of rateable land to which rates have remained unpaid for more than three (3) years.

6.64. Actions to be taken.

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land; or
 - (b) sell the land; or
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land and may withdraw caveats so lodged by it.

1. **6.68. Exercise of power to sell land.**

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the ***power of sale***) in relation to any land unless, within the period of 3 years prior to the exercise

of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.

- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —
- (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or
 - (b) having made reasonable efforts to locate the owner of the property is unable to do so.
- (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.
- (3) Schedule 6.3 has effect in relation to the exercise of the power of sale.
[Section 6.68 amended: No. 17 of 2009 s. 40.]

Policy Implications

F14. Disposal of Property Policy

1. Disposal of Land and Buildings

1.1 The disposal of “land” includes the sale, lease or assignment of all or any part of the land.

Shire of Dundas owned land and buildings is to be disposed of in accordance with the provisions of Section 3.58 of the *Local Government Act 1995* by either of the following:

- a) The highest bidder at a public auction; or
- b) Public tender
- c) Before agreeing to dispose of the property it gives **local public notice** of intention to dispose-
 - i. Describing the property concerned; and
 - ii. The names of all other parties concerned; and
 - iii. The consideration to be received by the local government for the disposition; and
 - iv. The market value of the disposition
 - v. Inviting submission to be made to the shire before a date not less than 2 weeks after the notice is first given.
- vi. And it considers any submission made to it before the date specified in the notice and if its decision is made by the council, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

1.2 Under Regulation 30 of the Local Government [Functions and General] Regulations, an exemption applies where land is disposed of:

- a) To an owner of adjoining land (subject to value less than \$5,000).
- b) To a charitable or not for profit body.
- c) To the Crown.
- d) Is leased to an employee of the local government for use as the employee’s residence; or
- e) Is residential property leased to a person.

Financial Implications

As of July 2023, the Shire has outstanding rates amounting to \$151,421.21 relating to these 10 properties of which year wise breakdown is given below.

	3 rd previous years and greater	2 nd previous year	Previous year	Current year	total
Total	-188,167.04	2,402.17	7,732.94	26,610.72	-151,421.21

All rates revenue become uncollectable every year hindering the Shire's ability to plan its capital works in line with long term financial plan.

Consultation

Councillors, CS Legal, Tony Dowling, Paul Owen, and Senior Staff.

Comment

The necessary steps have been followed regarding Council exercising its power under Section 6.64 of the Local Government Act i.e., legal action has been attempted, steps have been taken to locate the owners (through the efforts of Council staff as well as CS Legal assisting with all matters relating to this title searches have been carried out.

Voting Requirements

Simple Majority

Amended Officer Recommendation

That Council, pursuant to section 6.68(2)(a) of the *Local Government Act 1995* resolves to:

1. **Exercise the power of sale under Part 6 Division 6 Subdivision 6 of the Local Government Act 1995 (WA) over the land parcels listed below, noting that the landowners have not made any attempt to pay the rates, service charges and interest owed to the Shire of Dundas within the last 3 years, and consequently, reasonably believes that the costs of proceedings under this section will equal or exceed the value of the Property:**
 - (i) A241 132 Prinsep Street, Norseman
 - (ii) A2810 21 Carr Street, Norseman
 - (iii) A2809 23 Carr Street, Norseman
 - (iv) A2803 25 Carr Street, Norseman
 - (v) A2806 29 Carr Street, Norseman
 - (vi) A2820 Lot 799 on DP 222912 (13L Okay Road, Norseman)
 - (vii) A2821 Lot 800 on DP 222912 (15L Okay Road, Norseman)
 - (viii) A615 166 Prinsep Street, Norseman

2. Delegate authority to the Shire CEO to proceed with the sale of the aforementioned land parcels in accordance with Council Policy *F14 - Disposal of Property Policy*;
3. Request the Shire CEO to advise prospective purchasers of land parcels A2810, A2809, A2803 and A2806 that vehicle access will need to be provided to each land parcel prior to any future use/development upon the land commencing, with such access being designed and constructed to the '*Shire of Dundas Standards Specifications for Subdivisions and Developments*';
4. Request the Shire CEO to advise prospective purchasers of land parcels A2820 and A2821 that these parcels currently have no legal access, and that the provision of future access to these respective parcels will need to be negotiated with the State of Western Australia;
5. Sell the aforementioned parcels listed in 1 above by public tender, and request the Shire CEO to appoint GFG Consultants to arrange and carry out the public tender process;
6. Request the Shire CEO to appoint Dowling Giudici and Associates (Town Planner: Tony Dowling) to assist with drafting sales information outlining applicable development requirements prescribed in the Shire's *Local Planning Scheme (LPS) 2* and requirements pertaining to the *Aboriginal Cultural Heritage Act 2021* and *Aboriginal Cultural Heritage Regulations 2022*, and responding to queries in respect to these;
7. Take possession of the following land parcels and retain these for the future provision of staff housing
 - (i) A122 17 Mildura Street, Norseman
 - (ii) A168 32 Simon Street, Norseman

Moved: Cr. Warner

Seconded: Cr. Maloney

Resolution

That Council, pursuant to section 6.68(2)(a) of the *Local Government Act 1995* resolves to:

8. Exercise the power of sale under Part 6 Division 6 Subdivision 6 of the *Local Government Act 1995 (WA)* over the land parcels listed below, noting that the landowners have not made any attempt to pay the rates, service charges and interest owed to the Shire of Dundas within the last 3 years, and consequently, reasonably believes that the costs of proceedings under this section will equal or exceed the value of the Property:
 - (ix) A241 132 Prinsep Street, Norseman
 - (x) A2810 21 Carr Street, Norseman
 - (xi) A2809 23 Carr Street, Norseman
 - (xii) A2803 25 Carr Street, Norseman
 - (xiii) A2806 29 Carr Street, Norseman

- (xiv) A2820 Lot 799 on DP 222912 (13L Okay Road, Norseman)
 (xv) A2821 Lot 800 on DP 222912 (15L Okay Road, Norseman)
 (xvi) A615 166 Prinsep Street, Norseman

9. Delegate authority to the Shire CEO to proceed with the sale of the aforementioned land parcels in accordance with Council Policy *F14 - Disposal of Property Policy*;
10. Request the Shire CEO to advise prospective purchasers of land parcels A2810, A2809, A2803 and A2806 that vehicle access will need to be provided to each land parcel prior to any future use/development upon the land commencing, with such access being designed and constructed to the '*Shire of Dundas Standards Specifications for Subdivisions and Developments*';
11. Request the Shire CEO to advise prospective purchasers of land parcels A2820 and A2821 that these parcels currently have no legal access, and that the provision of future access to these respective parcels will need to be negotiated with the State of Western Australia;
12. Sell the aforementioned parcels listed in 1 above by public tender, and request the Shire CEO to appoint GFG Consultants to arrange and carry out the public tender process;
13. Request the Shire CEO to appoint Dowling Giudici and Associates (Town Planner: Tony Dowling) to assist with drafting sales information outlining applicable development requirements prescribed in the Shire's *Local Planning Scheme (LPS) 2* and requirements pertaining to the *Aboriginal Cultural Heritage Act 2021* and *Aboriginal Cultural Heritage Regulations 2022*, and responding to queries in respect to these;
14. Take possession of the following land parcels and retain these for the future provision of staff housing
 - (iii) A122 17 Mildura Street, Norseman
 - (iv) A168 32 Simon Street, Norseman

Carried by: Simple Majority

For: 5

Against: 0

Agenda Reference & Subject	
10.4.2 CEO Performance Review -Appointment of Consultant	
Location / Address	Shire of Dundas
File Reference	Personal File CEO
Author	Manager Corporate and Community Services - Pania Turner
Date of Report	21 July 2023
Disclosure of Interest	Nil

Summary

The Shire of Dundas Council consider appointing John Phillips Consulting to assist Councillors through the performance review of the CEO for the last financial year. The appraisal must be done by the Elected Members and the CEO and completed by 2nd September 2023. However,

due to competing priorities, the CEO's appraisal will be commenced prior to 2nd September but not finalised prior to the that date and approved at the next Ordinary Council Meeting.

Background

The Council, according to the *Local Government Act 1995* and the contract for the Chief Executive Officer's position, is required to undertake an annual performance review. Under the terms and conditions of employment, the Council must also consider the CEO's remuneration package.

Statutory Environment

The *Local Government Act 1995* and *Local Government Legislation Amendment Act 2019* (sec. 5.38) requires all employees to undergo a performance review at least once per year. Salaries and Allowances Tribunal and the Salaries and Allowances Act 1975. Terms and conditions of employment.

Policy Implications

All Council Policies sit under this position as the Person Conducting Business on behalf of Council.

Financial Implications

The CEO's salary is identified in the administration operating expenditure; however, it forms part of the administration allocation across all accounts.

Success indicators and timelines agreed in the annual appraisal will have a direct or indirect significant financial impact on the Shire's operations.

The cost associated with the Consultant assisting Elected Members with the performance appraisal is included in the 2023-24 Financial year's budget.

Strategic Implications

The CEO's KPIs are linked to the strategies/priorities identified in the Strategic Community Plan and Corporate Business Plan of the Shire. Achievement of the CEO's KPI's is vital in achieving the long-term strategic objectives of the Shire.

Consultation

Shire President, Councillors and CEO, Senior Staff, John Phillips Consulting

Comment

The purpose of the annual performance review is for the Council to consider the general and key performance indicators that the Council have set to give the CEO direction for the following year. The KPIs provide a framework for the CEO to provide overall leadership in achieving long-term/medium-term strategic and operational objectives of the Shire.

The Council has previously engaged John Phillips Consulting regarding the appointment and the previous two annual performance appraisals for the CEO, including development and agreement of actions, success indicators and timelines for the ensuing year.

It is proposed that John Phillips Consulting will provide an appraisal template and conduct discussions with all Councillors in August 2023 and then present a final report to an appointed Committee of the Council. The final report will be given to the Committee. The final report to be presented at the Ordinary Meeting of Council at Eucla 23rd September 2023.

Voting Requirements

Simple Majority

Recommendation

That the Shire of Dundas Council:

1. **appoint John Phillips Consulting to assist Elected Members with the performance appraisal process for the CEO.**
2. **appoints the following Councillors as the Delegated Committee to finalise the CEO performance appraisal, President Laurene Bonza, Cr _____, Cr _____; and**
3. **approve the presentation to Council, of the final report, be deferred to the Ordinary Meeting of Council at Eucla 23rd of September 2023.**

Moved: Cr. Warner

Seconded: Cr. Maloney

Resolution

That the Shire of Dundas Council:

1. **appoint John Phillips Consulting to assist Elected Members with the performance appraisal process for the CEO.**
2. **appoints all Councillors as the Delegated Committee to finalise the CEO performance appraisal, and**
3. **approve the presentation to Council, of the final report, be deferred to the Ordinary Meeting of Council at Eucla 23rd of September 2023.**

Carried by: Simple Majority

For: 5

Against 0

Agenda Reference & Subject	
10.4.3 Local Government Elections - October 2023 and Cost Estimate	
Location / Address	Shire of Dundas
File Reference	GV.EL.21
Author	Chief Executive Officer – Peter Fitchat
Date of Report	04 July 2023
Disclosure of Interest	Nil

Summary

As Council is aware October 2023 is Local Government Elections. Senior staff is asking Council to consider the use of the WAEC Western Australian Electoral Commission to oversee the Election during this time.

Background

Under the Local Government Act 1995 (Act), Ordinary local elections are held every two years on the third Saturday in October. Council members are elected for a term of up to four years.

The most recent Ordinary elections were held on 16th October 2021, and the next elections will be held on 21st October 2023.

Statutory Environment

Local Government Act 1995 (Act)

Policy Implications

Nil

Financial Implications

Associated cost to be adopted in the 2023-24 Financial Year Budget.

Strategic Implications

Strategic Community Plan

Consultation

Councillors, WAEC, Senior staff -CEO

Comment

In our upcoming elections later this year in on the 21st October 2023 we have 3 positions that is up for election.

Ahead of a local election, each local council will determine whether the local election will be conducted by in-person or postal voting. If the election will be by postal voting, the WAEC must conduct the election on behalf of the local government.

Most local governments elect to hold postal voting elections conducted by the WAEC. It is a Council decision if the election will be conducted by in-person voting or done by the WAEC. This is determined by the local council.

Voting in a local government election is not compulsory in Western Australia. However, however all local electors are strongly encouraged to vote with candidates promoting voter turnout through their own campaign. Local government elections are conducted using the 'first past the post' system. This means the result of an election is determined by simply counting the number of votes received by each candidate and the candidates with the most votes win until all vacancies are filled.

Where there is a single vacancy, the candidate with the most votes will be elected; where there is more than one vacancy, candidates will be elected in order according to the number of votes received by each.

Where an in-person election is held, electors may apply for a postal vote, absentee vote, or an early vote if they are not able to go to a polling booth on election day.

The Electoral Commissioner appoints returning officers for postal elections and in-person elections conducted by the WAEC. A list of these returning officers is available on the [WAEC website](#).

If the local government decides to conduct the election, the Chief Executive Officer of the local government is the returning officer, unless the local government decides to appoint another person to perform the function.

We have an estimated 350 electors, and the above-mentioned cost is run the election through the WAEC, all voting will be through a postal ballot and is most councils preferred option. Keeping in mind that this option would probably be a cheaper option keeping the Eucla and Pastoral voters in mind. This will also cover all legal cost if any queries result out of the election will be borne by the Electoral Commission.

Council will require to have one staff member appointed to assist the WAEC in this election.

If this is the direction Councillors want to go, we would need a resolution and an inclusion into our budget for 2021-22 financial year.

All the required advertising will be done by the WAEC, officer of the WAEC will be visiting our Shire for a face-to-face.

Voting Requirements

Absolute Majority

Officer Recommendation

That the Shire of Dundas:

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.
3. That the Shire allocate \$15,000 to pay the Western Australian Electoral Commission to conduct the Election on behalf of the community for the Shire of Dundas.
4. That the Shire nominate Manager Community and Corporate Services, Pania Turner to assist the WAEC as an internal contact.

Moved: Cr. Hogan
Seconded: Cr. Warner

Resolution

That the Shire of Dundas:

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.
3. That the Shire allocate \$15,000 to pay the Western Australian Electoral Commission to conduct the Election on behalf of the community for the Shire of Dundas.
4. That the Shire nominate Manager Community and Corporate Services, Pania Turner to assist the WAEC as an internal contact.

Carried by: Simple Majority For: 5 Against: 0

Agenda Reference & Subject
10.4.4 Officers Reports

Location / Address	Shire of Dundas
File Reference	CM.PL.1
Author	Chief Executive Officer – Peter Fitchat
Date of Report	07 July 2023
Disclosure of Interest	Nil

Summary

That the Council receive the Corporate and Community Services, Works and Services, Youth and Recreation Services and Woodlands Cultural, Community & Visitor Centre report as contained in Papers Relating.

Background

The Officers present their reports on activities for the past month. These reports are in papers relating.

Statutory Environment

Shire officers are required to deliver the activities, programs, works and services within the appropriate legislative requirements where applicable.

Policy Implications

Shire officers are required to deliver the activities, programs, works and services guided by and within the appropriate Shire policies and procedures where applicable.

Financial Implications

Shire officers are required to deliver the activities, programs, works and services within allocated budgets, and purchasing and procurement policies.

Strategic Implications

Shire officers deliver activities, programs, works and services to achieve the community outcomes identified within the Strategic Community Plan.

Consultation

CEO
Manager of Corporate and Community Services
Manager of Works and Services
Youth and Recreation Officer

Comment

The reports will advise councillors of the progress being made towards achieving the objectives of the Strategic Plan.

Voting Requirements

Simple Majority

Officer Recommendation

That the Shire of Dundas Council receive the Corporate and Community Services, Works and Services, Youth and Recreation Services and Woodlands Cultural, Community & Visitor Centre report as contained in Papers Relating.

Moved: Cr. Warner

Seconded: Cr. Hogan

Resolution

That the Shire of Dundas Council receive the Corporate and Community Services, Works and Services, Youth and Recreation Services and Woodlands Cultural, Community & Visitor Centre report as contained in Papers Relating.

Carried by: Simple Majority For: 5 Against: 0

12. Elected Members Motions of Which Previous Notice Has Been Given**13. New Business of an Urgent Nature Introduced by the President or by a decision of the Meeting.**

The following items of urgent business were accepted for consideration by the President or by majority of the members of the Council:

Recommendation

That the members of the Council agreed to the introduction of the following late item for decision.

Moved: Cr Warner

Seconded: Cr Hogan

Resolution:

That the members of the Council agreed to the introduction of the following late item for decision.

Carried by: Simple Majority For: 5 Against: 0

Agenda Reference & Subject	
13.1 Late item: PROPOSED CARPORT WITH REDUCED BOUNDARY SETBACKS – NORSEMAN	
Location / Address	Lot 154 on DP 222909 (HN 35) Mildura Street Norseman
File Reference	Anthony Dowling, Dowling Giudici + Associates (DG+A) - Town Planning Consultant

Author	24 July 2023
Date of Report	DG+A receives consulting fees from the Shire of Dundas
Disclosure of Interest	Anthony Dowling, Dowling Giudici + Associates (DG+A) - Town Planning Consultant

Summary

It is recommended that an application for development approval (DA01/2023) to develop a carport on the aforementioned lot with reduced front and side boundary setbacks be approved.

Background

Lot 154 (HN 35) Mildura Street comprises an area of 1,012 m² with a 20.12 metre long frontage to Mildura Street.

It contains an existing single house centrally located within the lot, setback about 6 metres from the lot's Mildura Street frontage. There are also a number of existing outbuildings located within rear yard of the lot and between the existing dwelling and the common boundary between lots 154 and 155.

Current access to the subject land is available from both Mildura Street and a rear laneway. Access from Mildura Street is via a recently constructed crossover bridging an open drain that extends along the west side of Mildura Street.

A location map and a recent aerial photo of lot 154 are provided in **Figures 1** and **2** below.

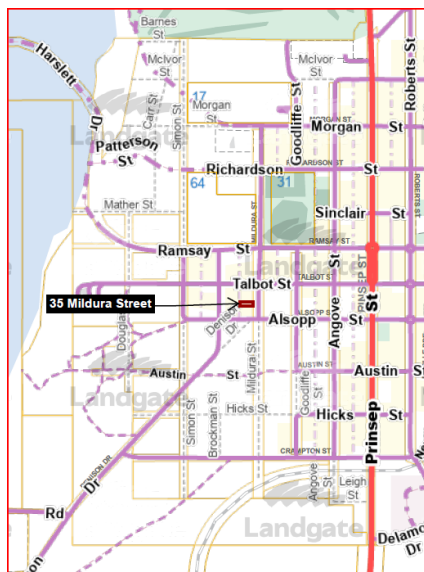


Figure 1 – Location Map



Figure 2 – Aerial photo of lot 154

Proposal

The proposal is for a freestanding 30m² (7.5 m x 4.0 m) size carport within lot 154 for the parking of a single motor vehicle. The total height of the carport will be 3.2 metres (measured from existing ground-level to the roof ridge), with a wall height of 2.5 metres.

It is proposed to set back the front of the carport **1.16 metres** from the lot's Mildura street boundary and thereafter, extend the carport westwards along the common boundary of lot 154

and adjoining lot 153 for a distance of **7.5 metres**, just north and partially forward of the existing dwelling on lot 154.

The carport will comprise a steel-frame with a metal clad roof and walls on 3 sides. The front of the carport – facing Mildura Street – will be open.

Plans and elevation drawings illustrating the layout and design of the proposed carport are provided at **Attachment 1** to this report.

Statutory Environment

- *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)*
- *Shire of Dundas Local Planning Scheme No. 2 (LPS 2)*

The subject land is zoned **Residential** under LPS 2 with a density coding of **R10**.

Under this coding, and subject to meeting prescribed criteria, a **minimum front boundary setback of 3.75 metres** is required whilst a **minimum side boundary setback of 1.5 metres** is required.

If the proposed development were to accord with these and other applicable criteria - such as vehicle access to the lot being from a laneway or right-of-way where this is available - the proposed development would be exempt from obtaining development approval. However, because reduced side and front boundary setbacks for the carport are proposed, and vehicle access is proposed from Mildura Street (the **primary street**) rather than the existing rear laneway, the approval of Council is required.

Hence this application.

In determining whether development approval ought to be granted to the proposed carport with reduced front and side boundary setbacks, Council is required to have regard to the **design principles** cited in the R Codes corresponding to the **deemed-to-comply boundary setbacks** prescribed in the R Codes applying to this type of development.

These design principles are as follows:

5.2.1 Setback of garages and carports

- P1.1 Carports and garages set back to maintain clear sight lines along the street, to not obstruct views of dwellings from the street and vice versa, and designed to contribute positively to streetscapes and to the appearance of dwellings.*
- P1.2 Garages and/or carports set back to ensure any vehicle parking on a driveway does not impede on any existing or planned adjoining pedestrian, cycle or dual-use path.*

Policy Implications

The Shire has no local planning policies that apply to the proposed development.

Financial Implications

There are no specific financial implications for the Shire of Dundas relating to the proposal.

Strategic Implications

There are no goals nor specific objectives cited in the Shire's *Strategic Community Plan 2022-32* that directly apply to the proposed development.

However, it ought to be borne in mind that one of the implications of granting development approval to a carport proposed within the front setback of lots that abut a rear laneway is that it potentially sets a precedent for future carports and garages to be developed within other lot front setbacks, contrary to the vehicular provisions of the R Codes.

It ought to be noted that Council previously approved a similar carport development upon 26 Johns Street in May 2022 with a reduced front and side setback and vehicle access being permitted from the primary street (being Johns Street). The proposal under consideration here is similar.

Whilst proposals of this type may not be considered a significant issue in a small-sized relatively remote town or community (given low traffic volumes on Norseman's local streets), the cumulative effect of allowing carports in lot front setbacks – especially without any specific design controls – can result in a 'sea of vehicles' being visually prominent from the primary street and could potentially adversely impact Norseman's streetscapes.

In light of the above, and where Council is prepared to consider allowing carports within lot front setbacks, it is suggested that Council develop and adopt a local planning policy to guide and articulate the circumstances in which such proposals might be allowed. The policy ought to also include design guidelines that will ensure that where a carport is allowed within a front setback, its design and form will be consistent with the design and form of any existing dwelling upon the lot, or it will integrate with any proposed dwelling upon the lot.

In developing design guidelines, the focus also ought to be on achieving consistency in respect to roof form, colours and materials of the dwelling on the lot (whether existing or proposed) and the screening of the carport from the primary street, either by vegetation, walls, fences or a combination of these.

Neighbour Consultation

Where a development proposal is to be assessed against one or more design principles of the R Codes applying to the type of proposed development, or may have a possible impact on the amenity of adjoining owners and occupiers, notifying and inviting affected owners and occupiers to view and comment on the proposal might be warranted.

Where notification is given, the owners/occupiers have 14 days (from the date of being informed about the proposal) in which to provide any comment to the Shire on the proposal.

The adjoining owner/occupier of Mildura Street was notified in writing by the Shire of the proposed carport development and invited to comment upon it. The Shire **did not receive any response** from the adjoining owner/occupier of 33 Mildura Street.

Comment

As Council previously approved a similar carport development upon 26 Johns Street in May 2022 with vehicle access being approved from the primary street (being Johns Street), and that the Shire recently **approved the construction of a crossover from Mildura Street to lot 154**, it will be difficult in this instance **not to approve this proposed carport development**.

Determination Options

In determining the application, Council has the option of:

- A. Approving the application for development approval with or without conditions; or
- B. Refusing to approve the application for development approval.

It is recommended that the application be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council, pursuant to clause 68(2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE development application DA 01/2023 to develop a carport with reduced front and side boundary setbacks upon Lot 154 (HN 35) Mildura Street Norseman, generally in accordance with the sketch plans drawn by Kevin Hindmarsh accompanying development application DA01/2023, subject to the following conditions:

- (i) **The carport floor space and the connecting driveway from Mildura Street being designed and constructed to the requirements and satisfaction of the Shire of Dundas, prior to the use of the carport commencing;**
- (ii) **Stormwater run-off from the carport, the floor space beneath it, and the connecting driveway being suitably drained to the specifications and satisfaction of the Shire of Dundas, prior to the use of the carport commencing; and**

Advice Notes

1. **If the approved development has not been fully developed within 2 years from the date of this approval, the approval will expire and be of no further effect.**

The approval may be extended beyond the approval expiry period where a request has been received and approved by the Shire of Dundas within 3 months of the approval expiry date;

2. **When all of the conditions imposed on this approval have been fulfilled (unless otherwise agreed to by the Shire), please contact the Shire to arrange an inspection by a Shire officer to confirm that all the conditions of this approval have been fulfilled to the Shire's satisfaction.**

Failure to fulfil all the conditions of this approval (unless otherwise agreed to by the Shire) prior to the use commencing is considered a breach of, and may invalidate, the approval granted.

Moved: Cr. Warner

Seconded: Cr. Hogan

Resolution

That Council, pursuant to clause 68(2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE development application DA 01/2023 to develop a carport with reduced front and side boundary setbacks upon Lot

154 (HN 35) Mildura Street Norseman, generally in accordance with the sketch plans drawn by Kevin Hindmarsh accompanying development application DA01/2023, subject to the following conditions:

- (iii) The carport floor space and the connecting driveway from Mildura Street being designed and constructed to the requirements and satisfaction of the Shire of Dundas, prior to the use of the carport commencing;
- (iv) Stormwater run-off from the carport, the floor space beneath it, and the connecting driveway being suitably drained to the specifications and satisfaction of the Shire of Dundas, prior to the use of the carport commencing; and

Advice Notes

3. If the approved development has not been fully developed within 2 years from the date of this approval, the approval will expire and be of no further effect.

The approval may be extended beyond the approval expiry period where a request has been received and approved by the Shire of Dundas within 3 months of the approval expiry date;

4. When all of the conditions imposed on this approval have been fulfilled (unless otherwise agreed to by the Shire), please contact the Shire to arrange an inspection by a Shire officer to confirm that all the conditions of this approval have been fulfilled to the Shire's satisfaction.

Failure to fulfil all the conditions of this approval (unless otherwise agreed to by the Shire) prior to the use commencing is considered a breach of, and may invalidate, the approval granted.

Carried by: Simple Majority For: 5 Against: 0

14. Next Meeting

The next Ordinary Meeting of the Council is scheduled to be held at 6pm on the 22nd August AWST, in Norseman

15. Closure of Meeting

There being no further business the Shire President will declare the meeting closed at: 6:48pm