



Date: 19 March 2020

To: Shire President
All Councillors

Copy: Directors
Managers
Staff

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 24 March 2020 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in black ink, appearing to read 'D. Unsworth', is positioned below the text of the notice.

**DEAN UNSWORTH
CHIEF EXECUTIVE OFFICER**

SPECIAL NOTICE – CORONA VIRUS

With the increasing promotion of social distancing, space for public question time may be limited. Chairs will be spaced 1.5 metres apart.

If there is a shortage of space a decision will be made at the start of the meeting on how this will be managed to balance public safety, and the requirement to meet legislative requirements.

PUBLIC QUESTION TIME

AND

PUBLIC STATEMENT TIME

1. The order of business allows for a Public Question time and a Public Statement time at the beginning of the Meeting. The Presiding Member will announce these times.
2. If you wish to ask a Question or make a Statement about an Agenda Item BEFORE it is considered then it should be made at the Public Question and Public Statement Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time and Receiving Public Statements.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

TABLE OF CONTENTS

1. DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS 4

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE..... 4

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... 4

4.1 PUBLIC QUESTION TIME 4

4.2 PUBLIC STATEMENTS..... 4

5. PETITIONS AND APPROVED DEPUTATIONS..... 4

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS 4

6.1 ORDINARY COUNCIL MEETING – 25 FEBRUARY 2020 4

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER 4

8. ANNOUNCEMENTS BY MEMBERS 4

9. DISCLOSURES OF INTEREST 4

10. RECOMMENDATIONS/REPORTS FROM COMMITTEES, REPORTS OF THE CEO AND OFFICERS 4

10.1 DIRECTOR TECHNICAL SERVICES 5

10.1.1 LONG TERM CYCLE NETWORK ENDORSEMENT 5

10.1.2 APPLICATION OF COMMON SEAL – REMOVAL OF CAVEAT 9

10.2 DIRECTOR PLANNING & ECONOMIC DEVELOPMENT 12

10.2.1 RETROSPECTIVE APPLICATION FOR AN OUTBUILDING (GARAGE) & OUTBUILDING (SHED/DONGA) ON LOT 514 (36) HESSE STREET, WAROONA 12

10.2.2 HOLIDAY HOME (LARGE) LOT 63 (19) OCEAN VIEW DRIVE, PRESTON BEACH 21

10.2.3 WAROONA TOWN CENTRE REVITALISATION STRATEGY 26

10.3 DEPUTY CHIEF EXECUTIVE OFFICER / DIRECTOR CORPORATE SERVICES 29

10.3.1 LISTING OF PAYMENTS FOR THE MONTH OF FEBRUARY 2020 29

10.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2019 TO 29 FEBRUARY 2020..... 32

10.3.3 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION 35

10.3.4 POLICY FIN011– PURCHASE ORDERS..... 39

10.4 CHIEF EXECUTIVE OFFICER 42

10.4.1 PROPOSED AMENDMENTS TO 2019/20 ADOPTED BUDGET 42

11. BUSINESS LEFT OVER FROM A PREVIOUS MEETING 46

12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.. 46

13. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING 46

14. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING..... 46

15. MEETING CLOSED TO THE PUBLIC 46

16. CLOSURE OF MEETING..... 46

AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**
2. **ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **PETITIONS AND APPROVED DEPUTATIONS**
6. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
- 6.1 **ORDINARY COUNCIL MEETING – 25 February 2020**

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 25 February 2020 be confirmed as being a true and correct record of proceedings.

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**
8. **ANNOUNCEMENTS BY MEMBERS**
9. **DISCLOSURES OF INTEREST**

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
10. **RECOMMENDATIONS/REPORTS FROM COMMITTEES, REPORTS OF THE CEO AND OFFICERS**

10.1 DIRECTOR TECHNICAL SERVICES

10.1.1 LONG TERM CYCLE NETWORK ENDORSEMENT	
File Ref:	172/1
Previous Items:	Nil
Applicant:	Department of Transport/Shire of Waroona
Author and Title:	Patrick Steinbacher, Director Technical Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	10.1.1

RECOMMENDATION

That:

- 1. Council endorse the aspirational Long Term Cycle Network (LTCN) developed in collaboration between Council officers and the Department of Transport. Endorsement of the LTCN does not commit Council nor State Government agencies to deliver all, or any part, of the LTCN within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route within the LTCN.**
- 2. Council endorsement confirms support for local and State Government agencies to work together in delivering the aspirational LTCN over the longer term.**

IN BRIEF

The Department of Transport (DoT) has been working with Councils in the Perth and Peel regions over the previous two years to prepare an aspirational Long Term Cycle Network (LTCN). The LTCN ensures that local and more regional future bicycle networks are logical and practical and link across Council boundaries.

BACKGROUND

In 2016, as part of the State Governments long term transport strategy (Transport @3.5M), the Transport Portfolio released the Cycling Network Plan.

The aspirational long term bicycle network identified within the Plan was based on a robust methodology of connecting all key activity centres. However, the Plan was developed by DoT in-house with little consultation with local governments due to the time constraints to deliver the project.

In 2017-18 DoT were successful in receiving funding across a two year period to deliver the LTCN project – to go through detailed engagement with 33 local governments across Perth and Peel to agree a long term aspirational bicycle network for the region that supports and addresses local and regional bicycle connections.

The vision is for a network of safe and attractive bicycle routes:

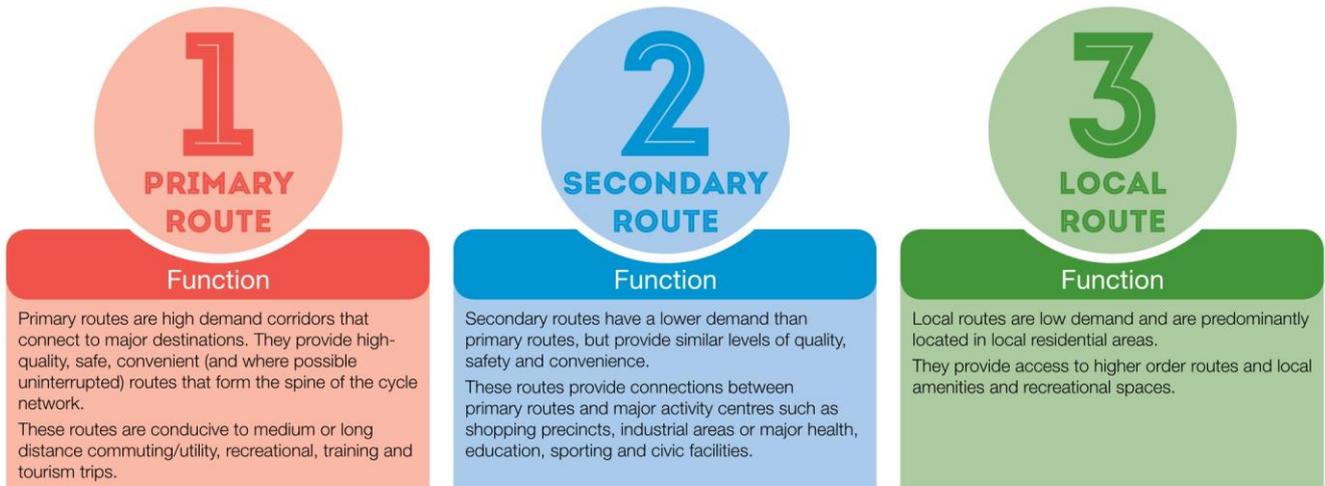
- To provide continuous routes along major corridors.
- To establish links between strategic, secondary, district, specialised activity centres and public transport services.
- To provide connections to schools, education sites and local centres.

REPORT DETAIL

The LTCN project started in July 2018 and is to be completed by June 2020.

DoT and local government officers have worked together to identify LTCN routes, and categorise routes using a new simplified three tier route hierarchy of Primary Routes, Secondary Route and Local Routes.

The categorisation of routes has been based on the function of a given route within the network:



Following DoT and local government officers agreeing an aspirational draft LTCN, the network was reviewed by Main Roads and Public Transport Authority/Metronet teams. This process has ensured that these State agencies are aware of the aspirational LTCN routes proposed and have made comments to assist in shaping the network in relation to their State controlled assets.

An endorsed aspirational LTCN across the Perth and Peel region can assist in leveraging additional funding for bicycle infrastructure.

- It can assist State Government in any discussions/applications regarding Federal funding for bike riding (infrastructure/programs/campaigns).
- It can also assist DoT leverage additional funding for bicycle infrastructure – including funding made available to local governments via the WA Bicycle Network Grants Program administered by DoT.

An endorsed LTCN across the Perth and Peel region will assist with planning of the bicycle network and routes.

- It will assist State agencies (Main Roads/PTA/Metronet) with infrastructure planning and delivery.
- It will assist local governments with network planning, cross boundary connectivity and bicycle route prioritisation.

The existence of the LTCN does not preclude a local government from preparing its own bicycle plan, however given the size of the towns in the Shire of Waroona and the limited demand for bicycle infrastructure, the LTCN is likely sufficient at the present time.

In any case, DoT will be updating the guidance for local governments in relation to developing local bicycle plans. It is expected that the new guidance will require local

governments to review their endorsed LTCN as part of the process of developing/updating their bicycle plan.

As part of the process to develop or update a local bicycle plan, local governments typically conduct public consultation to enable the community to assist in shaping the Plan. It is envisaged that local governments will seek community comment on the aspirational LTCN as part of this process.

Local governments typically review local bicycle plans on a five year renewal basis – as part of the bike plan review local governments and DoT can work together to modify their endorsed LTCN:

- New routes can be added to reflect land use changes/new development.
- Existing routes can be realigned to parallel corridors if details are known which excludes a route from being considered in the future to accommodate bicycle infrastructure (engineering constraints/land tenure issues/etc).

DoT is seeking the aspirational LTCN to be endorsed by Council across 33 local governments in Perth and Peel.

Council endorsement is considered necessary to demonstrate region wide agreement of the LTCN – which in particular may assist in any Federal funding discussions/applications.

From July 2020 all WA Bicycle Network Grants for Perth and Peel local governments will be linked to the endorsed aspirational LTCN.

As such, only routes within the endorsed LTCN will be eligible for grants and only local governments with a Council endorsed LTCN will remain eligible for grants.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 4	Society/Community Wellbeing
Aspiration	Maintain strong sense of community and effective community wellbeing
Strategy 4.05	Attempt to provide a variety of quality, safe, attractive, user friendly facilities for recreation, health and social purposes, where financially possible.
Theme 5	Assets, Resources, Financial Management & Sustainability
Aspiration	Responsible stewardship of assets, effective resources supervision (including staff and human resources issues), and pursuit of best practice financial management and sustainability
Strategy 5.04	Effect responsible stewardship of Council owned and controlled assets.

OTHER STRATEGIC LINKS

The LTCN provides an overarching strategic framework that links across Council boundaries, ensuring a seamless network.

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Little impact in the short term however should any of the network in the LTCN be constructed it will provide work for local businesses and perhaps attract new interest in the region and Shire from visitors.

Social - (Quality of life to community and/or affected landowners)

Little impact in the short term however increased opportunities for recreation will be a positive.

Environment – (Impact on environment’s sustainability)

Difficult to assess until such time as individual projects are determined.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	No risk at this stage. Council is being asked to endorse an aspirational LTCN that carries with it no specific obligations.

CONSULTATION

This matter was compiled with assistance from officers from the DoT.

RESOURCE IMPLICATIONS

Financial

Nil at this stage.

Workforce

Some minor officer time was utilised.

OPTIONS

Council has the option of:

1. Endorsing the LTCN, which brings with it the opportunity to seek funding for bicycle related infrastructure into the future should this been seen as necessary, while placing no obligation on the Shire.
2. Not endorsing the LTCN in which case funding opportunities would not be present.

CONCLUSION

The LTCN provides an overarching framework that provides for local bicycle related network as well as aligning future regional interfaces with the neighbouring Shires to the north. Endorsement by Council of the LTCN allows for the Shire of Waroona to apply for funding for the network included on the LTCN while bringing with it no particular obligation, therefore officers are comfortable with the recommendation herein.



10.1.2 APPLICATION OF COMMON SEAL – REMOVAL OF CAVEAT	
File Ref:	132/3
Previous Items:	n/a
Applicant:	McLeods
Author and Title:	Patrick Steinbacher, Director Technical Services; NIL Interest
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

RECOMMENDATION

That Council, in relation to the documents pertaining to the removal of caveats on Lots 301 and 112 Williamson Road in the Shire of Waroona resolves to authorise:

- 1. The application of the Shire of Waroona’s Common Seal;**
- 2. The execution of the documents by the Shire President and the Chief Executive Officer.**

IN BRIEF

Lots 301 and 112 Williamson road were subject to resumptions associated with the realignment of Dorsett Road in recent years. A caveat was applied to these properties to protect the Shire of Waroona’s interests in the case of the property being sold. The caveats are no longer required and can now be removed.

BACKGROUND

In recent years Dorsett Road has been extensively realigned such that land resumptions were required. The Shire of Waroona engaged McLeods Barristers & Solicitors at the time to carry out the required legal processes. As a matter of course, McLeods applies a caveat to an affected property so that, should the property change hands during the course of the resumption process, the Shire’s interests are protected and the new owner would be made aware of the resumptions. Without such a caveat, it is possible that any new owner could reject the approval granted by the previous owner and the process could be stalled.

As part of the completion of the land matters, the caveats are no longer required and can be removed, a process that requires the application of the Shire’s common seal to and endorsement by the Shire President and CEO of the relevant documents.

REPORT DETAIL

McLeods have prepared the documents that now require the application of the Shire’s Common Seal and execution by the Shire President and the CEO.

As part of the progression of the land resumptions, the caveats are no longer required and their removal is supported by Shire Officers.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 5	Assets, Resources, Financial Management & Sustainability
Aspiration	Responsible stewardship of assets, effective resources supervision (including staff and human resources issues), and pursuit of best practice financial management and sustainability
Strategy 5.03	Timely renewal or replacement of assets, as per the adopted <i>Asset Management Plan</i> , but within the constraints of the adopted <i>Long Term Financial Plan</i> .

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Land Administration Act 1997*
- *Planning and Development Act 2005*

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil

Social - (Quality of life to community and/or affected landowners)

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	The caveats applied relate only to the land taking process which is now progressing to completion. There is no need to maintain them on the titles of the affected properties therefore there is no risk to the Shire of Waroona.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. Supporting the application to remove the caveats from the title deeds of the affected lots and execute the documents as recommended.
2. Not supporting the application to remove the caveats. In this case they would remain on the title deeds while serving no purpose.

CONCLUSION

The caveats applied to the title deeds of Lots 301 and 112 Williamson Road were designed primarily to protect the Shire of Waroona's interests during the land resumption process, as well as draw to the attention of any potential new owner that the resumption process was approved by a previous owner and was still in progress.

With all matters to do with the resumption process now progressing to completion, it is appropriate to support the removal of the caveats.

10.2 DIRECTOR PLANNING & ECONOMIC DEVELOPMENT

10.2.1 RETROSPECTIVE APPLICATION FOR AN OUTBUILDING (GARAGE) & OUTBUILDING (SHED/DONGA) ON LOT 514 (36) HESSE STREET, WAROONA	
File Ref:	TP2126
Previous Items:	Nil
Applicant:	Colin Reguero
Author and Title:	Michael Clare – Town Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Appendix 10.2.1A – Plans

RECOMMENDATION

That Council approves the application for the retrospective “Outbuilding” (garage) and “Outbuilding” (shed/donga) subject to the following conditions and advice notes:

Conditions:

1. The landowner / applicant shall within a period of thirty (30) days, or such further period as approved by the Shire of Waroona provide a Certified Building Permit showing the following amendments:
 - a. the sliding door on the eastern side of the “Outbuilding” (garage) removed or made inoperable (shown in red on the approved site plan);
 - b. the “Outbuilding” (shed/donga) relocated to abut onto the southern wall of the “Outbuilding” (garage); and
 - c. the cladding of the “Outbuilding” (shed/donga) in a similar material as the cladding of the “Outbuilding” (garage).
2. The landowner / applicant shall within a period of ninety (90) days or such further period as approved by the Shire of Waroona comply with the following actions:
 - a. relocate the “Outbuilding” (shed / donga) as indicated on the required Certified Building Permit;
 - b. clad the “Outbuilding” (shed / donga) in a similar material as the “Outbuilding” (garage); and
 - c. paint the “Outbuilding” in a colour complementing and blending in with the amenity of the area and the existing buildings on the property.
3. All Stormwater and drainage run-off to be contained on site or connected to a council stormwater legal point of discharge to the specification of the Shire of Waroona

Advice Notes:

1. With regard to condition 2(b) the air conditioner units will be required to be removed and the spaces cladded.
2. With regard to condition 2(c), the landowner is advised to ensure that the colours are sympathetic to the surrounding properties.

IN BRIEF

- The proposal for the “Outbuilding” (garage) and “Outbuilding” (shed – donga) collectively would result in an unreasonable loss of amenity to the adjoining dwellings to the south and east.
- Shire Officers do not support the visual intrusion and siting of the donga.
- The proximity of the “Outbuilding” (shed – donga) to the southern boundary fence is not compliant and there is a risk of overlooking into the private open space of the adjoining dwelling to the south.
- The site is zoned Urban 4 – Residential, it is Shire Officers view the proposal for both structures would impact negatively on the built form for a residential area.
- The proposal is inconsistent with the provisions of Local Planning Policy 6 – Outbuildings.
- Objections have been received through the community consultation process.

**BACKGROUND**

At the Ordinary Council Meeting of 25 February 2020, Council resolved as follows:

“COUNCIL RESOLUTION

OCM20/02/011

Moved: Cr Dew

Seconded: Cr Snell

That Council the matter lie on the table pending further investigation, and be considered at the March 2020 Ordinary Council meeting.

CARRIED 8/0

Reason for change of Officer Recommendation:

To further consider information provided to Council at Public Question Time.”

On 23 October 2019, Shire received a retrospective application for an “Outbuilding” (garage) and an “Outbuilding” (shed/donga) at Lot 514 (No. 36) Hesse Street, Waroona **(Appendix 10.2.1A)**

Although the applicant has applied for a garage and shed, the assessment has been undertaken for two “Outbuilding” for the following reason. In terms of State Planning Policy 7.3 - Residential Design Codes (R-Codes), a garage is defined as follows:

“Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.”

The proposed garage does not comply with the above definition and is therefore considered an “Outbuilding” which in terms of the R-Codes is defined as follows:

“An enclosed non-habitable structure that is detached from any dwelling.”

The proposed “Outbuilding” (garage) does not comply with the “Deemed to Comply” provisions of the R-Codes with regard to size and height (wall height 2.4m, area 60m²).

The proposed Outbuilding – (shed / donga), does not comply with the requirements of the Local Planning Scheme clauses 7.3.1, 7.3.2 and R-Codes setback requirements (1.5m).

Notwithstanding the requirements of the R-Codes, the Shires Local Planning Policy 6 – Outbuildings, supports residential lots with an area of between 801m² and 1000m² to have an accumulative outbuilding floor area of 100m² and a ridge height of 4.2m.

As a result of the required community consultation two (2) objections to the development have been received.

REPORT DETAIL

The application has been assessed against Local Planning Policy 6 – Outbuildings (LPP 6), Local Planning Scheme and State Planning Policy 7.3 – Residential Design Codes.

LPP 6 – Outbuildings - Policy Intention:

- a) To ensure that the siting, design and scale of outbuildings are site responsive and respect the character of an area.
- b) To encourage the use of outbuilding materials and colours that compliments the landscape and amenity of the surrounding areas.
- c) To ensure there is a relationship between the scale of the dwelling and the scale of the outbuilding.

- d) To provide a process for approving outbuildings that require planning consent in terms of the provisions of the Local Planning Scheme.

Shire officers are of the view that the “Outbuilding” (garage) complies with the intention of LPP 6, with the exception of clause b), the existing colour is considered not to complement the landscape and amenity of the surrounding area. As a result, a condition is recommended requiring the “Outbuilding” (garage) to be painted in a colour that will complement the landscape and amenity of the surrounding area.

Further, to mitigate any perceived invasion of privacy to the property located to the east, the tenant has agreed the sliding door located on the eastern side of the “Outbuilding” (garage) be permanently sealed.

The “Outbuilding” (shed / donga) was assessed against the provisions of Local Planning Scheme, Local Planning Policy 6 – Outbuildings and State Planning Policy 7.3 Residential Design Codes.

Local Planning Scheme:

In terms of clause 3.7.1 Objectives of the Urban 4 – Residential Zone, *“Council’s objective is to ensure that the residential areas of Waroona Townsite develop in a manner which will provide adequately for the variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resources and a high level of urban amenity.”*

Council’s policies will therefore be to:

- Protect by appropriate zoning, land considered to be adequate and suitable for Waroona’s anticipated residential needs;
- Adopt land use control and Residential Design Codes which will permit development of a range of housing types;
- Achieve maximum economic use of the urban land resource by encouraging development of vacant subdivided lots and other serviced un-subdivided lots and serviced un-subdivided areas; and
- Require that residential development attains a satisfactory standard of urban amenity through siting, design and construction.”

In terms of clause 3.7.2 Special Applications of Residential Design Codes, Council shall:

“a. In exercising its discretion to permit grouped housing or non-residential uses in the zone, Council will have regard to the effect of such development on existing housing, the effect of additional traffic on the street system and the amenity of the area generally.”

a. In exercising its power to permit variation of the standards of the Residential Design Codes applicable to a development , Council will ensure that:

- *The streetscape is not detrimentally affected;*
- *The privacy and use of adjoining dwellings is not adversely affected;*
- *Adequate car parking and private open space can be provided on the lot; and*
- *Landscaping of a suitable standard is provided.”*

Shire Officers are of the view that the “Outbuilding” (shed / donga) in its current form cannot be supported because of its siting, design and construction and does not comply with the

objectives of the zone with regard to urban amenity, design and construction. The site plan shows the “Outbuilding” (shed / donga) to be located 1.3m from the southern cadastre boundary.

As the applicant pointed out at the February Ordinary Council Meeting, setbacks are measured from the cadastre boundary. However, it is generally accepted boundary fences are located on the cadastre boundary and expected to be so by the public who are requested to comment on applications that impact boundaries. Shire Officers have measured the setback from the physical boundary fence rather than the cadastre boundary, which is only 0.6m, opposed to 1.3 metres from the cadastre boundary.

Notwithstanding the existing siting, design and construction Shire Officers are of the view the impact on the amenity could be mitigated. The “Outbuilding” (shed / donga) could be relocated hard-up against the “Outbuilding” (garage) clad and painted in the same material and colour as the “Outbuilding” (garage) and removing the air-conditioning systems.

This would result in a compliant southern boundary setback, but would retain the 0.5m setback from the eastern boundary. However, taking into consideration the natural ground level difference between the subject lot and the lot to the east Shire Officers are of the view the setback of 0.5m will not have a negative impact on the amenity or the privacy of the landowner to the east.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 3	Land Use
Aspiration	Responsible land use planning and protecting rural land
Strategy 3.03	All new land use development proposals are to be closely assessed for any flow on effects.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Planning & Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No 7
- State Planning Policy 7.3 – Residential Design Codes
- Local Planning Policy 6 – Outbuildings

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

The approval of the “outbuildings” in its current form could influence negatively on the economy of the Shire as it may create an un-wanted precedent of substandard developments allowed within the Shire.

Social - (Quality of life to community and/or affected landowners)

The approval of the “outbuildings” in its current form would detract from the surrounding amenity due to its siting, materials and built form.



Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Shire Officers are of the view the development in its current form is inconsistent with the objectives of *Urban 4 – Residential zone*, as well as the intent of Local Planning Policy 6 – Outbuildings.

However, should the development be approved subject to the recommended conditions the development will be compliant.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	The approval of the “Outbuildings” will not be encouraging proper and orderly planning and may result in the creation of an unwanted precedent.

CONSULTATION

In accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*, clause 64 of the Deemed Provisions, notification letters were sent to adjoining / affected neighbours and advertised on the Shire website.

A 14-day period was allowed for comments with a further extension provided allowing submissions until 25 November 2019, resulting in two (2) objections received.

The objections have been summarised in the table below, indicating the objectors concern the applicant’s response and Shire Officer’s comment.

1.	Affected Land Owner	<ul style="list-style-type: none"> - Applicant’s non-compliance with Local Planning Policy 6 – Outbuildings in various aspects such as impacts such outbuildings are likely to cause in the future; - The development is not ‘site responsive’ nor ‘respectful’ of the character of the area, in accordance with clause (a) of the Policy Intention; - The siting and setbacks applied for are likely to affect neighbours through outlook, noise and lack of privacy; - The height of the shed will block views; - The applicant is required to justify the oversized shed; - Low noise levels cannot be guaranteed; - The “granny flat’ is too close to the boundary; - Potential noise from the old (box-style) air conditioning units; - Design and scale are likely to adversely affect not only the amenity of the area, but also bring with them the risk of noise and lack of privacy for the closest neighbours; - The design and scale of the garage, with its 3.3m high sliding door on the back wall, makes the impact of noise more risky; - Privacy is compromised by the location of the sliding door on the back of the garage; - The design and scale of this development fails to take into account the amenity of an area; and - The dilapidated appearance of the donga and the shed, with its galvanised building materials will devalue properties.
	Applicant Response	<ul style="list-style-type: none"> - The proposed shed complies with Local Planning Policy 6 – Outbuildings (LPP 6) Design and scale is within LPP 6;

	<ul style="list-style-type: none"> - Siting and setbacks comply with LPP 6. Any noise complaints can be dealt with under the Environmental Protection (Noise) Regulations 1997. Privacy is not affected as there is no overlooking from an enclosed shed; - The height of the shed complies with LPP 6 and in any case there are no views of significance; - Justification is not required for the size of the shed as it complies with LPP 6. The shed is to be used for normal domestic activities; - Any noise complaints can be dealt with under the Environmental Protection (Noise) Regulations 1997; and - The transportable donga is for storage and is not a ‘granny flat’, The 10m length only exceeds the R-Codes by 1m and is setback 1.3m, when could potentially be setback 1m.
<p>Officer Comment</p>	<ul style="list-style-type: none"> - The “Outbuilding” (garage) is in line with Local Planning Policy 6 – Outbuildings with the exception of the external appearance. In its current state Shire Officers considered the development to detract from the amenity of the surrounding properties. A condition has been recommended that the “Outbuilding” be painted in a colour that will complement the surroundings. Whilst the applicant has indicated the “Outbuilding” will be painted blue, the colour will have to be to the satisfaction of the Shire of Waroona. - In terms of the setbacks, the “Outbuilding” (garage) is compliant with the setbacks required by State Planning Policy 7.3 – Residential Design Codes. However, the “Outbuilding” (Shed / Donga) does not comply. <p>The applicant has shown the setback on the site plan to the southern cadastre boundary as 1.3m. However, Shire Officers have measured the setback from the boundary fence to be 0.6m which is reflective of what is physically on site</p> <p>As discussed under the heading “Report Details”, Shire Officers do not support the current of the “Outbuilding” (shed / donga), and agree with the affected landowner the current siting, material and construction is not in line with the expected character of a residential zoned area.</p> <p>However, should the application be approved subject to the recommended conditions Shire Officers are of the view that all the concerns of the affected landowner will be addressed and the development will comply with the Local Planning Scheme No 7 objectives as well as the intent of Local Planning Policy 6 – Outbuildings.</p> <ul style="list-style-type: none"> - With regard to noise, Shire Officers agree with the applicant that any excessive noise, which may emanate from the lot, would be dealt with through the relevant legislation. - The concern raised by the affected landowner regarding privacy is not supported. The difference in natural ground level between the lots to the east makes it highly unlikely that any overlooking will occur. Nonetheless, Shire Officers have discussed this concern with the applicant who has agreed to seal the sliding door located on the eastern side of the “Outbuilding” (garage).

		<ul style="list-style-type: none"> - In terms of the view, the affected landowner’s property is higher lying than the applicant’s lot. Further, the applicant would in terms of State Planning Policy 7.3 – Residential Design Guidelines be allowed to construct a dwelling with a wall length and height (with a major opening) similar to that of the “Outbuilding” (garage) 1.5m from the eastern boundary without the requirement to obtain development approval. Therefore, the statement by the affected landowner regarding the negative impact on the view is not supported.
2.	Affected Land Owner	<ul style="list-style-type: none"> - This application is unusual given it is attempting to legitimise illegal activity after the event and has no argument given in support of the application; - What is the use intended for these shabby structures which is more important than maintaining the integrity of existing Shire Building Codes; - Adjacent properties will be impacted upon from a privacy and potential noise point of view and this will be an ongoing issue; and - Decreases in the value of these adjacent homes and loss of entitlement to peace and quiet.
	Applicant Response	<ul style="list-style-type: none"> - Retrospective approval are recognised and a legitimate / lawful process under the Building Act 2011 & Building Regulations 2012; - Shed and transportable donga are to be used for normal domestic activities; - Privacy is not affected, as there is no overlooking from an enclosed shed. Any noise complaints can be dealt with under the Environmental Protection (Noise) Regulations 1997; and - The shed is intended to be painted blue and valuation of properties is a subjective statement.
	Officer Comment	<ul style="list-style-type: none"> - The affected landowner is correct in that it is unusual to apply for approval after the development has been completed. However, both the building and planning legislation does provide a legal avenue for these type of developments to be considered. <p>Although the legislation does make provision for retrospective approvals, it does not mean that the development will be approved and will still be assessed as if it was not there. From a planning perspective, the development is considered not to be in line with proper and orderly planning principals it could be recommended for refusal or as is the case with the subject application significant amendments recommended to ensure the development will not have a negative impact on the adjoining owners or the streetscape.</p>

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.



OPTIONS

Council has the following options:

1. Approve the retrospective application for two (2) “Outbuildings” subject to conditions as recommended.
2. Approve the retrospective application for two (2) “Outbuildings” as submitted by the applicant, and provide reasons for the decision.
3. Refuse the retrospective application for two (2) “Outbuildings”, and provide reasons for the refusal.

CONCLUSION

The development in its current form is not conducive to proper and orderly planning and does not comply with the objectives of the Local Planning Scheme No 7 or the intent of Local Planning Policy 6 – Outbuildings. However, many of the assumptions made by the affected landowners cannot be supported.

A number of changes to the siting, materials and construction of the “Outbuildings” can mitigate the elements of the development that would in the Shire Officers view have a negative impact on the adjoining properties as well as the streetscape.

It is the Shire Officers view that the approval subject to conditions would not create a precedent for developers to seek approval after completion as this could lead to refusal or as is the case significant amendments, which could have been avoided, had the application been submitted prior to commencement of the development.

In light of the above, the application is recommended for approval subject to conditions.

10.2.2 HOLIDAY HOME (LARGE) LOT 63 (19) OCEAN VIEW DRIVE, PRESTON BEACH	
File Ref:	TP2142
Previous Items:	Nil
Applicant:	Heidi Obst
Author and Title:	Michael Clare, Town Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Appendix 10.2.2A

RECOMMENDATION

That Council:

A. Approves the application for HOLIDAY HOME (LARGE) on Lot 63 (19) Ocean View Drive, Preston Beach, subject to the following conditions:

- 1. The development / use shall be carried out in accordance with the approved plans, subject to the following conditions, unless otherwise agreed in writing by the Shire of Waroona;**
- 2. No more than eight (8) guests shall be accommodated in the Holiday Home at any given time;**
- 3. Prior to the commencement of the use, the owner shall provide the Shire with an Electrical Certificate confirming the smoke alarms comply with Australian Standards AS3786-2014;**
- 4. A minimum of three (3) car parking bays shall be provided for on-site. Car parking bays are to comply with Australian Standard 2890.1 2004 (as amended). All parking associated with the Holiday Home shall be contained wholly on site. No verge parking shall be permitted;**
- 5. Prior to the commencement of the use, the owner shall provide details of the existing septic system onsite; and**
- 6. The Planning Consent for the Holiday Home shall expire at the end of one (1) year from the notice of approval.**

B. Advice notes:

- 1. With regard to Condition 3, the Building Regulations (2012) require the owner of a dwelling to have compliant smoke alarms installed prior to the transfer of ownership, or when a dwelling is made available for rent or hire. Owners must ensure that the smoke alarm(s):**
 - Are in accordance with the Building Code of Australia (BCA) applicable at the time of installation of the alarms (the BCA specifies the minimum standards and location that smoke alarms must comply with); and**
 - Are not more than 10 years old at the time of the transfer of ownership, or making the dwelling available for rent or hire; and**

are in working order; and are permanently connected to consumer mains power.

2. With regard to Condition 6, please note that this Planning Consent must be renewed before the one (1) year approval period expires for the Planning Consent to remain valid.

IN BRIEF

- The application is consistent with the objectives of Urban 9 – Preston Beach Zone.
- The proposal is consistent with Local Planning Policy 7 – Holiday Houses given its potential impact to amenity is considered minimal and the use will support the tourism industry.
- Two objections have been received as a result of community consultation process.

BACKGROUND

On 7 February 2020, the Shire received a development application for a “Holiday House (large)” at Lot 63 (19) Ocean View Road, Preston Beach, **(Appendix 10.2.2A)**

Planning consent is required to allow a dwelling to be used as a “Holiday House (large)”, pursuant to Local Planning Policy 7 – Holiday Houses.

As a result of the required community consultation, two (2) objections to the development have been received.



REPORT DETAIL

The application has been assessed against Local Planning Policy 7 – Holiday Houses.

LPP 7 – Holiday Houses – Policy Intention:

- a) To recognise the increasing market demand for Holiday Houses within the Shire of Waroona and to provide operators and other stakeholders with clarity on the issues that Council wishes to address.
- b) To encourage Holiday Houses in residential dwellings in appropriate zones and locations where the proponent addresses relevant issues and suitably manages the use on an ongoing basis.
- c) To ensure that these types of uses do not compromise the amenity of residential areas or nearby residents.
- d) Encourage operators to abide by recognised best practice, relevant legislation and this policy.
- e) To support the role of Holiday Houses as part of the tourism industry.

Shire Officers are of the view the “Holiday House (large)” complies with the intention of LPP 7, given it is supporting market demand, is consistent with other surrounding uses and is unlikely to impact negatively on adjoining properties.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 1	Local Economy
Aspiration	Managing Our Future Growth
Strategy 1.03	Pursue tourism initiatives to entice people to visit the area

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005*
- *Planning & Development (Local Planning Schemes) Regulations 2015*
- Local Planning Scheme No 7
- Local Planning Policy 7 – Holiday Houses

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

The approval of the “Holiday House (large)” has the potential to bring more people into the shire, which will assist our local businesses and the overall economy of the shire.

Social - (Quality of life to community and/or affected landowners)

Shire Officers consider the risk of amenity impacts negligible and believe the proposal will have a positive outcome for the community.



Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Shire Officers are of the view the proposal is consistent with the objectives of *Local Planning Policy 7 – Holiday Houses*

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Minimal risk to the amenity of adjoining properties, however the Holiday House Management Plan outlines mitigation techniques.

CONSULTATION

In accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*, clause 64 of the Deemed Provisions, notification letters were sent to adjoining / affected neighbours and advertised on the Shire website.

A 14-day period was allowed for comments allowing submissions until 26 February 2020, resulting in two (2) objections received.

The objections have been summarised in the table below, indicating the objectors concern the applicant’s response and Shire Officer’s comment.

1.	Affected Land Owner	<ul style="list-style-type: none"> - The proposal will have an unreasonable impact on its amenity - Concerned with parties and noise. - Is concerned with the impact to the car parking within the street. - As the balcony is in close proximity to one of her windows, she is concerned with the risk of people smoking as she has asthma.
	Applicant Response	<ul style="list-style-type: none"> - Nil.
	Officer Comment	<ul style="list-style-type: none"> - The proposal is consistent with other holiday houses in the Preston Beach area and does not propose any changes to built form, which may cause impact the amenity of the area. - With regard to disturbance due to parties and noise, the applicant has submitted a management plan, which outlines the expected code of conduct. The code of conduct addresses “noise and nuisance”. It is recommended the applicant provide the adjoining property owners with the property managers contact details should they experience any “noise or nuisance”. - The proposed “Holiday House (large)” complies with the minimum car parking requirements. A condition has been recommended that no parking will be permitted within the road reserve.
2.	Affected Land Owner	<ul style="list-style-type: none"> - Concerned construction will impact upon views. - Concerned with weekend construction.
	Applicant Response	<ul style="list-style-type: none"> - Nil.
	Officer Comment	<ul style="list-style-type: none"> - No construction is proposed. - The built form is to remain as existing.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. Approve the application for a “Holiday House (large)” subject to conditions as recommended;
2. Refuse the retrospective application for a “Holiday House (large)”, and provide reasons for the refusal.

CONCLUSION

It is the Shire Officers view the proposed “Holiday House (large)” represents proper and orderly planning.

The proposal complies with the intention of LPP 7, given it is supporting market demand, provides a holiday house in a suitable location (consistent with other surrounding uses), and will support the tourism industry of the Shire.

In light of the above the application is recommended for approval subject to conditions.

10.2.3 WAROONA TOWN CENTRE REVITALISATION STRATEGY	
File Ref:	97/1
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Director Planning & Economic Development
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Appendix 10.2.3 – Consultant Brief / Scope

RECOMMENDATION

That Council:

- A. Authorises the Chief Executive Officer or his delegate to appoint the consultant for the preparation of the Waroona Town Centre Revitalisation Strategy following the completion of a Request for Quotation process.**

IN BRIEF

- The current Town Centre Redevelopment Plan was finalised in December 2003.
- To reactivate the Town Centre a revitalisation strategy as well as an implementation plan is required.
- A Request for Quotation has been forwarded to a number of Planning Consultancies.

BACKGROUND

A Request for Quotation to prepare the Waroona Town Centre Revitalisation Strategy has been sent out to a number of consultancies. Any consultancies wanting to provide a quote have been given until close of business (4pm) Friday 3 April 2020.

REPORT DETAIL

The brief / scope of works (**Appendix 10.2.3**), outlines an indicative timeline for the preparation of the strategy. However, the actual timeline will be firmed up once a consultant has been appointed.

Task / Milestone	Date
Quotations close	3 April 2020
Consultant selection / approval	28 April 2020
Review and Evaluation Finalised	18 May 2020
Site Analysis complete by	8 June 2020
Stakeholder Engagement (pre-vision) commenced by	15 June 2020
Presentation of Vision to Council	28 July 2020
Draft Strategies and graphics completed by	31 August 2020
Stakeholder Engagement (strategies) commenced by	14 September 2020
Presentation of strategies to Council	27 October 2020
Completion of Final Report	24 November 2020



SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 1	Local Economy
Aspiration	Managing Our Future Growth
Strategy 1.01	Encourage community and business initiatives to refresh the appearances of CBD areas in the urban areas of the Shire.
Strategy 1.02	Council to continue town centre upgrade initiatives. Plan and provide appropriate facilities in the CBD area of Waroona and Preston Beach.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005;

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

The preparation and implementation of the Waroona Revitalisation Strategy will contribute positively to the economy of the Shire.

Social - (Quality of life to community and/or affected landowners)

As part of the strategy, community places will be proposed providing the community with meeting places. This will have a positive impact on the social quality of the community.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	Failure to prepare the strategy will result in the further decline of the ailing town centre.

CONSULTATION

The appointment of a consultant does not require any consultation. The consultation process will form part of the overall preparation of the strategy.

RESOURCE IMPLICATIONS

Financial

Funds have been set aside in the current 2019/20 approved financial budget.



Workforce

The preparation of the strategy will be managed by the Planning and Economic Department.

OPTIONS

Council has the option of:

1. Authorising the Chief Executive Officer to appoint a consultant.
2. Refusing to authorise the Chief Executive Officer to appoint a consultant.

CONCLUSION

By authorising the Chief Executive Officer to appoint a consultant the initial timeframe for the appointment of the consultant will be reduced by approximately three weeks.

The saving in time may result in a draft document being available for officers to inform the preparation of the 2020 /2021 budget.

10.3 DEPUTY CHIEF EXECUTIVE OFFICER / DIRECTOR CORPORATE SERVICES

10.3.1 LISTING OF PAYMENTS FOR THE MONTH OF FEBRUARY 2020	
File Ref:	1/3 - Creditors
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Kathy Simpson, Finance Officer
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number	10.3.1

RECOMMENDATION

That Council:

1. receive the following payments made throughout the month of February 2020;

Municipal	Cheque 9403 - 9423	\$150,862.07
	EFT 31626 - 31811	\$554,718.49
Direct wages	01/02/20 – 29/02/20 inclusive	\$175,274.60
Direct Debit	01/02/20 – 29/02/20	\$40,483.33
Trust	Cheque 11244 - 11249	\$100,601.10
	EFT31675, 31676, 31726, 31773	
GRAND TOTAL		\$1,021,939.59

as attached at appendix 10.3.1.

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of February 2020.

BACKGROUND

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

REPORT DETAIL

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribe information.

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 6	Good Governance
Aspiration	Active civic leadership and excellence in management
Strategy 6.05	High legislative compliance

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following is required;

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, 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.

- (2) A list of accounts for approval to be paid is to be prepared each month showing
 - (a) for each account which requires council authorisation in that month
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.

- (3) A list prepared under sub regulation (1) or (2) 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.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil

Social - (Quality of life to community and/or affected landowners)

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclear compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. Receive the listing of payments presented for the month of February 2020.
2. Not receive the listing of payments presented for the month of February 2020.

CONCLUSION

The listing of payments as per the attached appendix is a true reflection of the expenditure from the Municipal and Trust Fund accounts for the month of February 2020. All expenditure is in accordance with the 2019/20 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

10.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2019 TO 29 FEBRUARY 2020	
File Ref:	1/1 – Annual Statements
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Ashleigh Nuttall, Manager Corporate Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number	10.3.2

RECOMMENDATION

That Council receive the Monthly Statement of Financial Activity for the period 1 July 2019 to 29 February 2020 as presented.

IN BRIEF

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

BACKGROUND

The Local Government Act 1995 in conjunction with regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a monthly Statement of Financial Activity to be presented to Council detailing the prescribed information within 2 months after the end of the month to which the statement relates.

REPORT DETAIL

The monthly financial report recognises the financial position of Council at the reporting date and contains the following information;

- a) Annual budget estimates taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c) of the Local Government Act 1995;
- b) Budget estimates to the end of the month to which the statement relates;
- c) Actual amounts of expenditure, revenue and income to the end of the month to which the statements relate;
- d) The material variance between the comparable amounts referred to in the paragraphs (b) and (c); and
- e) The net current assets at the end of the month to which the statement relates.

The following information is included in the report;

- o Statement of Financial Activity by Programme
- o Statement of Financial Activity by Nature and Type, and
- o Statement of Financial Position
- o Note 1 – Significant Accounting Policies
- o Note 2 – Graphical Representation
- o Note 3 – Net Current Funding Position
- o Note 4 – Cash and Investments
- o Note 5 – Major Variances
- o Note 6 – Budget Amendments
- o Note 7 – Receivables

- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions
- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 6	Good Governance
Aspiration	Active civic leadership and excellence in management
Strategy 6.05	High legislative compliance

OTHER STRATEGIC LINKS

Shire of Waroona 2019/20 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4
 Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)
 Nil

Social - (Quality of life to community and/or affected landowners)
 Nil

Environment – (Impact on environment’s sustainability)
 Nil

Policy Implications
 All financial policies from Policy FIN002 through to Policy FIN035

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Inadequate financial performance monitoring could lead to over/under budget expenditure which could affect council’s financial position and/or financial ratios.
Low	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclear compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial
 Nil



Workforce
Nil

OPTIONS

Council has the option of:

1. Receiving the monthly financial statement.
2. Not receiving the monthly financial statement.

CONCLUSION

That Council receive the monthly financial statements prepared in accordance with the Local Government Act 6.4 and Local Government (Financial Management) Regulations 1996 section 34.

10.3.3 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION	
File Ref:	150/1
Previous Items:	Nil.
Applicant:	WA Local Government Association (WALGA)
Author and Title:	Brad Vitale, Corporate Compliance Officer
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendix Number	10.3.3

RECOMMENDATION

That Council grants consent for the proposed variations, as detailed in Appendix 10.3.3, to the Trust Deed for the Local Government House Trust.

IN BRIEF

Shire of Waroona is a unit holder and beneficiary to the Trust, holding 3 units valued at \$52,551 as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Waroona is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent in writing.

BACKGROUND

The Trust was first established by local governments in 1980 as a collective investment opportunity, and exists primarily to provide building accommodation for WALGA. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

REPORT DETAIL

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. Removing the existing Trustee’s power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation);
2. Enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation); and
3. Ensuring that the Board of Management is the ‘governing body’ of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust.—**The Subject to clause 22.3, the** right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:
 (a) remove a Trustee from the office as Trustee of the Trust; and
 (b) appoint such new or additional Trustee.

Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 6	Good Governance
Aspiration	Active Civic Leadership and Excellence in Management
Strategy 6.01	Excellence in decision making, improve analysis, improve knowledge and extra training.
Strategy 6.05	High legislative compliance.



OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Income Tax Assessment Act 1936

Division 1AB – Certain State

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil.

Social - (Quality of life to community and/or affected landowners)

Nil.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

Nil.

RESOURCE IMPLICATIONS

Financial

There is no financial implications with this recommendation.

Workforce

There is no workforce implications with this recommendation.

OPTIONS

Council has the option of:

1. Accepting the officer recommendation to grant consent for the proposed variations to the Trust Deed for the Local Government House Trust.
2. Amending or not accepting the officer recommendation.

CONCLUSION

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

10.3.4 POLICY FIN011– PURCHASE ORDERS	
File Ref:	17/1
Previous Items:	OCM 17 Dec 2020 9.4.4 OCM19/12/163
Applicant:	Shire of Waroona
Author and Title:	Ashleigh Nuttall, Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	10.3.4

RECOMMENDATION

That Council endorse the amended Policy FIN011 – Purchase Orders – Authority for Issue as per Appendix 10.3.4

IN BRIEF

To seek Council's endorsement to amend the current Purchase Order policy to provide greater flexibility with administration of the joint ranger resource sharing agreement, provide direct assistance during an emergency together with the inclusion of the Councils Coordinator Emergency Services (CESC) to manage and implement Emergency Services Levy (ESL) funding.

BACKGROUND

Councillors are reminded of the objectives of the Council's Policy Manual documentation which are:

- To provide the Council with a formal written record of policy decisions;
- To provide Council staff with clear direction to respond to issues and act in accordance with the Council's direction;
- To enable Councillors to adequately handle general enquiries relating to the role of the Council;
- To enable the Council to maintain a process to continually review policy decisions and to ensure they are in keeping with the community expectations, current legislative trends and circumstances; and
- To enable residents to obtain immediate advice on matters of Council policy.

REPORT DETAIL

Council policy FIN011 is of high importance and is used on a daily basis. The policy ensures strict compliance with Accounting Regulations and internal controls.

This report proposes the addition of the following positions and levels of authority.

Manager Governance (Shire of Murray) – Authority to issue orders for the purchase of supplies/equipment associated with emergency management (including expenditure to support a direct emergency) up to a maximum value of \$10,000.

Manager Ranger & Emergency Services (Shire of Murray) – Authority to issue orders for the purchase of supplies/equipment associated with emergency management and ranger services (including expenditure to support a direct emergency) up to a maximum value of \$10,000.

Community Emergency Services Co-ordinator (CESC) – Authority to issue orders for the purchase of supplies/equipment associated with emergency management including operation of the Emergency Services Levy (ESL) up to a maximum of \$5,000.

Ranger & Emergency Services Officer (Shire of Murray) – Authority to issue orders for the purchase of supplies/equipment associated with emergency management, ranger services and operation of the Emergency Services Levy (ESL) up to a maximum of \$550.

Authority does not extend to capital equipment purchases.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 6	Good Governance
Aspiration	Active Civic Leadership and Excellence in Management
Strategy 6.02	Pursue high professional governance actions, regular reviews of policies, local laws, delegations of authority and various management plans.
Strategy 6.05	High legislative compliance.

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Details of policies which are required as a result of statutory legislation are to contain a statement providing a reference to the relevant legislation.

The Council is no longer required by legislation to conduct annual reviews of its policies, however it is considered “best practice” to do so.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil.

Social - (Quality of life to community and/or affected landowners)

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Details on the policy have been included in this amendment. See the “Report Detail” for information on the proposed policy amendment.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	Not reviewing and correctly amending Council policy results in poor governance, non-compliance with legislative requirements and unclear direction to staff on Council’s direction.



CONSULTATION

No direct public consultation is required during the preparation of documentation, however, all updated policies will be available on the Council's website.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. Accepting the officer recommendation.
2. Amending of not accepting the officer recommendation.

CONCLUSION

Although the Policies Documentation is formally reviewed and adopted en-bloc once a year (December 2019), the requirement to address this individual policy outside of the normal policy review process will result in the amendment to the policy being able to take immediate effect.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 PROPOSED AMENDMENTS TO 2019/20 ADOPTED BUDGET	
File Ref:	1/7
Previous Items:	OCM 24/03/2020 SCM 8/8/19
Applicant:	Shire of Waroona
Author and Title:	Kelly Shipway, Place and Community Development Coordinator
Voting Requirements:	Absolute Majority
Appendix Number	Nil

RECOMMENDATION

That Council approve to amend the 2019/20 adopted budget as follows:

1. Income account 109450 Furniture and Equipment be increased by \$10,000 and correlating expenditure account 109340 Furniture and Equipment Expenditure be increased by \$10,000.
2. Expenditure account 152920 Volunteer & Community Functions be reduced by \$1900.00 to cover project shortfall.

IN BRIEF

Council is requested to authorise an amendment to the 2019/20 adopted budget.

BACKGROUND

The 2019/20 Shire of Waroona Adopted Budget was adopted at a Special General Meeting held on 13 August 2019, as per the following resolution:

COUNCIL RESOLUTION

OCM19/08/082

MOVED: Cr Scott

SECONDED: Cr Mason

1. Adoption of 2019/20 Municipal Fund Budget

That the 2019/20 Municipal Fund Budget as presented be adopted and the following Rates & Charges be imposed:

*General Rate: 10.3248 cents in the dollar on Gross Rental Values
0.7783 cents in the dollar on Unimproved Values*

*Minimum Rate \$1,145 – Gross Rental Values
\$1,145 – Unimproved Values*

Payment Instalment Interest 5.5%

Payment Instalment Charge \$10 per instalment

Interest on overdue rates 11%

Instalments to be offered in two (2) options:

i. Payment by two (2) instalments

ii. Payment by four (4) instalments

2. Adoption of Trust Fund Budget

That the Trust Fund Budget for 2019/20 financial year as presented, be adopted.

3. Adoption of Refuse Removal Charges

i. Refuse removal charge - \$300 per annum per 240L mobile bin and recycling service; and

ii. Refuse removal – Bulk Commercial Bins/per annum:

<i>Bulk Bin 1.5m Once/Week</i>	<i>\$2245</i>
<i>Bulk Bin 1.5m Twice/Week</i>	<i>\$4490</i>
<i>Bulk Bin 3.0m Once/Week</i>	<i>\$2550</i>
<i>Bulk Bin 3.0m Twice/Week</i>	<i>\$5100</i>
<i>Bulk Bin 4.5m Once/Week</i>	<i>\$2861</i>
<i>Bulk Bin 4.5m Twice/Week</i>	<i>\$5722</i>
<i>Bulk Bin 3m Recycle Skip/Fortnightly</i>	<i>\$2590</i>
<i>Bulk Bin 4.5m³ Recycle Skip/Fortnightly</i>	<i>\$3403</i>
<i>Bulk Bin 1.5m Recycle Skip/Fortnightly</i>	<i>\$1780</i>
<i>Commercial – 1.5m³ Weekly + 1.5m³ Recycle F/N</i>	<i>\$4211</i>
<i>Commercial – 3m³ Weekly + 3m³ Recycle F/N</i>	<i>\$5326</i>
<i>Commercial – 4.5m³ Weekly + 4.5m³ Recycle F/N</i>	<i>\$6450</i>

4. Adoption of Fees & Charges

That the Schedule of Fees & Charges for the 2019/20 Financial year as presented be adopted.

CARRIED BY ABSOLUTE MAJORITY 7/0

Under the *Local Government Act 1995*, budget amendments are required to be authorised by an absolute majority.

REPORT DETAIL

Alcoa Speed Reduction Program

The Shire of Waroona has been successful in securing funding through the Alcoa Partnership Fund to purchase Speed Display signs to address road safety concerns and reduce excessive speed in hotspot areas across the Shire.

Through the Alcoa Partnership Fund, \$10,000 per year has been awarded to purchase Speed Display Signs, valued at \$11,900 per set. The partnership agreement is over two years, with a total project cost of \$23,800 over the funding period.

The Project Officer is able to leverage the project shortfall of \$1,900 through a deduction from the Volunteer & Community Functions account, where savings have been made around catering and new grant opportunities.

As the funding for the Speed Display Signs was not accounted for at the time the 2019/20 budget was adopted, the relevant income and expenditure accounts for this grant must be amended to reflect this.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 6	Good Governance.
Aspiration	Active Civic Leadership and Excellence in Management.
Strategy 6.02	High legislative compliance.

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.2 – Local government to prepare annual budget states that:

During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

* Absolute majority required.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil.

Social - (Quality of life to community and/or affected landowners)

The Speed Display Sign are proven to be effective tools for speed reduction, positively impacting community safety.

Environment – (Impact on environment’s sustainability)

Not applicable.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	Failure to authorise budget amendments will result in non-compliance with the <i>Local Government Act 1995</i> .

CONSULTATION

Nil.



RESOURCE IMPLICATIONS

Financial

Income [Account #9450] FURNITURE AND EQUIPMENT and correlating Expenditure [Account #9340] FURNITURE AND EQUIPMENT EXPENDITURE be increased by \$10,000.

Workforce

There will be minor workforce implications for Depot staff, with installation and ongoing management of Speed Display Signs. Workforce implications will be built into roster of works.

OPTIONS

Council has the option of:

1. Accepting the officer recommendation to authorise the proposed budget amendment.
2. Rejecting the officer recommendation to authorise the proposed budget amendment.

CONCLUSION

A budget amendment is to be considered to allow the officer to continue their duties and responsibilities whilst staying within approved budget figures.

11. **BUSINESS LEFT OVER FROM A PREVIOUS MEETING**
12. **ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
13. **NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING**
14. **NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING**
15. **MEETING CLOSED TO THE PUBLIC**
16. **CLOSURE OF MEETING**