



Norseman Woodlands to Eucla Coast

## Minutes Certification

I certify that the Minutes of the 28<sup>th</sup> September 2023 Ordinary Council Meeting were presented to the Council and confirmed at the 26<sup>th</sup> October 2023 Ordinary Council Meeting.

A handwritten signature in black ink, appearing to be "L. Bonza", written over a horizontal line.

Cr L Bonza  
President

26.10.23

Date



Norseman Woodlands to Eucla Coast

CONFIRMED MINUTES  
Ordinary Council Meeting  
28<sup>th</sup> September 2023

CONFIRMED MINUTES for the ORDINARY Meeting of Council  
held in the Council Chambers at the Shire Administration Office –  
Prinsep Street Norseman on the  
(28<sup>th</sup> September 2023) commencing at (6:00 pm) AWST

### Notes to Minutes

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Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shires decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as representation by the Shire should be sought in writing and should make clear the purpose of the request.

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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 Ngadjju 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:

Nil

### 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
Cr JEP Hogan	
Cr SM Warner	
Cr VL Wyatt	
Cr J Maloney	
Peter Fitchat	Chief Executive Officer
Pania Turner	Deputy Chief Executive Officer
Barry Hemopo	Manager of Works and Services
Latif Samadi	Information and Technology Officer

### Apologies

Nil

### **Public Gallery**

Des McColl, Michelle Hindmarsh, Julie Curtin, Golly David Pascoe, Mark Pink, Cam MarDardy, Bonnie Vicensoni, Jammie-lee Bennet, Chantelle Mcleod and Sharon Brown.

#### **4. Applications for Leave of Absence.**

Cr: Wyatt

#### **5. Response to Previous Public Questions Taken on Notice.**

**Question** submitted by Bonnie Vicensoni

Topic 1: Is the doctor at the health clinic there for the long term, or only until someone else can be found?

#### **Response from the Shire President Cr. Bonza**

The solution is intended to be a permanent one.

**Question** submitted by Bonnie Vicensoni

Raised concerns about some of the discrepancies in the unconfirmed minutes of 25 July 2023.

Adding to her queries, Bonnie inquired about 'incidentals' payments to staff.

#### **Response from the Shire President Cr. Bonza**

President responded that incidental expenses are paid to employees when they are away for work trips. President noted that staff reimbursements and incidental payments were part of industrial relations agreement. The President noted her displeasure with the practice and said that if employees are being paid for their meals and accommodations, that should be enough to cover their requirements. President further stated that this is an area the Council would be pursuing.

In relation to the minutes, President states that those necessary adjustments will be made in the copy of the confirmed minutes.

Bonnie Vicensoni requested a written response from the Shire in response to her enquiries.

#### **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 Des Mccoll

Topic: Who oversees repairing the bitumen on gravel on the east side of Mines Road?

**CEO Response:** The Shire has been in discussion with Pantoro regarding the road. The road requires improvement and has not been signed off by the Shire.

**Topic:** Allegations of corruption, fraud regarding asset disposal, and unlawful expenditure on Hyden Road. Additionally, concerns regarding the Laundromat budget and allocated funds.

**Response:** Due to the allegations of corruption the matter has been referred to the Corruption and Crime Commission (CCC). The CEO has written to Mr Pink outlining the process to register a complaint with Department of Local Government, Sports and Cultural industries (DLGSC).

**Question:** Submitted by Bonnie Vicensoni

Topic 1: who pays for the staff at the health care centre?

**CEO Response:** I-medical provides funding for the staff.

Topic 2: Was the gas stove at 36 Angove installed by a qualified technician?

**MWS Response:** It has not yet been installed, and now gathering quotations for it.

## 7. Confirmation of Minutes of Previous Meeting.

Minutes of the Ordinary Meeting of Council held on 22 August 2023 be confirmed as a true and accurate record.

**Moved:** Cr. Hogan      **Seconded:** Cr. Patupis

### Recommendation

**That the minutes of the Ordinary Meeting of Council held on 22 August 2023 be confirmed as a true and accurate record.**

**Carried ( 5 / 0 )**

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

## 8. Petitions, Deputations or Presentations.



## 8.1 Reports of Committees

### 8.1.1 GVROC

Council representatives Cr Bonza and Cr Warner

- GVROC meeting was held via Teams to consider the State Council agenda on 25<sup>th</sup> August.
- GVROC held a dinner at the Atrium at the Crown in Perth to coincide with the WALGA AGM and farewelled President Cr Ian Mickle from Shire of Esperance who is not standing for re-election. President Mickle has had a very long involvement with Local Govt and is also a previous WALGA State Councillor. GVROC Chair President Malcolm Cullen thanked Cr Mickle for his service and wished him well.
- The next GVROC meeting will be held via Teams to consider the State Council Agenda on Friday 17<sup>th</sup> November.
- The next GVROC in person meeting will be hosted by the Shire of Menzies on Friday 24<sup>th</sup> November.

### 8.1.2 WALGA

Council representatives Cr Bonza and Cr Patupis

- The WALGA State Council meeting was held on 12-13th September, hosted by Great Southern Zone in Katanning.
- A Zone Forum was held on the 12<sup>th</sup> Sept with presentations from each of the 10 Shires within that zone.
- All zones were on the same page as far as having challenges with both State Govt cost-shifting and lack of appetite to provide GROH houses for teaching/policing staff. Everyone has housing issues with a lack of available funding and availability of housing for key staff. As an example, the Shire of Kent, which comprises the towns of Nyabing and Pingrup owns 40% of the housing in the Shire. You cannot get a loan to buy in the Shire. With a \$2.5m budget they have spent \$1m on building GROH housing (which should be provided by the State Govt), so they could get teachers for their community. And that necessarily means that the Community had to forego some services or other infrastructure to accommodate that spend.
- All 10 Shires also had projects on the go that they are very proud of. Keep an eye out for Albany's 200<sup>th</sup> birthday celebrations which will take place in 2026. Plans are well underway.
- All Shires are also experiencing increased levels of road degradation with increased freight tasks due, in part, to mining of critical minerals in areas which haven't previously experienced this kind of activity.
- Lots of exciting trails in all Shires under development, from walking to mountain biking to horse riding.
- All Shire representatives very parochial in support of their communities and proud of what their areas have to offer.
- We had a presentation on digital connectivity from Penny Griffin from DPIRD. Issues being looked at are the fact that low population density means lower margins for carriers which slows down the expansion process. More publicly funded infrastructure is required.
- The 3G network is being switched off and transition to 4G and 5G is beginning. These two bands will have increased data capacity.

- They are also working on increasing the battery life to extend use in disaster situations. Working on Statewide resilience plans in conjunction with LGs, including use of Shire staff to deploy emergency generators on a fee for service basis.
- Satellite comms are getting more common and competition is increasing. Latest technology is LEOs (Low Earth Orbit satellites) for mobile connection. Will start with text and progress towards voice calls and messaging. These LEOs should address the 74% of WA without coverage.
- There was a presentation on emergency management funding and resourcing. Basically, it's another cost-shifting issue from the State Govt. The State determines the deliverables that Shires then have to fund.
- There is a bushfire mitigation fund which is both administered by DFES and has the prescribed activities it will fund determined by DFES.
- There is no long-term commitment to this funding and it predominately funds short-term treatments like slashing and medium-term treatments like burns. Slashing has caused degradation to areas of native bush and there are no long-term deliverables associated with the funding. DFES prescribes best mitigation practice is to build access tracks but, that is not covered as a prescribed activity for the funding programme! They need to re-focus on low maintenance/high impact funding.
- Shire of Broomehill Tambellup gave a presentation on the Flat Rock Wind Farm. It has been a long time in the making, has been a somewhat divisive project. It is a complex project covering 2 LGs, requiring changes to 3 Town Planning Schemes, it's been through the State Administrative Tribunal and Development Application Panel. Stage 1 sold to an Italian company currently supplying power to BHP. Stage 2 purchased by Water Corp producing and consuming their own power. Transporting gravel from other areas is impacting road condition due to increased use that roads were not designed for. Places Elected Members in 'tricky' position as it is a big project providing jobs and alternative farm income but, also impacting road infrastructure and community amenity (real or perceived).
- I attended the WALGA Mayors and Presidents forum on Sunday 17<sup>th</sup> Sept. We had a presentation from Futurist Gihan Perera. He is a very clever and engaging speaker.
- Following Mr Perera's presentation, Mayors and Presidents discussed emerging issues of importance to LG.
- I also attended the WALGA Conference and AGM with Cr Warner and the CEO, Mr Fitchat. There were a number of excellent presentations over the course of the conference from Domonic Thurbon on Disruption Change to Ruth Callaghan explaining the slightly scary reality of the use of AI, to Gill Hicks reflections on life as a survivor, (though losing both her legs), of the London bombings.
- There was a session on how to deal with the housing crisis which threw up some pretty innovative ideas, some of which we may explore here in Dundas.
- Premier Roger Cook addressed the conference. Gave an overview of what is happening in the State. The new, 5-year, road funding agreement was signed on the 18<sup>th</sup> Sept. Set to deliver \$1.38bill over the 5yrs. LG reform have moved on to tranche 2 to deal with Councillor behaviour, complaints processes etc. Band 1 & 2 Councils will now pay Councillors Superannuation with optional payments for Band 3 & 4.
- WALGAAGM was held. Resulted in no change to the way WALGA operates as far as the make up of State Council. Shire of Dundas did not put up a motion this year however, all motions put forward were supported, except the change to WALGAs governance model. Of particular note was the support for Shire of Moora's motion on the need to balance land use requirements in order to ensure that we retain valuable farming land for farming!

- The next WALGA State Council meeting will be held at 170 Railway Terrace Leederville on Wednesday 6<sup>th</sup> December.

### 8.1.3 Regional Roads Group

Council representatives Cr Bonza and Cr Wyatt

- No meeting held
- However, the Goldfields' road funding allocation has been determined and found to be oversubscribed, in that the cost of nominated projects is over the total pool of funds. There will be some hard conversations around the table at the next meeting which should be held in early November. We are not prepared to give ground on our funding requests this year.

### 8.1.4 Roadwise

Council representatives Cr Wyatt and Cr Warner

- No meeting held. We are still finding our way through the intricacies of the new Roadwise model.

### 8.1.5 Local Emergency Management Committee

Council representatives Cr Bonza and Cr Warner

- Last scheduled meeting had to be cancelled due to other agencies having conflicting schedules. The next meeting is scheduled for 10<sup>th</sup> October

### 8.1.6 Steering Committee Coastal Management Plan

Council representatives Cr Bonza and Cr Patupis

- Meeting scheduled for 3<sup>rd</sup> October though we may be dealing with a new member of the Dept.

## 8.2 Early Rates Payment Incentive Scheme Prize Draw

At the July 2023 Ordinary Meeting of Council, Council adopted recommendations in relation to the Shire of Dundas 2023/24 Annual Budget.

Recommendation 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
1st Prize	\$850	Wednesday, 30th August 2023
2 <sup>nd</sup> Prize	\$600	Wednesday, 30th August 2023
3 <sup>rd</sup> Prize	\$350	Wednesday, 30th 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.

As per Council Policy A8. Rates Incentive Prize the President will invite a member by a member of the public (when available) to undertake the prize draw.

### Winners

The Shire's Chief Executive Officer invited community members from the public gallery to draw the prizes and the following names were drawn in order from 1<sup>st</sup> to 3<sup>rd</sup> place.

1 <sup>st</sup> place: R. Neave	\$850.00
2 <sup>nd</sup> place: R. Walker	\$600.00
3 <sup>rd</sup> place: E. Novak	\$350.00

### 9. Announcements by Presiding Member without Discussion.

- The CEO and the President attended the National Roads & Infrastructure Conference in Canberra 6<sup>th</sup> -7<sup>th</sup> September. Some 'fun' facts from the conference:
- \$9.2bill of Local Govt infrastructure is in poor condition (Australia-wide).
- Australia has experienced 46 declared disasters over the last 12mths.
- We need to invest in mitigation – the Govt has announced \$200mill in disaster-ready funding for application. The 1<sup>st</sup> round has been allocated this year. ALGA has called for an extra \$250m over 4 years.
- \$500m funding has been announced for community infrastructure. Competitive grants, two streams – regional and urban.
- We had a presentation from Natasha Bradshaw from the Grattan Institute, which is a public policy 'think tank'. They have analysed data on funding schemes and issues of eligibility, a report will be released in mid-Nov. Basically, there is not enough funding to get work required done. Grants are not keeping pace with cost to LGs. Grants were paused over a 4yr period which has further exacerbated the issue. No account has been taken of the increased road use and maintenance and expenditure has remained stable. LGs are having to spread spending and reduce what's left for roads, which accounts for approx. 15% of LG expenditure.
- There is a lack of clarity of LG role / there is increased community expectation / there is cost-shifting from other tiers of Govt. Cost-shifting is exacerbated by lower levels of funding, new legislation with no consultation and restrictions on revenue raising such as rate-capping.
- The Financial Assistance Grant funding allocation method is flawed based on a per capita distribution which means the areas with the least capacity to raise funds due to low population, therefore low rates base, get the least assistance. Coupled with the higher costs associated with any works in remote areas leaves around a 70% funding shortfall.
- This is leading to roads in poorer condition, a backlog of works, climate issues set to worsen the situation and funding often limited to preservation rather than improvement.
- Another 'fun' fact – the fuel excise is collected by the Federal Govt but, LG manages 75% of all roads.
- On a cost/benefit ratio, road works undertaken by LGs are far better than those undertaken by other levels of Govt.
- We also had a presentation around Heavy Vehicle Management Systems which allows different parameters to be entered to get info on routes, load restrictions, ensures checks and balances don't adversely affect HV ops and deliver on safety and productivity.

- Several presentations in relation to disaster funding, difficulties in accessing funding for emergency repairs, and ability to ‘build back better’.
- A new National Road Safety Action Plan is due to be delivered in 2024. To include network safety plans to assist LG and delivering training to LG.
- The housing issue was discussed. A number of areas were considered, including, the fact that whilst it may be possible to build houses in a relatively short time frame, the ‘connecting infrastructure’ (sewerage, roads, public transport etc), is more problematical to coordinate and fund. Requires better coordination between all levels of Govt.
- Road safety – Discussion around the ‘unsafe 7’:
  1. Alcohol
  2. Other drugs
  3. Speed
  4. Not using seat belts
  5. Fatigue
  6. Distraction/inattention
  7. Illegal manoeuvres
- There were many examples of influencing driver behaviour for better road safety outcomes including school pick up/drop off behaviour monitored by kids to report on parent behaviour, line marking, behavioural programmes, lower speed limits and Pedestrian Access Mobility Plan (PAMP).
- A lot to take in in the two days of the conference. One of the more encouraging takeaways from the conference is that the independent organisation, the Grattan Institute, recognises what LGs across the country have been raising for many years, that LGs are far more efficient than other levels of Govt and we are being starved of adequate funding through both lack of funding available and cost-shifting.

## 10. Reports

### 10.1 Planning, Development, Health and Building

<b>Agenda Reference and Subject</b>	
<b>10.1.1 – Proposed Garage with Reduced Side Boundary Setback – Norseman</b>	
Location / Address	Lot 231 on DP 222909 (HN 65) Roberts Street Norseman
File Reference	DA04.2023
Author	Anthony Dowling, Dowling Giudici + Associates (DG+A) - Town Planning Consultant
Date of Report	21 September 2023
Disclosure of Interest	DG+A receives consulting fees from the Shire of Dundas

#### Summary

It is recommended that an application for development approval (DA04/2023) to develop a 40.5 m<sup>2</sup> sized single car garage on the aforementioned lot with a reduced side boundary setback be approved.

#### Background

Lot 231 (HN 65) Roberts Street Norseman comprises an area of 1,012 m<sup>2</sup> with a 20.12 metre long frontage to Roberts Street.

It contains an existing single house centrally located within the lot, setback 6 metres from the lot's Roberts Street frontage. From recent available aerial photography there appears to be two (2) existing outbuildings located within the lot, one being located within the rear yard of the lot adjacent to the common lot boundary of lots 231 and 232, the other alongside the existing dwelling and at the end of the existing driveway, also adjacent to the common boundary of lots 231 and 232. However, these are not shown on the site plan submitted with the application.

Current access to the subject land is available from both Roberts Street and a rear laneway. Access from Roberts Street is via a recently constructed crossover.

A location map and a recent aerial photo of lot 231 are provided in **Figures 1** and **2** below.

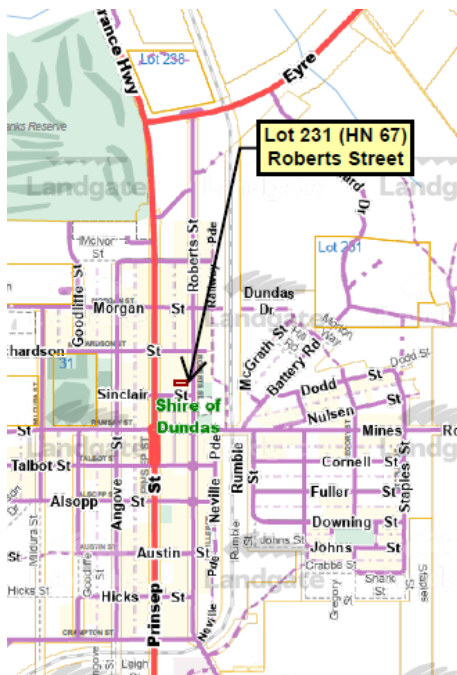


Figure 1 – Location Map



Figure 2 – Aerial photo of lot 231

The application for development approval states that approval is sought for a proposed carport, however, as the proposed carport is shown with a front wall incorporating a roller door that is **not visually-permeable** (ie. it can't be seen through) the proposed structure is deemed a **'garage'** pursuant to *State Planning Policy (SPP) 7.3—Residential Design Codes of Western Australia Volume 1* (the **'R-Codes'**).

As such, the proposed structure has been assessed for compliance against relevant **deemed-to-comply provisions of the R-Codes applying to a garage**. The extent of compliance with these relevant provisions is further commented upon in the **Statutory Environment** section of this report.

### Proposal

The proposal is for a skillion-roofed garage 40.5m<sup>2</sup> (7.65 m x 5.3 m) to be attached on the southern side of the existing dwelling located within lot 231 for the parking of a single motor vehicle.

The height of the upper edge of the skillion roof where it will adjoin the existing dwelling will be 3.0 metres high (matching the wall height of the existing dwelling), whilst its lower edge will be 2.4 metres high.

The carport will be set back **6 metres** from the lot's Roberts Street boundary in line with the setback of the existing dwelling, and 0.9 metres from the common boundary to lots 231 and 232.

It will be metal-clad (roof and front façade) with a 3.0 metre wide roller door incorporated within its Roberts Street façade.

A site plan and a street elevation plan of the proposed carport is 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 (R-code) of **R10**.

A proposed garage/carport is constituted as **residential development** under the *Residential Design Codes of Western Australia* (the R-Codes).

These codes are to be read as part of any prevailing local planning scheme. As such, any residential development proposed upon land assigned an R-Coding (including ancillary dwellings, outbuildings, garages, carports) is required to either comply with applicable '**deemed-to-comply**' provisions of the R-codes prescribed for the residential development proposed or **corresponding design principles**.

Where a residential development is deemed-to-comply with **all** applicable provisions of the R-codes it is exempt from applying for and obtaining development approval.

However, where a variation or departure is sought from any applicable provision of the R-codes, then **development approval is required but only for the proposed variation/departure**.

For the proposed garage under consideration here a minimum side boundary setback (to lot 232) of **1.5 metres** is required.

As a reduced side setback of 0.9 metres is sought to the common boundary of lots 231 and 232 Council is required to determine whether development approval ought to be granted to the carport in the position proposed.

Hence this application.

In determining whether development approval ought to be granted Council is required to have regard to the **design principles** cited in the R Codes corresponding to the aforementioned deemed-to-comply provision.

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.

#### 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 a residential development proposal is to be assessed against **one or more design principles** of the R Codes, or the development **may have a possible impact on the amenity of adjoining owners and occupiers**, notifying and inviting affected owners and occupiers to view and comment (within 14 days of notification) on the proposal might be warranted.

The adjoining owner/occupier of lot 232 (HN 67) of Roberts Street was notified and invited in writing to comment upon the proposed outbuilding together with the proposed garage. The Shire **did not receive any response** to this invitation from the adjoining owner/occupier of 67 Roberts Street to either proposal.

#### Comment

There is an existing driveway extending from Roberts Street along the lot's southern boundary to the location of the proposed garage. This driveway is accessed from Roberts Street via a recently constructed (and approved) crossover.

Given this, and that Council has recently approved the development of carports upon 26 Johns Street and 35 Mildura Street Norseman respectively with reduced side boundary setbacks, and that this proposal under consideration is deemed to satisfy the relevant design principles of the R-Codes applying to it, approval of the proposed garage in the position shown on the submitted site plan is recommended.

#### Determination Options



In determining the application, Council has the option of:

- A. Approving the proposed reduced side boundary setback with or without conditions; or
- B. Refusing to approve the proposed reduced side boundary setback.

If the latter (B) option is determined, the submitted site plan will require amendment to ensure the layout of the proposed garage conforms to the prescribed 1.5 metre setback. In this case, development approval will not be required and the application can then be withdrawn by the applicant.

It is recommended that the application be approved.

#### Voting Requirements

Simple Majority

**Moved:** Cr. Patupis                      **Seconded:** Cr. Warner

#### 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 04/2023 to develop a garage upon Lot 231 (HN 65) Roberts Street Norseman in accordance with the sketch plans accompanying the development application, and subject to the following condition:

- (i) A stormwater run-off system being designed and installed to the specifications and satisfaction of the Shire of Dundas, prior to the use of the garage commencing.

***Reason:***

***To ensure stormwater runoff from the garage is contained wholly within lot 231***

#### **Advice Notes**

1. If the approved development has not been substantially completed 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 the requirement of condition (i) of this approval have been fulfilled (and unless otherwise agreed to by the Shire), please contact the Shire to arrange an inspection by a Shire officer in order that compliance with the requirement of the condition can be confirmed.

Failure to fulfil the condition of this approval prior to the use of the garage commencing (unless the condition is subject to a review by the State Administrative Tribunal) is considered a breach of, and may invalidate, the approval granted.

Carried ( 5 / 0 )

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

<b>Agenda Reference and Subject</b>	
<b>10.1.2 – Proposed Outbuilding with Reduced Side and Rear Boundary Setbacks – Norseman</b>	
Location / Address	Lot 231 on DP 222909 (HN 65) Roberts Street Norseman
File Reference	DA05.2023
Author	Anthony Dowling, Dowling Giudici + Associates (DG+A) - Town Planning Consultant
Date of Report	21 September 2023
Disclosure of Interest	DG+A receives consulting fees from the Shire of Dundas

### Summary

It is recommended that an application for development approval (DA05/2023) to develop an 81m<sup>2</sup> sized outbuilding on the aforementioned lot with reduced side and rear boundary setbacks be approved.

### Background

The proposed outbuilding is sought to be erected also on lot 231 (HN 67) Roberts Street Norseman, with reduced side and rear building setbacks.

As a separate development application for this proposed outbuilding was lodged with the Shire it is required to be considered and be determined by Council separately to the application for development approval (DA04/2023) to erect a proposed garage on lot 231 (see preceding report in this meeting agenda).

### Proposal

The proposal is for a freestanding, hipped-roof, steel framed and clad 81m<sup>2</sup> (9 metres x 9 metres) sized outbuilding to be located within the south-west corner of lot 231. It will have a wall height of 4 metres and a ridge height of 4.793 metres.

The northern wall will incorporate 2 separate roller doors each 3.4 metres wide and high. The submitted site plan does not delineate any driveways from the adjacent rear laneway to the outbuilding to provide for vehicle access/garaging.

The outbuilding will be set back 1 metre from both the lot's rear (western) boundary) and the side (southern) boundary common to lot 231 and adjoining lot 232.

A **site plan** denoting the siting of the proposed outbuilding is provided at **Attachment 1** to this report. A **floor plan** and **elevation drawings** of the outbuilding are provided at **Attachment 2** 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)*

As previously advised in the preceding report to this agenda the subject land is zoned **Residential** under LPS 2 with a density coding of **R10**.

The R-Codes are to be read as part of LPS 2. This requires residential development upon land (including ancillary dwellings, outbuildings, garages, carports) with an assigned R-coding to either comply with applicable '**deemed-to-comply**' provisions of the R-codes prescribed for the residential development proposed or **corresponding design principles**.

Where a residential development is deemed-to-comply with **all** applicable provisions of the R-codes it is exempt from applying for and obtaining development approval.

However, where a variation or departure is sought from any applicable provision of the R-codes, then **development approval is required only for the proposed variation/departure**.

In the case of this application under consideration approval is sought from Council to **reduce** both the side and rear lot boundary setbacks of the outbuilding from **1.1 metres to 1.0 metre** respectively.

Hence this application.

In determining whether development approval ought to be granted Council is required to have regard to the following **design principle** cited in the R Codes corresponding to the side/rear boundary setback **deemed-to-comply** provision:

#### **5.4.3 Outbuilding**

*P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

#### 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.

#### Neighbour Consultation

Where a residential development proposal is to be assessed against **one or more design principles** of the R Codes, or the development **may have a possible impact on the amenity of adjoining owners and occupiers**, notifying and inviting affected owners and occupiers to view and comment (within 14 days of notification) on the proposal might be warranted.

The adjoining owner/occupier of lot 232 (HN 67) of Roberts Street was notified and invited in writing to comment upon the proposed outbuilding together with the proposed garage. The Shire **did not receive any response** to this invitation from the adjoining owner/occupier of 67 Roberts Street to either proposal.

#### Comment

Given the proposed siting of the outbuilding within the rear yard of lot 231, and having regard to the aforementioned design principle, the proposed reduction of both the side and rear boundary setbacks by 100 mm is unlikely to have any adverse impact upon the amenity of the owner/occupier of adjoining lot 232.

#### Determination Options

In determining the application, Council has the option of:

- A. Approving the proposed reduced side and rear boundary setbacks, with or without conditions; or
- B. Refusing to approve the proposed reduced side and rear boundary setbacks.

If the latter (B) option is determined, the submitted site plan will require amendment to ensure the siting of the proposed outbuilding will comply with the prescribed 1.1 metre setbacks.

If the site plan is suitably amended to comply with the prescribed setbacks development approval will no longer be required enabling the application to be withdrawn by the applicant.

It is recommended that the application be approved.

#### Voting Requirements

Simple Majority

**Moved:** Cr. Patupis                      **Seconded:** Cr. Hogan

#### 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 05/2023 to develop an outbuilding with reduced side and rear boundary setbacks upon Lot 231 (HN 65) Roberts Street Norseman, in accordance with the plans accompanying the development application, and subject to the following condition:**

- (ii) **A stormwater run-off system being designed and installed to the specifications and satisfaction of the Shire of Dundas, prior to the use of the outbuilding commencing.**

***Reason:***

***To ensure stormwater runoff from the outbuilding is contained wholly within lot 231***

#### **Advice Notes**

- 3. **If the approved development has not been substantially completed 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 the requirement of condition (i) of this approval has been fulfilled (and unless otherwise agreed to by the Shire), please contact the Shire to arrange an inspection by a Shire officer in order that compliance with the requirement of the condition can be confirmed.

Failure to fulfil the condition of this approval prior to the use of the outbuilding commencing (unless the condition is subject to a review by the State Administrative Tribunal) is considered a breach of, and may invalidate, the approval granted.

Carried ( 5 / 0 )

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

## 10.2 Administration, Finance and Community Development

<b>Agenda Reference &amp; Subject</b>	
<b>10.2.1 – Accounts Paid 01/07/2023 to 31/07/2023</b>	
Location / Address	Shire of Dundas
File Reference	FM.CR
Author	Finance Assistant – Katherine Wiles
Date of Report	4 September 2023
Disclosure of Interest	Nil

### Summary

To present to Council the list of accounts paid by delegated authority of the Chief Executive Officer during July 2023.

### Statutory Environment

Sub-regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 requires that a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name; and
- (b) the amount of the payment; and
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

Sub-regulation 13 (3) of the Local Government (Financial Management) Regulations 1996 provides that such a list is to be:

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and  
 (b) recorded in the minutes of that meeting

#### Policy Implications

Council has approved policies and procedures in place to ensure that the monthly accounts are approved and paid with due diligence.

#### Financial Implications

Accounts are managed within the approved Budget.

#### **Visitor Centre Payments**

Chq/EFT	Date	Name	Description	Amount
030723	03/07/2023	ANZ Bank	Account Servicing Fee	10.00
030723	03/07/2023	ANZ Bank	Merchant Fee	95.35
				<b>\$105.35</b>

#### **Municipal Account EFT's, Cheques and Direct Debits**

Chq/EFT	Date	Name	Description	Amount
8316	03/07/2023	Department of Transport	Licensing collected	128.65
8318	03/07/2023	ANZ Bank	Bank Fees	213.15
8316	03/07/2023	Centrelink	Centrepay Fees	0.99
8245	03/07/2023	Department of Transport	Licensing collected	1,900.95
8320	04/07/2023	Department of Transport	Licensing collected	849.10
Pays	04/07/2023	Shire of Dundas Payroll	Payroll x 1	42.06
8377	05/07/2023	Anton Carlson	Re-pay prize money (previously returned to bank)	400.00
8321	05/07/2023	Department of Transport	Licensing collected	2,459.10
EFT8440	05/07/2023	DAWN TAN LEGAL	Deposit as per Contract for Sale of Land & Business Assets, RU.RP.6 Council resolution item 10.2.1 ocm march 2023	12,000.00
EFT8420	04/07/2023	Bonza Constructions Pty Ltd	Miscellaneous repairs to 36 Angove Street	7,060.47
EFT8421	04/07/2023	BM ELECTRICAL WA PTY LTD	,Replace main switchboard in NRSM court house	7,700.00
EFT8422	04/07/2023	Cuten Guneder Machinery	Clean out septic tank at dog park	880.00

Chq/EFT	Date	Name	Description	Amount
EFT8423	04/07/2023	WA COUNTRY HEALTH SERVICE	Workers Compensation - Outpatient Attendance - Stephen Lowry 26/05/2023	351.00
EFT8424	04/07/2023	Elite Gym Hire	Hire of Treadmill, Bike, Rower & Cross Trainer (12.6.23 to 12.7.23)	664.35
EFT8425	04/07/2023	Esperance Plumbing Service	Ezy-Push Timeflow push button pillar taps x 4	1,280.00
EFT8426	04/07/2023	Greenfield Technical Services	Roberts St SAT Hearing (June Invoice)	5,595.95
EFT8427	04/07/2023	GLEN FLOOD GROUP PTY LTD T/A GFG TEMP ASSIST	Building Surveyor Services: 3 hrs @ \$169.00/hr, Lots in Nulsen St & Mines Rd., 128 Prinsep St.	650.65
EFT8428	04/07/2023	Horizon Power	Depo - Power Charges - 19.04.2023 - 15.06.2023	4,069.24
EFT8429	04/07/2023	P & L Hogan Services	Refund for Town Hall Deposit 12 - 13 May 2023 as per debtor invoice no 5767	300.00
EFT8430	04/07/2023	Kalgoorlie-Boulder Chamber of Commerce & Industry Inc	GE Connect 2024-2024, Half page - vertical, Early bird Discount - \$140.00	1,260.00
EFT8431	04/07/2023	MARKET CREATIONS AGENCY	Phase 2 - Website project build - Shire site refresh	35,869.25
EFT8432	04/07/2023	Norseman IGA	CRC Expenditure	1,247.43
EFT8433	04/07/2023	Navman Wireless Australia Pty Ltd	Monthly satellite service (5.6.23 to 4.7.23)	65.89
EFT8434	04/07/2023	Ngadju Native Title Aboriginal Corporation	Refund Deposit Town Hall and Hire Equipment 30 - 31 May 2023 as per Invoice no 5753	350.00
EFT8435	04/07/2023	Royal Life Saving Society WA Inc	Pool Lifeguard Licence Renewal - Josephine Morgan (23/7/23)	159.00
EFT8436	04/07/2023	Seventh Day Adventist Church Kalgoorlie	Refund for Deposit bond for Town Hall and Equipment Hire as per invoice no 5768	345.45
EFT8437	04/07/2023	Telstra Corporation Limited	Various Satellite Accounts (16 Jun to 15 Jul 2023)	97.63
EFT8438	04/07/2023	Team Global Express	Freight (From Norseman to Mundrabilla, Kalgoorlie and Merredin - 8.5.23)	132.87
EFT8439	04/07/2023	Wilson's Diesel & Auto Repairs	P279 Caterpillar 12M Road Grader (DS27) - Repair tyre puncture	384.80

Chq/EFT	Date	Name	Description	Amount
Pays	05/07/2023	Shire of Dundas Payroll	Payroll	81,294.72
8322	06/04/2023	ANZ Bank	BPAY Fees	9.90
8322	06/04/2023	Department of Transport	Licensing collected	681.30
DD11646.1	04/07/2023	ANZ Smart Choice Super	Super Contributions	1,499.17
DD11646.2	04/07/2023	PLUM SUPER	Super Contributions	245.31
DD11646.3	04/07/2023	PRIME SUPER	Super Contributions	243.03
DD11646.4	04/07/2023	Retail Employees Superannuation Trust	Super Contributions	481.28
DD11646.5	04/07/2023	The Trustee For Morgan Family Superannuation Fund	Super Contributions	147.00
DD11646.6	04/07/2023	SLAP Superannuation Fund	Super Contributions	557.51
DD11646.7	04/07/2023	Uni Super	Super Contributions	523.46
DD11646.8	04/07/2023	Australian Super	Super Contributions	784.47
DD11646.9	04/07/2023	AUSTRALIAN SUPER	Super Contributions	454.75
DD11646.10	04/07/2023	Aware Super - Accumulation Aware Super Pty Ltd	Super Contributions	6,050.60
DD11646.11	04/07/2023	Brighter Super (previously LGIAsuper)	Super Contributions	56.73
DD11646.12	04/07/2023	Colonial First State First Choice Superannuation Trust	Super Contributions	170.33
DD11646.13	04/07/2023	HESTA Superannuation Fund	Super Contributions	204.87
DD11646.14	04/07/2023	HostPLUS	Super Contributions	745.03
DD11646.15	04/07/2023	MY NORTH SUPER	Super Contributions	596.32
DD11648.1	05/07/2023	Uni Super	Repay rejected super contributions	1,193.15
DD11648.2	05/07/2023	AWARE SUPER - ACCUMULATION AWARE SUPER PTY LTD	Repay rejected super contributions	6,536.35
DD11648.3	05/07/2023	SLAP Superannuation Fund	Repay rejected super contributions	173.78
8323	07/07/2023	Department of Transport	Licensing collected	491.35
EFT8441	07/07/2023	Laurene Bonza	President's Allowance for July 2023	1,487.75
EFT8442	07/07/2023	John Edward Patrick Hogan	Claim ( Council Meeting Budget 4.7.2023)	119.00
EFT8443	07/07/2023	John Maloney	Claim ( Council Meeting Budget 4.7.2023)	119.00
EFT8444	07/07/2023	Rasa Patupis	Deputy President's Allowance for July 2023	372.00
EFT8445	07/07/2023	Eucla Motor Hotel	Eucla Council Meeting - Accommodation: 2 nights for McEwan, Brydon,	3,030.32



Chq/EFT	Date	Name	Description	Amount
			Morgan (9-11/6/23), 1 night for Fitchat, Bonza, Viola, Hemopo (10-11/6/23) + Meals, Fuel and Catering	
EFT8446	07/07/2023	Australia Post	Postage (1/5/23 to 31/5/23)	558.35
EFT8447	07/07/2023	ALTORA SOLUTIONS	Axion Subscription to Altora (1/6/23 to 1/7/23)	345.51
EFT8448	07/07/2023	BP Norseman	18/5/23 Top-up depot fuel can - Daniel Foster	403.61
EFT8449	07/07/2023	BM ELECTRICAL WA PTY LTD	,Upgrade internal switchboard at town hall including install of RCDS on lights & power circuits"	4,928.00
EFT8450	07/07/2023	Shire of Coolgardie	Contribution for the Shire of Coolgardie's Senior Christmas Luncheon 2022	1,000.00
EFT8451	07/07/2023	Coates Hire	Trailer mounted boom for tree removal on Hyden Road	1,415.81
EFT8452	07/07/2023	Department of Fire & Emergency Services	ESL (May 2023)	1,104.80
EFT8453	07/07/2023	K & R Earthworkz	Labour and machine hire (7 to 15 June 2023)	7,612.00
EFT8455	07/07/2023	Local Community Insurance Service	Public and Products Liability for Norseman Community Markets (30.06.2023 - 30.06.24)	612.15
EFT8456	07/07/2023	Star Track Credit	Freight (Perth/Road Express - Shenton Pumps - 8/6/23)	735.16
EFT8457	07/07/2023	C & B Campbell Contracting Mundrabilla Station	Maintenance grade and repairs to Mundrabilla Stn Access Rd	4,500.00
EFT8458	07/07/2023	Moore Australia (WA) Pty Ltd	Ad hoc financial services - May 2023	6,479.00
EFT8459	07/07/2023	McLeod's Barristers & Solicitors	DR 131/2022 - Prendiville Superannuation Pty Ltd v Shire of Dundas	45,611.26
EFT8460	07/07/2023	Receptive Security	Gym access keys	1,628.00
EFT8461	07/07/2023	Resource Accommodation Management Pty Ltd	Refreshments for chasing the sun 3rd May 2023.	484.81
EFT8462	07/07/2023	Telstra Corporation Limited	Woodlands	2,082.30
EFT8463	07/07/2023	Variety WA Incorporated	Refund of Deposit for Norseman Town Hall Hire 10/05/2023 as per invoice no 5750	300.00

Chq/EFT	Date	Name	Description	Amount
EFT8464	07/07/2023	Wilsons Diesel & Auto Repairs	P283 Mitsubishi Fuso Tip Truck (DS26) - Rebuild steering mount frame and replace main pin, replace and repair fuel tank.	11,575.20
EFT8465	07/07/2023	Sharon Maree Warner (councillor)	Reimbursement for Council Meeting Budget on 4 July 2023	119.00
EFT8466	07/07/2023	WA Primary Health Alliance Limited	Return of unspent fees as per income & expenditure statement	110,000.00
8324	10/07/2023	Department of Transport	Licensing collected	80.60
8324	10/07/2023	Shire of Dundas	Transfer to Muni Saver Account	1,500,000.00
8324	10/07/2023	Centrelink	Centrepay Fees	1.98
8325	11/07/2023	Department of Transport	Licensing collected	854.85
8325	11/07/2023	Centrelink	Centrepay Fees	0.99
8326	12/07/2023	Department of Transport	Licensing collected	920.60
8326	12/07/2023	Centrelink	Centrepay Fees	0.99
8327	13/07/2023	Department of Transport	Licensing collected	735.45
8328	14/07/2023	Department of Transport	Licensing collected	595.05
EFT8501	14/07/2023	King and Wood Mallesons	Acquisition of Norseman IGA - Legal Services provided 29 May 2023 + disbursements and gst fees	10,712.35
EFT8467	14/07/2023	Australia Post	New Licensee Training Fee, Norseman LPO	2,750.00
EFT8468	14/07/2023	ATOM SUPPLY	Earplugs corded & cordless, Safety glasses clear & smokey lens, Marking paint (Pink)	740.30
EFT8469	14/07/2023	BP Norseman	02/06/23, Dr Rowlands - 911DS - 72.9 L Diesel	372.51
EFT8470	14/07/2023	Cutting Edges Pty Ltd	Grader Blade HT CURV x 4 Plowbolt CAT#5J47773 x 60 Plow Nut CAT#2J3506 x 60	1,480.16
EFT8471	14/07/2023	BOC Limited	Container Service Fee (29.5.23 to 27.6.23)	53.71
EFT8472	14/07/2023	Coates Hire Operations Pty Ltd	hire portable toilet with trailer and pump out service (25/05/23 - c/o Emelia Brydon)	236.50
EFT8473	14/07/2023	I-Power Management Pte Ltd	Accommodation: Australia Post Training,	507.00

Chq/EFT	Date	Name	Description	Amount
			IGA Supervisor-( Payroll Officer)	
EFT8474	14/07/2023	Davric Australia Pty Ltd	retail stock and freight	1,752.91
EFT8475	14/07/2023	Mattben Pty Ltd T/As Freight Lines Group	Freight (Farm & General to SOD, 3/3/23) (Total Tools to SOD, 7/3/23)	378.54
EFT8476	14/07/2023	Elite Gym Hire	Monthly Hire of Gym Equipment's - Treadmill, bike, rower and cross trainer 12/6/23 to 12/7/23	738.32
EFT8477	14/07/2023	A.D. Engineering International Pty Ltd	Town Clock quarterly service (3.6.23 to 2.9.23)	132.00
EFT8478	14/07/2023	Goldfields Image Works	Supply image files for Norseman Visitor Centre tourism brochure	2,480.50
EFT8479	14/07/2023	GLEN FLOOD GROUP PTY LTD T/A GFG TEMP ASSIST	Finance and Governance Assistance - Katherine Wiles 40 hrs @ \$108/hr + GST, PE: 12/6/23 to 25/6/23	4,992.63
EFT8480	14/07/2023	Horizon Power	Street Lights Power Charges - 01/06/23 to 30/06/23	15,368.81
EFT8481	14/07/2023	K & R Earthworkz	Install culverts and walkway to solar panels	17,028.00
EFT8483	14/07/2023	Recoveries Legal	LGA Sale of 51 Prinsep St, Norseman WA 6443	500.80
EFT8484	14/07/2023	Star Track Credit	Freight (Road Express - Shire of Dundas 27.6.23)	67.72
EFT8485	14/07/2023	MARKET CREATIONS AGENCY	Promotional Materials - Tear drop flag print, outdoor banner print, and pull-up banners	17,199.40
EFT8486	14/07/2023	Moore Australia (WA) Pty Ltd	Compilation of the Monthly Statement of Financial Activity - May 2023	2,530.00
EFT8487	14/07/2023	Marketforce	Advertisement of Notice of Intention to Levy Differential Rates 2023 - 24	416.83
EFT8488	14/07/2023	ESPERANCE MCINTOSH & SON	Headlamp including freight	424.26
EFT8489	14/07/2023	FRASER RANGE STATION PTY LTD T/A NORSEMAN CONCRETE & EARTHMOVING	Supply 40T cracker dust	2,701.60
EFT8490	14/07/2023	Norseman IGA	Mental Health Arts Workshop	91.91
EFT8491	14/07/2023	O'Dwyer Electrical	Supply & fit emergency stop to workshop compressor Install	2,288.00

Chq/EFT	Date	Name	Description	Amount
			electrical wiring for eye wash station light	
EFT8492	14/07/2023	Psychologic Cognitive Therapy Services Pty Ltd	Psychological Services to SOD from 01/01/23 to 29/06/23	3,000.00
EFT8493	14/07/2023	Shenton Pumps	Pool cleaner - Wave 300 for repairs	2,548.50
EFT8494	14/07/2023	Initial Hygiene	Nappy Service, Sharp Disposal and Sanitary Disposal	16,686.51
EFT8495	14/07/2023	Thinkproject Australia Pty Ltd	RAMM Transport Asset Annual Support & Maintenance Fee Period 01/07/2023 - 30/06/2024	8,232.64
EFT8496	14/07/2023	Telstra Corporation Limited	124 Prinsep Bundle	190.00
EFT8497	14/07/2023	Team Global Express	Parcel Service from Norseman to Ceduna on 8 May 2023	57.54
EFT8498	14/07/2023	VANESSA AUSTRALIA	restock retail - gold and pawa jewelleries	1,668.50
EFT8499	14/07/2023	Wilson's Diesel & Auto Repairs	P300 - 2016 Kubota Tractor B2320 (Orange) (DS 3298) - Service and repairs	1,227.10
EFT8500	14/07/2023	WESFARMERS KLEENHEAT GAS PTY LTD	Account No 2911815 LPG Bulk	2,150.83
8379	17/07/2023	Leigh Morgan	Bushfire Control Officer Forum - incidentals claim	411.75
8329	17/07/2023	Department of Transport	Licensing collected	468.10
8329	17/07/2023	Centrelink	Centrelink Fees	0.99
8380	17/07/2023	ANZ Credit Card	FULL MOON CAFE NORSEMAN	23.04
8380	17/07/2023	ANZ Credit Card	GM CABS PTY LTD MASCOT	19.58
8380	17/07/2023	ANZ Credit Card	GM CABS PTY LTD MASCOT	9.61
8380	17/07/2023	ANZ Credit Card	ACT CABS 0261030882 FYSHWICK	18.64
8380	17/07/2023	ANZ Credit Card	ACT CABS 0261030882 FYSHWICK	18.22
8380	17/07/2023	ANZ Credit Card	ACT CABS 0261030882 FYSHWICK	16.64
8380	17/07/2023	ANZ Credit Card	MOBILEZAP.COM.AU BIRMINGHAM	59.72
8380	17/07/2023	ANZ Credit Card	ACT CABS 0261030882 FYSHWICK	14.96
8380	17/07/2023	ANZ Credit Card	ACT CABS 0261030882 FYSHWICK	14.44

Chq/EFT	Date	Name	Description	Amount
8380	17/07/2023	ANZ Credit Card	ADOBE ACROPRO SUBS 800615316	34.99
8380	17/07/2023	ANZ Credit Card	ACT CABS 0261030882 FYSHWICK	53.03
8380	17/07/2023	ANZ Credit Card	Live Payments Barangaroo	34.70
8380	17/07/2023	ANZ Credit Card	Eucla Motor Hotel Coolac	176.26
8380	17/07/2023	ANZ Credit Card	Bp Balladonia 6304 Balladonia	56.50
8380	17/07/2023	ANZ Credit Card	Norseman IGA Norseman	6.55
8380	17/07/2023	ANZ Credit Card	Full Moon Cafe Norseman	30.11
8301	17/07/2023	Solutions 3E Advantage	Period 01/06/23 - 30/06/23	3,104.29
8330	18/07/2023	Department of Transport	Licensing collected	1,079.80
99999999	19/07/2023	Steve Packer, Short & Curly	Short & Curly's gig 03/06/2023	600.00
8331	19/07/2023	Department of Transport	Licensing collected	691.10
Pays	19/07/2023	Shire of Dundas Payroll	Payroll	74,833.49
8332	20/07/2023	Department of Transport	Licensing collected	1,693.20
DD11560.1	18/07/2023	AWARE SUPER - ACCUMULATION AWARE SUPER PTY LTD	Payroll deductions	6,066.75
DD11560.2	18/07/2023	Uni Super	Superannuation contributions	449.20
DD11560.3	18/07/2023	My North Super	Payroll deductions	520.93
DD11560.4	18/07/2023	AUSTRALIAN SUPER	Superannuation contributions	462.76
DD11560.5	18/07/2023	HESTA SUPERANNUATION FUND	Superannuation contributions	103.49
DD11560.6	18/07/2023	Brighter Super (previously LGIAsuper)	Superannuation contributions	132.03
DD11560.7	18/07/2023	Retail Employees Superannuation Trust	Superannuation contributions	514.59
DD11560.8	18/07/2023	HostPLUS	Superannuation contributions	772.37
DD11560.9	18/07/2023	SLAP Superannuation Fund	Superannuation contributions	532.60
DD11560.10	18/07/2023	ANZ Smart Choice Super	Superannuation contributions	1,401.03
DD11560.11	18/07/2023	Colonial First State First Choice Superannuation Trust	Superannuation contributions	171.15
DD11560.12	18/07/2023	AustralianSuper	Superannuation contributions	748.28

Chq/EFT	Date	Name	Description	Amount
DD11560.13	18/07/2023	PLUM SUPER	Superannuation contributions	246.91
DD11560.14	18/07/2023	PRIME SUPER	Superannuation contributions	243.03
8333	21/07/2023	Department of Transport	Licensing collected	1,642.65
8334	24/07/2023	Department of Transport	Licensing collected	649.25
8334	24/07/2023	WA Treasury	Annual Fee	735.90
8334	24/07/2023	Centrelink	Centrepay Fees	1.98
8376	25/07/2023	Ian Whisson	Repay prize money (returned to bank)	125.00
8335	25/07/2023	Centrelink	Centrepay Fees	0.99
8335	25/07/2023	Department of Transport	Licensing collected	617.75
8336	26/07/2023	Centrelink	Centrepay Fees	0.99
8336	26/07/2023	Department of Transport	Licensing collected	1,168.95
8337	27/07/2023	Department of Transport	Licensing collected	22.90
8338	28/07/2023	Department of Transport	Licensing collected	32.20
EFT8621	28/07/2023	Australian Taxation Office	31 March 2023 FBT	1,473.06
EFT8621	31/07/2023	Australian Taxation Office	June 2023 BAS	20,068.00
EFT8502	28/07/2023	ZircoDATA Pty Ltd	Storage Period 26/5 - 25/6/23	169.91
EFT8503	28/07/2023	ALTORA SOLUTIONS	Subscription 1 Jul - 1 Aug 2023	345.51
EFT8504	28/07/2023	Bunnings Warehouse Kalgoorlie	Supply paint and equipment	601.38
EFT8505	28/07/2023	Laurene Bonza	President's Allowance for August 2023	2,146.75
EFT8506	28/07/2023	BM ELECTRICAL WA PTY LTD	Upgrade switchboard to meet current standards at the Shire of Dundas swimming pool and youth centre.	4,873.00
EFT8507	28/07/2023	Cuten Guneder Machinery	Clean out 2 septic tanks	1,680.00
EFT8508	28/07/2023	Corsign WA	No through road sign Roadhouse sign	298.10
EFT8509	28/07/2023	I-Power Management Pte Ltd	Accommodation 25-29 June- Australia Post Training CEO, MCCS & IGA Supervisor	1,440.00
EFT8510	28/07/2023	ChemCentre (Chemistry Centre WA)	Analytical services - one sample of water received on 30/05/2023. Submitted by Barry Hemopo	658.24

Chq/EFT	Date	Name	Description	Amount
EFT8511	28/07/2023	Bills Doors & Servicing	Lockwood digital lock	418.00
EFT8512	28/07/2023	Elite Gym Hire	Monthly Hire of Gym Equipment's - Treadmill, bike, rower and cross trainer 12/7/23 to 12/8/23	738.32
EFT8513	28/07/2023	Goldfields Image Works	Various site photography, edit and transmit	572.00
EFT8514	28/07/2023	Greenfield Technical Services	Prepare the Shire Blackspot Funding Submission 2024/25 for Hyden Norseman Rd.	6,710.00
EFT8515	28/07/2023	Goldfields Voluntary Regional Organisation of Council	GVROC subscriptions fee for 2023/24	38,500.00
EFT8516	28/07/2023	GLEN FLOOD GROUP PTY LTD T/A GFG TEMP ASSIST	Tender support - Norseman Airstrip Repairs - Option 2	43,652.25
EFT8517	28/07/2023	DOWLING GIUDICI ASSOCIATES	As per DG&A Professional Services Agreement - 201218, GST	4,180.00
EFT8518	28/07/2023	John Edward Patrick Hogan	Council Meeting and Budget Workshop	357.00
EFT8519	28/07/2023	JOHN MALONEY	Council Meeting and Budget Workshop	357.00
EFT8521	28/07/2023	KAL Engineering Consultants Pty Ltd	Proposed Airport Terminal - Sand penetrometer test, travel & GST included	1,650.00
EFT8522	28/07/2023	K & R EARTHWORKZ	Labour hire (30/06/23 & 5-7/07/23) and machine hire (8/7/23)	5,500.00
EFT8523	28/07/2023	KENNEDYS (AUSTRALASIA) PARTNERSHIP	General Protections Claim by Craig Coulsen against the Shire of Dundas	2,915.57
EFT8524	28/07/2023	Landgate	10 Mining Tenements	85.00
EFT8525	28/07/2023	The Leisure Institute of Western Australia Aquatics (Inc)	Conference & Seminar: Annual State Conference WA Aquatic 23-24 July 2023	605.00
EFT8526	28/07/2023	Star Track Credit	Freight (late payment charge 05.07.2023)	6.67
EFT8527	28/07/2023	JLT	Personal Accident and Sickness Insurance - Renewal (30/06/2023-30/06/2024)	21,747.42
EFT8528	28/07/2023	Major Motors Pty Ltd T/A Goldfields Truck Power	Safety Inspection Coaster Bus 2023	247.75

Chq/EFT	Date	Name	Description	Amount
EFT8529	28/07/2023	LGIS	LGISWA 30/06/23 - 30/06/24	135,234.48
EFT8530	28/07/2023	Marketforce	Local Government Notice Ad in the West Australian 21/06/23	1,016.65
EFT8531	28/07/2023	McLeods Barristers & Solicitors	DR 131/2022 - Prendiville Superannuation Pty Ltd v Shire of Dundas	5,609.22
EFT8532	28/07/2023	FRASER RANGE STATION PTY LTD T/A NORSEMAN CONCRETE & EARTHMOVING	ROTUNDA RENOVATION	164,906.69
EFT8533	28/07/2023	Norseman IGA	Various Accounts for June 2023.	1,556.53
EFT8534	28/07/2023	Online Business Equipment	OCE Universal premium - plotter paper for printer 17614	208.44
EFT8535	28/07/2023	OFFICE NATIONAL KALGOORLIE	Double A Smoother A4 printing paper	576.73
EFT8536	28/07/2023	Rasa Patupis	Deputy President's Allowance for August 2023	372.00
EFT8537	28/07/2023	RESOURCE ACCOMMODATION MANAGEMENT PTY LTD	Seniors Christmas Dinner 2/12/22	4,587.00
EFT8538	28/07/2023	South East Petroleum	Supply 7500ltr - DIESEL	21,546.10
EFT8539	28/07/2023	South Coast Foodservice	Mop bucket, mop handles, mop heads, microfibre cloths and Bule	318.15
EFT8540	28/07/2023	Telstra Corporation Limited	Various Mobile Accounts July 2023	3,771.62
EFT8541	28/07/2023	INDUSTRIAL AUTOMATION GROUP PTY LTD	Standpipe Remote Access Charge from 1 July 2023 to 30 June 2024	1,107.70
EFT8542	28/07/2023	SHARON MAREE WARNER (councillor)	1 x Council Meeting and 1 x Budget Workshop	357.00
EFT8543	28/07/2023	WINC AUSTRALIA PTY LTD	Various stationary for Admin - store desktop, pens, blutack, correction tape, whiteboard markers, laminating pouches	617.65
EFT8544	28/07/2023	WOODLANDS DISTRIBUTORS & AGENCIES PTY LTD	Dog bag brake dispenser - 304 stainless steel	853.60
8339	31/07/2023	Centrelink	Centrepay Fees	0.99
				<b>\$2,626,588.18</b>



**Summary of Account Totals**

<b>Visitor Centre EFT's, Direct Debits, Cheques &amp; Bank Transfers</b>	\$105.35
<b>Municipal EFT's, Direct Debits, Cheques, Bank Transfers &amp; Credit Cards</b>	\$2,626,588.18
<b>Total</b>	<b>\$2,626,693.53</b>

Voting Requirements

Simple Majority

**Moved:** Cr. Patupis                      **Seconded:** Cr. Hogan

**Officer Recommendation**

**That the Shire of Dundas monthly accounts (including internal bank transfers) paid from 1<sup>st</sup> July 2023 to 31<sup>st</sup> July 2023 totalling \$2,626,588.18 be received and noted.**

**Carried ( 5 / 0 )**

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

Golly David Pascoe from exited the meeting at 6:40pm.

<b>Agenda Reference &amp; Subject</b>	
<b>10.2.2 – Financial Statements for the Period Ending 31<sup>st</sup> July 2023</b>	
Location / Address	Shire of Dundas
File Reference	FM.IN
Author	Moore Australia
Date of Report	18 September 2023
Disclosure of Interest	Nil

**Appendix 2 Monthly Financial Report for the Periods Ending 31<sup>st</sup> July 2023**

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Voting Requirements

Simple Majority

**Moved:** Cr. Warner**Seconded:** Cr. MaloneyOfficer Recommendation

**That the Shire of Dundas Financial Statements for the period ending 31<sup>st</sup> July 2023 be accepted.**

Carried ( 5 / 0 )

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan**Against:** Nil

<b>Agenda Reference &amp; Subject</b>	
<b>10.2.3 Meeting Dates Change for October 2023</b>	
Location / Address	Shire of Dundas
File Reference	CM.CO.2023
Author	Chief Executive Officer – Peter Fitchat
Date of Report	26/09/2023
Disclosure of Interest	Nil

Summary

That Council review and adopt the meeting details for the 2023-24 year, and from time to time needs to reschedule because of unforeseen circumstances.

Background

The following meeting details for Ordinary Council Meetings for the 2023-24 as determined on the 10<sup>th</sup> June 2023:

**Resolution**

**That the Council set the following meeting details for Ordinary Council Meetings as follows:**

**2023-24 Ordinary Council Meetings**

Date	Time	Place
Tuesday, 25 July 2023	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman
Tuesday, 22 August 2023	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman
Saturday, 23 September 2023	4:30 PM ACWST	Community Hall, Yurkla Way, Eucla
Tuesday, 17 October 2023	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman
Tuesday, 21 November 2023	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman
Tuesday, 19 December 2023	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman
Tuesday, 20 February 2024	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman
Tuesday, 19 March 2024	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman
Saturday, 20 April 2024	4:30 PM ACWST	Community Hall, Yurkla Way, Eucla
Tuesday, 21 May 2024	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman
Tuesday, 18 June 2024	6:00 PM AWST	Council Chamber, Prinsep Street, Norseman

**And that any further public meetings that are held throughout the year such as Special Council Meetings, Audit Committee Meetings and Electors' meetings are set as determined by Council.**

Carried by: Simple Majority For: 5 Against: 0

Any further public meetings that are held throughout the year such as Special Council Meetings, Audit Committee Meetings and Electors' meetings are set as determined by Council.

**Statutory Environment**

Section 5.25 (1)(g) of the *Local Government Act 1995* –

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
  - (g) the giving of public notice of the date and agenda for council or committee meetings

Regulation 12 of the *Local Government (Administration) Regulations 1996* –

- (1) In this regulation — meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
  - (a) ordinary council meetings.
  - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
- (3) Any change to the meeting details for a meeting referred to in sub regulation (2) must be published on the local government's official website as soon as practicable after the change is made.

- (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.

#### Policy Implications

- A.11 Council Meetings - Public Notice
- EM.3 Video Recording of Council Meetings

#### Financial Implications

As adopted in the 2023/24 Annual Budget.

#### Strategic Implications

### **5.1 A trusted Local Government**

**5.1.1** Accountable and informed decision-making by Council.

**5.1.2** Compliance with the *Local Government Act 1995* and all relevant legislation and regulations.

**5.1.3** Continual improvement in the Integrated Planning and Reporting (IPR) standard.

**5.1.4** Risk is managed through planning and timely reporting of Senior Officers to Council.

**5.1.5** The community is engaged in planning for the future and other matters that affect them.

**5.1.6** The Shire will ensure community are informed on matters that affect them.

**5.1.7** A culture of continuous improvement will apply to all levels of customer service.

#### Consultation

- Chief Executive Officer
- President
- Councillors

#### Comment

The items that need to be considered are:

- Frequency
- Day of the week and week in the month
- Location
- Starting time
- Eucla OMC meetings

Due to the auditor's attendance on the 16<sup>th</sup> October and Local Government Elections on 21<sup>st</sup> October, I request that Council consider rescheduling the 17 October 2023 Ordinary Council

Meeting to 6pm 24 October 2023, held at Council Chambers 88-92 Prinsep Street, Norseman WA 6443.

### Voting Requirements

Simple Majority

**Moved:** Cr. Patupis

**Seconded:** Cr. Hogan

### Officer Recommendation

**That the Shire of Dundas Council approve the change of date for the Ordinary Council Meeting scheduled for the 17<sup>th</sup> October 2023 to the new date of 24<sup>th</sup> October 2023.**

**Carried ( 5 / 0 )**

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

## 10.3 Officers Reports

<b>Agenda Reference &amp; Subject</b>	
<b>10.3.1 – Sale of land for non-payment of rates</b>	
Location / Address	Shire of Dundas
File Reference	RV.RP.6
Author	Paul Owen, GFG Consulting and Peter Fitchat, CEO
Date of Report	18 September 2023
Disclosure of Interest	Nil

### Summary

At the 25 July 2023 ordinary meeting, Council resolved to begin the process to sell, by public tender, properties for which payments of rates have been outstanding for more than three years. Subsequent investigations have revealed that the process requires public auction rather than tender. This report seeks to remedy that matter.

### Background

At the 25 July 2023 ordinary meeting, Council resolved the following:

**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

i (iii) A122 17 Mildura Street, Norseman

ii (iv) A168 32 Simon Street, Norseman

The sale of property due to the non-payment of rates is a power of sale, not a disposal of property. The Shire is not selling its own land. Section 3.58 does not apply.

For a Local Government to exercise a power to sell land there are two things required:

1. Rates and service charges outstanding for more than 3 years.

AND

2. Either:

- a. Recovery Proceedings under section 6.56 within 3 years before the LGA Sale;

OR

- b. An Exemption from Recovery Proceedings by either:
  - i. A resolution where there is a reasonable belief the expected Recovery Proceeding costs will match or exceed the value of the land (ie Why start recovery proceedings if it is likely to cost more than the property?);

AND / OR

- ii. A resolution where the Shire is unable to locate the owner after making reasonable attempts to do so (ie Why start recovery proceedings if you cannot reasonable find them after trying to do so?).

#### Policy Implications

Nil

#### Financial Implications

As previously reported, the outstanding rates as at July 2023 amount to a total of \$151,421.21.

#### Consultation

CS Legal, GFG Consulting, CEO

#### Comment

GFG Consulting has been liaising with CS Legal who were engaged to attempt to locate the owners of the properties which are the subject of this report. The table below summarises the status of those investigations to date.

LGA	Address	Notes from CS Legal	Status
-----	---------	---------------------	--------

A241	132 Prinsep Street, Norseman	<p>The property is owned by an individual we have not been able to locate.</p> <p>A skip trace was conducted in July 2022 which gave a possible address for Steven Medew of 10 West Street, Hopetoun.</p> <p>We engaged the Bailiff to attempt service at this address however they were unsuccessful, advising us that Steven does not reside there.</p>	Unable to locate.
A122	17 Mildura Street, Norseman	<p>The above property is owned by a deregistered company.</p> <p>We wrote to the former officeholders in July 2022 to encourage them to reregister the company.</p> <p>I have conducted a quick search of ASIC which indicates the company is still deregistered.</p> <p>ASIC have previously confirmed it is willing to accept service of any notices required for an LGA Sale of the property on behalf of the registered company.</p>	Unable to locate
A2810	21 Carr Street, Norseman	<p>The above property is owned by an individual who may be deceased.</p> <p>The property was transferred to George Batchelor Anderson in 1907 and there is an entry on the Metropolitan Cemetery Board for a George Batchelor Anderson who died in 1924.</p> <p>We conducted a search with the probate registry to try and locate an executor/administrator of his estate but were informed that records prior to 1948 are held with State Records – we have not conducted a search with State Records.</p>	Unable to locate.
A2809	23 Carr Street, Norseman	This property is owned by an individual who may be deceased.	Unable to locate.



		<p>Landgate does not appear to hold a copy of the transfer so we are unsure when Marion Adeline Crane became the registered proprietor.</p> <p>We conducted a search with the Probate Registry and found that probate of the estate of Marion Adeline Crane was granted to Malcolm Crane.</p> <p>We have not made efforts to contact Malcolm Crane.</p>	
A2803	25 Carr Street, Norseman	<p>The above property is owned by two individuals who may be deceased.</p> <p>Again, Landgate does not appear to hold a copy of the transfer so it is unclear how long the owners have owned the property.</p> <p>We conducted a search of the Probate Registry and found administration of the estate of Ellen Dawson was granted to Laura Olive Pittard of 78 Stockley Road, Bunbury and administration of the estate of Maude Maitland McGinn was granted to the West Australian Trustee Executor and Agency Company Ltd.</p> <p>We have not made efforts to contact the administrators of either estate.</p>	Unable to locate.
A2806	29 Carr Street, Norseman	<p>The above property is owned by an individual who may be deceased.</p> <p>Again, Landgate does not appear to hold a copy of the transfer.</p> <p>There is entry on the Metropolitan Cemetery Board for a Matilda Adelina Ida Gibbons who died in 1932.</p>	Unable to locate.

		We conducted a search with the probate registry to try and locate an executor/administrator of her estate but were informed that records prior to 1948 are held with State Records – we have not conducted a search with State Records.	
A168	32 Simon Street, Norseman	<p>The above property is owned by two individuals that we have not been able to locate.</p> <p>We conducted a skip trace for both owners in June 2022 and got the possible address of 31 Callitris Road, Kambalda West.</p> <p>We engaged the Bailiff to attempt service at this address however they were unsuccessful, advising they do not live at the address.</p>	Unable to locate
A2820	Lot 799 on DP 222912 (13L Okay Road, Norseman)	<p>The above property is owned by an individual who may be deceased.</p> <p>Again, Landgate does not appear to hold a copy of the transfer.</p> <p>We conducted a search of the Probate Registry and found that administration of the estate of James Theodore Harris was granted to Public Trustee – we have not made efforts to contact the Public Trustee.</p>	Unable to locate.
A2821	Lot 800 on DP 222912 (15L Okay Road, Norseman)	<p>The above property is owned by an individual who may be deceased.</p> <p>The property was transferred to Phillip griffin in 1916.</p> <p>We conducted a search with the probate registry to try and locate an executor/administrator of his estate but were informed that records prior to 1948 are held with State Records – we have not</p>	Unable to locate

		<p>conducted a search with State Records.</p> <p>We have not been able to find a match on the Metropolitan Cemeteries Board.</p>	
A615	166 Prinsep Street, Norseman	<p>It appears to be owned by 'The trustees for the time being' of a friendly society which we have not been able to locate.</p> <p>We contacted APRA who advised that the it may have been wound up into IOOF.</p> <p>There is a caveat to the tax department registered on title so perhaps the Office of State Revenue holds information on the friendly society</p>	Unable to locate

CS Legal have made some attempts to locate the owners as described above. However, ultimately, it is up to the Shire to determine if sufficient attempts have been made to locate the owners.

Only when Council is satisfied that reasonable attempts to locate the owners, pursuant to section 6.68(2)(b) of the Act can it resolve to not attempt recovery of money due to it under section 6.56 of the Act.

If the Shire wishes to obtain ownership of any of the properties, there are 2 scenarios where a 'transfer' may occur - an 'LGA Transfer' and a 'Failed Sale' Transfer.

The first LGA Sale involves taking possession for overdue rates and to wait for 12 years – no sale attempt is required. If no one steps up in that time, then the Shire can transfer it to themselves subject to satisfying government debtors secured on the land. This is akin to a statutory adverse possession claim.

The second is when an LGA Sale fails to achieve a sale following auction and private sale attempt in the in timeframe provided (1 year). After a failed LGA Sale, the Shire can transfer to itself subject to satisfying all secured interest on the land.

There is a detailed process to follow to get to a point where the properties may be offered for auction. The process is explained in detail on the DLGSC web site here:

<https://www.dlgsc.wa.gov.au/department/publications/publication/possession-of-land-for-recovery-of-rates-and-service-charges>

A key element of the process is to advertise the auction statewide and provide notice to the Registrar of Titles so that a memorial may be placed on the title. This is necessary to ensure the tile will be able to be transferred upon settlement.

Although the process described in this report differs from that resolved by Council at the July ordinary meeting, the outcome and purpose are largely the same and therefore it is not considered that a rescission motion is necessary.

Voting Requirements

Simple Majority

**Moved:** Cr. Patupis                      **Seconded:** Cr. Maloney

Officer Recommendation

That the Council resolves as follows:

1. To exercise a power of sale pursuant to section 6.64(1)(b) of the *Local Government Act 1995* (“Act”) for the following properties:
  - a. A241        132 Prinsep Street, Norseman;
  - b. A2810      21 Carr Street, Norseman;
  - c. A2809      23 Carr Street, Norseman;
  - d. A2803      25 Carr Street, Norseman;
  - e. A2806      29 Carr Street, Norseman;
  - f. A2820      Lot 799 on DP 222912 (13L Okay Road, Norseman);
  - g. A2821      Lot 800 on DP 222912 (15L Okay Road, Norseman);
  - h. A615        166 Prinsep Street, Norseman.

(collectively “Properties”)
2. For each of the Properties, not to attempt recovery of money due to it under section 6.56 of the Act being unable to locate the owner after having made reasonable efforts to do so and pursuant to section 6.68(2)(b) of the Act. The reasonable efforts being those outlined in the comments provided by CS Legal.
3. That the CEO be granted delegated authority to appoint a suitably qualified licensed auctioneer and engage GFG Consulting, CS Legal and Dowling Giudici to assist with the sale process.

Carried ( 5 / 0 )

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

<b>Agenda Reference &amp; Subject</b>	
<b>10.3.2 – Auction of surplus plant &amp; equipment</b>	
Location / Address	Shire of Dundas
File Reference	PL.DI
Author	Paul Owen, GFG Consulting and Barry Hemopo
Date of Report	21 September 2023
Disclosure of Interest	Nil

Summary

This report seeks approval from council to set the reserve prices and dispose of surplus plant and equipment by public auction.

Background

The Shire of Dundas plant replacement program outlines the proposed purchase of new equipment and sale of surplus equipment.

Outright purchase of new plant and disposal of surplus items by public auction is proposed as the most effective method, particularly in the current market with supply delays and strong demand on the second hand market.

Smith Broughton Auctioneers have inspected the equipment and are specialist in the online sale of local government equipment.

Statutory Environment

Section 3.58 of the Local Government Act 1995 requires Council to dispose (sell, lease or otherwise dispose) of property assets by public auction, public tender or local public notice in accordance with the legislated requirements.

Policy Implications

F14. Disposal of Property Policy

Financial Implications

The plant replacement program includes estimates of the proceeds from sale totally \$95,000 for these items.

The proposed total of the set reserves equals \$85,000

Auction fees are outlined below and will be deducted from sale proceeds.

Consultation

GFG Consulting, Smith Broughton, Works Manager

Comment

The following items are proposed for sale by auction.

Plant #	Year	Make	Model	Plant program estimate \$	Suggested reserve
P318	2106	Nissan	Navara Ute	\$18,000	\$15,000
P327	2019	Holden	Colorado Ute	\$27,000	\$25,000
P302	2016	Hino	500/1124	\$50,000	\$45,000

It is recommended to have a reserve price lower than the anticipated sale price but at a level that Council is comfortable with. This is to reduce the risk of an item being passed in and having to go through the process again. Public online auction is the most transparent sale method and representation of market value.

Smith Broughton have proposed the following:

### **Marketing**

Local and national advertising for a minimum of 2-3 weeks.

Advertising across various digital channels such as social media, google and third party sites such as the carsales network (trucksales & constructionsales).

Photography & videography including the use of drone if applicable.

A dedicated buyer engagement campaign with equipment walk arounds, virtual inspections for remote buyers as requested.

### **Schedule of Rates**

2.5% Commission Rate inc GST.

Guaranteed Minimum Return (GMR) option offered with 100% upside over the GMR - 2.5% Commission Rate inc GST.

\$27.50 PPSR check on all mobile assets.

Payment terms within 21 days from close of the allocated auction.

Washing & Detailing can be arranged

### **Timed Online Auction**

Dedicated Government auction.

Transport can be arranged and deducted from sale proceeds.

Auctions running for a duration of 7 days online.

Payment to your preferred bank accounts within 21 days of close of sale.

Any transfers & licensing to be coordinated by SBA.

### Voting Requirements

Simple majority

**Moved:** Cr. Patupis                      **Seconded:** Cr. Maloney

### Officer Recommendation

**That**

1. The Council resolves to dispose of, by public auction, the following items with reserves as listed below:

Plant #	Year	Make	Model	Suggested reserve
P318	2016	Nissan	Navara Ute	\$15,000
P327	2019	Holden	Colorado Ute	\$25,000
P302	2016	Hino	500/1124	\$45,000

And;

2. That Council appoint Smith Broughton to conduct the auction process.

Carried ( 5 / 0 )

For: Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

Against: Nil

Moved: Cr. Patupis

Seconded: Cr. Warner

### Recommendation

That the meeting proceeds behind closed doors to address Agenda item 10.3.3 due to the confidentiality.

Agenda Reference & Subject	
10.3.3 – Confidential item	
Location / Address	Shire of Dundas
File Reference	PL.AC.2
Author	Paul Owen, GFG Consulting and Barry Hemopo
Date of Report	18 September 2023
Disclosure of Interest	Nil

Carried ( 5 / 0 )

For: Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

Members of the public exited the meeting at 6:48pm.

**Moved:** Cr. Patupis                      **Seconded:** Cr. Warner

**Recommendation**

That the Council come from behind closed doors.

**Carried ( 5 / 0 )**

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

Three members of the public, Chantelle McLeod, Julie Curtin, and Sharon Brown, returned to the meeting at 6:50 pm.

**Moved:** Cr. Patupis                      **Seconded:** Cr. Warner

**Resolution:**

**That Council:**

1. **Accepts the submission from Goldfields Truck Power for the supply of one Isuzu FTS136-260 on the basis of representing the best value for money for the Shire and;**
2. **That the current plant item be disposed by public auction conducted by Pickles.**

**Carried ( 5 / 0 )**

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

**Against:** Nil

<b>Agenda Reference &amp; Subject</b>	
<b>10.3.4– Officers Reports</b>	
Location / Address	Shire of Dundas
File Reference	CM.PL.1
Author	Chief Executive Officer – Peter Fitchat
Date of Report	22 September 2023
Disclosure of Interest	Nil

**Summary**



That the Council receive the 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  
DCEO  
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

**Moved:** Cr. Patupis                      **Seconded:** Cr. Hogan

#### Officer Recommendation

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

**Carried ( 5 / 0 )**

**For:** Cr Bonza, Cr Patupis, Cr Warner, Cr Maloney and Cr Hogan

Against: Nil

#### **11. Elected Members Motions of Which Previous Notice Has Been Given**

#### **12. 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.**

Nil

#### **13. Next Meeting**

The next Ordinary Meeting of the Council is scheduled to be held at 6:00pm (AWST) on the 24<sup>th</sup> October 2023, in Norseman.

#### **14. Closure of Meeting**

There being no further business the Shire President will declare the meeting closed at: **6:53pm.**