



# MINUTES

## ORDINARY COUNCIL MEETING

**TUESDAY 27 MARCH 2012**  
**(Held at the Waroona Shire – Council Chambers)**

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**1. DECLARATION OF OPENING/ANNOUNCEMENTS**

The Shire President declared the meeting open at 4.00 pm and welcomed Councillors and Staff present.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr N Dew	Shire President
Cr L Scott	Deputy Shire President
Cr J Salerian	Councillor
Cr C Germain	Councillor
Cr C Wright	Councillor
Cr J Mason	Councillor
Cr T Witney (from 4.00 – 4.03pm)	Councillor
Cr L Look (from 4.00 – 4.03pm)	Councillor
Mr I Curley	Chief Executive Officer
Mr L Tilbrook	Deputy Chief Executive Officer
Mr L Fouché	Manager Planning Services
Mr S Cleaver	Director Community & Planning Services
Mrs A Mason	Admin Officer

**APOLOGIES**

There were no members of the public present at the commencement of the meeting.

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr T Witney

**3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**4.1 PUBLIC QUESTION TIME**

Nil.

**4.2 PUBLIC STATEMENTS**

Nil.

**5. APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL RESOLUTION**

**OCM12/3/022**

**MOVED: Cr Witney**

**SECONDED: Cr Wright**

**That a Leave of Absence be granted to Cr Lina Look for a period of 6 months from 28 March 2012 to 28 September 2012 and Cr Noel Dew for the period 14 – 27 April 2012.**

**CARRIED 8/0**



Cr Witney and Cr Look left the meeting, the time being 4.03 pm and did not return.

**6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

Nil.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 14 FEBRUARY 2012**

**COUNCIL RESOLUTION**

**OCM12/3/023**

**MOVED: Cr Mason**

**SECONDED: Cr Wright**

**That the Minutes of the Ordinary Council Meeting held 14 February 2012 be confirmed as being a true and correct record of proceedings.**

**CARRIED 6/0**

## 9.0 REPORTS OF OFFICERS AND COMMITTEES

### 9.1 DIRECTOR TECHNICAL SERVICES

<b>9.1.1 SPEED LIMIT – NANGA BROOK ROAD</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Consultant Director Technical Services / Nil
Responsible Officer / Officer's Interest	Ian Curley Chief Executive Officer / Nil
Proponent:	Main Roads Western Australia
Landowner:	n/a
Date of Report: 22 <sup>nd</sup> February 2012	File No.: 132/5 & 131/4
Previous Reference:	Nil
Statutory/Policy Implications:	Main Roads Act/Road Traffic Act
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

#### **PROPOSAL**

To install a consistent 90 kilometres per hour (km/h) speed limit on Nanga Brook Road from Waroona townsite to Nanga Road intersection.

#### **BACKGROUND**

Main Roads Western Australia (MRWA) has received via Council's Roadwise Committee a request to change the speed limit from unrestricted to 90 km/h.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

The Commissioner of Main Roads has the power to impose speed limits under the Road Traffic Act via delegation to the Main Roads Act.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

The following groups are represented on the Waroona Roadwise Committee, representing various community, industry, business and government bodies:

- Shire of Waroona
- WA Police
- Main Roads WA
- Alcoa
- Community Representative
- Mitchell's Transport
- School Bus Operator(s)



## **OFFICER'S COMMENTS**

The issue of speed zoning on Nanga Brook Road has been ongoing for some time, and it was raised at a recent Waroona Roadwise meeting, after which the MRWA representative investigated the issue and approached the shire with a proposal to reduce the speed limit from derestricted (110 km/h) to 90 km/h. The proposal is set out on the map in the **Appendix 9.1.1**.

While MRWA are the body responsible for the determination and setting of speed zonings on all roads, since the Nanga Brook road is a local road, MRWA requires the support of the local authority before any changes can be made.

Local Police report that speeding is a problem on Nanga Brook road, and from an engineering point of view it would appear that the road when it was upgraded some years ago was not designed for a 110 km/h speed limit, as is evidenced when attempting to drive the entire length at 110 km/h, notwithstanding that the bends on the road are well signed with yellow advisory speed signage.

The author understands that the reduction in the speed limit is supported by the representatives on the Waroona Roadwise Committee. In particular, a lower limit would give the police the opportunity to impose greater penalties on those who would speed on the subject section, increasing the deterrent factor and a lower speed would better suit the geometric design of the road.

Having said this, a reduction in the speed limit will result in slightly lower travel times for those using the road which may be an impost for regular users. Additionally, signage generally has little effect on those road users who have a predilection towards speeding, therefore it is unlikely that the introduction of a lower speed limit will have an immediate effect on such user's behaviour, particularly if they are irregular users of the road.

However, a reduction in the speed limit will slow down those road users who take notice of speed limit signage, bringing their speed down to a level more suited to the road geometry, and the deterrent factor from the Police as a result of a lower limit should, in time, result in a reduction of the average speed, which will all result in a safer road environment overall. Therefore the officer's recommendation is to support the reduction in speed limit however Council can resolve against this recommendation if it sees fit to do so.

Should the change meet with Council approval and go ahead, MRWA will be responsible for the changes to the signage at no cost to Council.

## **COUNCIL RESOLUTION**

**OCM12/3/024**

**MOVED: Cr Germain**

**SECONDED: Cr Salerian**

**That Council support the proposal from Main Roads Western Australia to modify the speed zoning on Nanga Brook Road from the end of the 80 km/h zone east of the Waroona Townsite to the intersection of Nanga Brook Road and Nanga Road from the current derestricted limit to 90 km/h.**

**CARRIED 6/0**



## 9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

<b>9.2.1 RIVERS REGIONAL COUNCIL - NOMINATION OF TEMPORARY REPLACEMENT DELEGATE</b>	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community and Planning Services
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report:	27 February 2012   File No.: 77/3
Previous Reference:	OCM11/10/115
Statutory/Policy Implications:	<i>Local Government Act (Functions and General) Regulations 1996 s5.8, s5.9 and s5.10.</i> <i>Section 52 of the Interpretation Act 1984</i>
Strategic Implications:	Will ensure representation to the Regional Council
Financial Implications:	nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### **PROPOSAL**

To appoint a temporary deputy delegate to the Rivers Regional Council meeting on 19<sup>th</sup> April 2.12.

### **BACKGROUND**

At its Ordinary Meeting of Council held on 25<sup>th</sup> October 2011 Council appointed Cr Dew and Cr Salerian as its Delegates to the Rivers Regional Council.

Legal advice obtained by the Rivers Regional Council is that only principal delegates can be appointed to represent a Member Council at Regional Council meetings. Alternative Delegates can be appointed in relation to specific instances where one of the principal Delegates has indicated an inability to attend meetings. The Rivers Regional Council is aware of the deficiency in the legislation and is amending its deed of agreement to allow Councils to appoint a Delegate in the traditional manner.

In the event there is insufficient time to obtain Council's approval, the CEO was delegated authority to appoint a Councillor to represent the City at a Regional Council meeting in the event that either of Council's two principal Delegates to the Regional Council were unable to attend. If such a delegation was required to be exercised, the CEO would initially approach Council's preferred 'Deputy' to represent Council at a Regional Council meeting as he has previously been nominated by Council as the Deputy Delegate to the Regional Council. However as there has been no deputies nominated and on this occasion there is sufficient time a replacement is recommended.

### **COMMUNITY CONSULTATION**

N/A.





**OFFICER'S COMMENTS**

Cr Dew has applied to the Rivers Regional Council for Leave of absence for 19 April 2012 and will be unavailable to attend the Rivers Regional Council meeting in South Perth. The Shire of Waroona is therefore seeking to appoint a Councillor to temporarily replace Cr Dew as the Shires representative on the Rivers Regional Council for this period.

Nominations are sought for a temporary deputy delegate for the Rivers Regional Council meetings to be held on 19<sup>th</sup> April 2012, to temporarily replace Cr Dew.

**COUNCIL RESOLUTION****OCM12/3/025****MOVED: Cr Scott****SECONDED: Cr Wright**

**That Council appoint Cr Mason as a Temporary Deputy Delegate to the Rivers Regional Council meeting to be held on 19<sup>th</sup> April 2012, to temporarily replace Cr Noel Dew.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

<b>9.2.2 AMENDMENT TO FEES AND CHARGES – LANDFILL CHARGES</b>	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Planning and Community Services
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 27 February 2012	File No.: 77/3
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act s 6.16
Strategic Implications:	Nil
Financial Implications:	Reduction in income
<b>Voting Requirements</b>	<b>Absolute majority</b>

### **PROPOSAL**

To delete fee categories for inert and asbestos waste for tipping at the Buller Road landfill facility.

### **BACKGROUND**

The Shire has been requested to review fees and charges due to the opening of the DEC approved Premium Allsands class 1 landfill site at Richards's Rd. Waroona.

Currently the Shire charges \$30 per m<sup>3</sup> and \$130 per hour or part thereof to dispose and machine time to cover asbestos respectively. For building rubble and other inert material users are charged \$30 per m<sup>3</sup>.

### **COMMUNITY CONSULTATION**

Nil

### **OFFICER'S COMMENTS**

Section 6.17c of the Local Government Act requires Council to consider when setting fees and charges the price at which services or goods can be provided by an alternative provider.

In this regard it is preferential that the Shire not set the price for inert waste and asbestos waste and delete these charge categories altogether. Inert waste and asbestos will be therefor charged at mixed waste charges which are currently \$65 per m<sup>3</sup>.

This will have the added effect of encouraging users not to be tipping at a class II (putrescible) landfill when a lower level class 1 (inert) landfill is available in the Shire, hence preserving the valuable airspace for future generations.

In accordance with section 6.19 of the Local Government Act 1995 it is recommended that local public advertising be undertaken and that the new fees and charges take effect from 10 April 2012.



**COUNCIL RESOLUTION**

**OCM12/3/026**

**MOVED: Cr Scott**

**SECONDED: Cr Wright**

**That the landfill charges for tipping of inert material and asbestos waste is deleted effective 10 April 2012. Disposal of inert and asbestos waste to be charged mixed waste charges.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

<b>9.2.3 RECREATION ADVISORY COMMITTEE</b>	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community and Planning Services/ nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services/nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report:	16 March 2012
	File No.: 126/9
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Absolute majority</b>

**PROPOSAL**

To endorse Mr Steve Platell as a Community Representative to the Recreation Advisory Committee.

**BACKGROUND**

The term for community representatives on the Recreation Advisory Committee expired at the Council Elections in October 2011. Mrs Trish Morris chose to continue and was reendorsed however Mrs La Rosa chose not to re nominate creating a vacancy.

**COMMUNITY CONSULTATION**

Nil.

**OFFICER'S COMMENTS**

A call for nominations was placed in the Harvey Reporter and at the close of nominations one application was received from Mr Steve Platell. It is recommended that Mr Steve Platell be endorsed until the 2012 Council elections.

**COUNCIL RESOLUTION**

**OCM12/3/027**

**MOVED: Cr Scott**

**SECONDED: Cr Wright**

**That Mr Steve Platell be endorsed as the community representative for the Recreation Advisory Committee until the 2013 Council elections.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**



<b>9.2.4 RECREATION CENTRE &amp; GYMNASIUM UPGRADE</b>	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community and Planning Services
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 1 March 2012	File No: 126/7
Previous Reference:	OCM11/12/161
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	Wellbeing of the Waroona community
Financial Implications:	\$350,000 project \$250,000 funded from Royalties for Regions Country Local Government Fund \$100,000 Application for Community Sport and Recreation facility fund
<b>Voting Requirements</b>	<b>Simple majority</b>

### **PROPOSAL**

To seek additional funding through the Community Sport and Recreation Facility fund (CSRFF) of \$100,000 to increase the scope of this project.

### **BACKGROUND**

In the 2010/11 budget Council allocated \$100,000 for extension of the gymnasium at the Waroona Recreation and aquatic centre. At the February 2012 Ordinary meeting, Council resolved to reallocate these funds to the Liquid Waste facility upgrade and defer the project.

Council has since received advice of its allocation of the 2011/2012 royalties for regions (country local government fund) allocation and has set aside \$250,000 of this money for the Recreation centre/ gymnasium upgrade. The Shire is allowed to spend this money within two years.

### **COMMUNITY CONSULTATION**

Community Strategic Plan  
2011-2016 Forward Capital Works Plan  
2006 YMCA report

### **OFFICER'S COMMENTS**

Discussion with the Peel Manager of the Department of Sport and Recreation revealed that they would welcome an application to the CSRFF to also partner with the Shire on this project. The CSRFF grant round closes in October 2012 with recipients advised in December 2012 (due to an election year next year). Funds are released in May 2013.

This project would then be undertaken in 2013/2014.

Prior to this it is appropriate for the Shire to allocate \$25,000 of the project funds to undertake detailed designs and costings. A brief is required to be prepared for the architect.



Part of the brief may include

- Expansion of the gymnasium in line with the 2006 YMCA report
- Relocation of the crèche. This would allow for a common function area/ kitchen and servery.
- Cosmetic upgrade to building ie rendering of facebrick walls.
- Consideration of squash court area for higher use activities.

**COUNCIL RESOLUTION**

**OCM12/3/028**

**MOVED: Cr Wright**

**SECONDED: Cr Germain**

**That the Shire of Waroona makes application for CSRFF funding of \$100,000 for the upgrade of the Waroona Recreation & Aquatic Centre and gymnasium.**

**That the Director Community and Planning Services prepare a design brief for the Committee and seek competitive quotes for architectural services.**

**CARRIED 6/0**

<b>9.2.5 AMENDMENT TO THE 2011/12 ADOPTED BUDGET - KIDSPORT PROGRAM – DEPARTMENT OF SPORT AND RECREATION</b>	
Reporting Officer / Officer's Interest:	Naomi Purcell– Community Development Assistant
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	8 <sup>th</sup> March 2012   File No.: 48/9 106/1
Previous Reference:	Nil
Statutory/Policy Implications:	An absolute majority decision of the Council is required to approve unbudgeted expenditure
Strategic Implications:	Nil
Financial Implications:	<p><b>2011/2012 Budget</b> \$22,000 (ex GST) project contribution from the Department of Sport and Recreation for the KidSport Program under the Sport For All Project.</p> <p><b>2012/13 Budget</b> \$13,000 (ex GST) project contribution from the Department of Sport and Recreation for the KidSport Program under the Sport For All Project Council expenditure nil</p>
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### **PROPOSAL**

Council is requested to consider an amendment to the 2011/12 adopted budget in order to accept funding from the Department of Sport and Recreation for the KidSport Program.

### **BACKGROUND**

This program will make it possible for children in the Shire of Waroona to participate in community sport and recreation, no matter their financial circumstances. KidSport will allow eligible children and youth aged 5-18 years to apply for financial assistance to contribute to club fees. The fees will go directly to the registered KidSport clubs who are participating in the project through the Shire of Waroona Local Government

The Waroona Shire will administer, promote and validate KidSport applications. Eligible applicants will be able to apply for up to \$200 per child.

### **COMMUNITY CONSULTATION**

Department of Sport and Recreation have made media release relating to this leading to enquiries from interested parents and local sports administrators.

### **OFFICER'S COMMENTS**

This project promotes an increased participation in sporting and recreation activities with in our community and supports membership to non-profit sporting and recreation clubs. A proportion of the budget, \$15,000.00 (ex GST) is dedicated to cover administration costs and the current Community Development Assistant has been



approached to undertake this component. Funds of \$7,000 is expected to go out as direct expenditure for fee payment to clubs for eligible applicants in the 2011/2012 financial year. The balance of these funds, \$13,000 shall be considered for the 2012/2013 budget as the program runs over 3 years.

**COUNCIL RESOLUTION****OCM12/3/029****MOVED: Cr Germain****SECONDED: Cr Mason**

**That the 2011/2012 adopted budget be amended as follows.**

- **That Council budgets in 2011/2012, expenditure from account 126620 \$7,000 (ex GST) for the Department of Sport and Recreation KidSport program. The balance of \$13,000 (ex GST) is to be considered for the 2012/2013 budget**
- **Authorise unbudgeted grant income of \$20,000 (ex GST) to A/C 12733**
- **Authorise unbudgeted grant income of \$15,000 (ex GST) to A/C 152130.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**



<b>9.2.6 LOT 14 SOUTH WESTERN HIGHWAY, WAROONA - 2 LOT SUBDIVISION</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	G.I. Cole & Associates
Landowner:	Scott Alexander Faulkner & Carolyn Faulkner
Date of Report: 14 March 2012	File No:SD145705
Previous Reference:	SD136906
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 1996 State Planning Policy 3.1 – Residential Design Codes WAPC Development Control Policy 1.1 – Subdivision of Land – General Principles Local Planning Strategy 2009 Local Planning Policy 21 – Waroona Townsite Drainage Development
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

### **BACKGROUND**

Lot size	2055m <sup>2</sup>
Existing improvements	Dwelling, 3 Sheds & Outdoor Toilet

A Western Australian Planning Commission subdivision application referral was received for a two (2) lot subdivision of Lot 14 South Western Highway, Waroona.

The subject lot contains an existing dwelling and outbuildings. The topography of the lots is sloped downwards in a westerly direction, towards South Western Highway at a gradient of approximately 7%.

Lot 14 has frontages to both King Street and South Western Highway. The adjacent lot to the south currently operates as a service station, with commercial land uses to the south. Most of the other surrounding lots are used for residential purposes. Prevailing lots sizes in the locality are in the 800m<sup>2</sup> to 1200m<sup>2</sup> range.

A location plan is at **Appendix 9.2.6A**.

### **PROPOSAL**

The application proposes subdivide Lot 14 into 2 lots, one fronting South Western Highway and containing the existing dwelling being 942m<sup>2</sup> and the other fronting King Street being 1113m<sup>2</sup>. The proposal plan is at **Appendix 9.2.6B**.



### Previous Applications

SD136906 – Proposed 2 lot subdivision of Lot 14 in a similar fashion to the current application. The application proposed lot sizes of 904m<sup>2</sup> for the western lot and 1150m<sup>2</sup> for the eastern lot. The application was approved subject to conditions by the Western Australian Planning Commission (WAPC) on 13/05/2008 and expired on 13/05/2011 as the conditions of approval were never cleared.

### **STATUTORY IMPLICATIONS**

#### **Peel Region Scheme 2003 (PRS)**

The subject lot is zoned Urban under the PRS. The purpose of the Urban zone under the PRS is as follows:

*“To provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.”*

#### **Shire of Waroona Town Planning Scheme No.7 1996 (TPS)**

The subject lot is located within the ‘Urban 3 – Service Commercial’ zone under the TPS and is annotated as having a density coding of R20 on the Scheme Maps.

Clause 2.2.3 of the TPS states that *“The selected R codes assigned to any given area shall be as shown on the Scheme Maps”*.

Clause 4.7.1 of the TPS states that the objective of the Urban 3 – Service Commercial zone is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

### **STRATEGIC/POLICY IMPLICATIONS**

#### **State Planning Policy 3.1 – Residential Design Codes (R Codes)**

Table 1 of the R Codes specifies setback and lot size requirements for the creation and development of lots with density codes allocated to them on the Scheme Maps. As per Table 1, development on the subject lot is required to achieve a minimum setback of 6m from the street frontage. Setbacks from side and rear boundaries are determined in accordance with Tables 2a and 2b, dependant on the proposed structure.

Table 1 specifies that lots within the R20 coding are to achieve an average lot size of 500m<sup>2</sup> and a minimum lot size of 440m<sup>2</sup>.

#### **WAPC Development Control Policy 1.1 Subdivision of Land – General Principles**

Objectives of Development Control Policy 1.1 include:

- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.



- To ensure a comprehensive and coordinated approach to the subdivision of urban expansion areas in metropolitan Perth, regional centres and country towns.
- To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.
- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.

### **Local Planning Strategy 2009 (LPS)**

The subject lot is located within the Town Precinct of the LPS and is designated Mixed Use. The objective of the Mixed Use zone under the LPS is to provide for a mix of residential and compatible service industries, including opportunities for live/work lots.

A 'Single House' (including outbuildings) is a Primary use in the Mixed Use zone in the Town Precinct.

The LPS states that a minimum lot size of 1000m<sup>2</sup> is considered appropriate in the Mixed Use zone.

### **Local Planning Policy 21 – Waroona Townsite Drainage Development (LPP 21)**

The subject lot is located within Catchment Area 3 of LPP 21.

Clause 21.5.1 (i) of LPP 21 requires that a financial contribution be collected from all new subdivision and strata applications creating additional lots within the catchment area.

Clause 21.5.2 states the method for determining the required contribution to the development of drainage within the Waroona Townsite.

Clause 21.5.2 (vi) states that the drainage contribution shall be reviewed annually and adopted as part of Council's Schedule of Fees and Charges. The 2011-2012 Schedule of Fees and Charges states that the contribution required for Catchment Area 3 shall be at the rate of \$8.22 per m<sup>2</sup>.

Clause 21.5.3 (i) states that the requirement for a contribution shall be included as a condition of subdivision and be paid prior to clearance of subdivision conditions.

Clause 21.5.3 (iii) states the where a contribution is required as a condition of subdivision, a condition of approval shall be recommended to the WAPC as follows:

*"A drainage contribution of \$.... per m<sup>2</sup> (a total of \$... based on the subdivisional area of ...m<sup>2</sup>) shall be paid to the Shire of Waroona, as this development falls within catchment ... of the Waroona Drainage Development Area. The contribution is to contribute towards the development of an adequate drainage service within the Waroona Townsite. Payment shall be made prior to the clearance of subdivision conditions."*

## **COMMUNITY CONSULTATION**

Community Consultation was not required nor sought for this application.

## **INTERNAL REFERRAL**

The Shire's Consulting Engineer stated that a 3m drainage easement should be required across the proposed western lot in favour of the eastern lot in order to provide for the adequate drainage of the eastern lot.

The Shire's Environmental Health Officer stated that the subject lot is connected to sewer. As such no septic systems will be permitted.

The Shire's Building Surveyor stated that all buildings are required to be compliant with the Building Code of Australia.

## **OFFICER'S ASSESSMENT**

The application proposes the subdivision of lot 14 into two lots. The existing dwelling is proposed to be set back 12m from the new boundary, which is in excess of the 1m required by the Residential Design Codes. The existing dwelling is set back in accordance with the requirements of the Residential Design Codes from the existing and proposed boundaries.

The shed on the proposed eastern lot is indicated for removal as part of the application. A condition will be recommended to ensure that all buildings will have the necessary setbacks from new property boundaries.

The WAPC imposed a condition on the previous application SD136906 requiring the lot fronting King Street to achieve a 1:100 fall to King Street in order to alleviate concerns regarding drainage of the lot impacting on the western lot. This requirement is considered to be onerous and impractical, resulting in retaining of approximately 5m above natural ground level. This level of retaining is considered to be excessive and impractical, as well as resulting in an undesirable impact on the streetscape of South Western Highway. As such it is recommended that a 3m wide drainage easement adjacent to either the northern or southern boundary of the western lot be used to appropriately drain the proposed western lot towards South Western Highway.

Local Planning Policy 21 – Waroona Townsite Drainage Development requires that a financial contribution be made by all new subdivisions within the policy area. As Lot 14 is required by this policy to contribute to the cost of drainage infrastructure a condition will be recommended requiring a contribution of \$16,892.10 be made in accordance with the policy.

The Shire of Waroona Local Planning Strategy requires a minimum lot area of 1000m<sup>2</sup> within the Mixed Use zone in the Town Precinct. This is inconsistent with the designation of the lot as R20 under the TPS, which requires a minimum lot size of 440m<sup>2</sup> and an average of 500m<sup>2</sup> under Table 1 of the R Codes.

The previous application SD136906, which was recommended for approval, did not consider this inconsistency as the LPS was not endorsed at the time of its assessment. Since the endorsement of the LPS on 24 March 2009 no subdivision applications have been assessed within the Mixed Use zone.

The eastern lot is compliant with the LPS requirement as it is proposed to be 1113m<sup>2</sup>. The western lot fronting South Western Highway proposes a 58m<sup>2</sup> variation to the requirement of the LPS, being 942m<sup>2</sup>. With the proposed western lot being less than 1000m<sup>2</sup> potential for future subdivision is compromised under the R20 coding.

Given that the shed on the eastern lot is proposed to be removed, the proposed new boundary can easily be moved to achieve compliance with the 1000m<sup>2</sup> lot size requirement of the LPS. It is recommended that the proposed plan of subdivision be amended to ensure that no lot is smaller than 1000m<sup>2</sup>.

**COUNCIL RESOLUTION****OCM12/3/030****MOVED: Cr Germain****SECONDED: Cr Mason**

1. That Council, in respect to the application for the subdivision SD145705 of Lot 14 South Western Highway, Waroona, respond to the West Australian Planning Commission recommending approval of the application subject to the following conditions:
  - a) All septic sewer systems including all tanks and pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems are to be decommissioned, removed, filled with clean sand and compacted to the satisfaction of the Shire of Waroona.
  - b) Such drainage easements as may be required by the Local Government being granted free of cost to that Authority.
  - c) A drainage contribution of \$8.22 per m<sup>2</sup> (a total of \$16,892.10 based on the subdivisional area of 2055m<sup>2</sup>) shall be paid to the Shire of Waroona, as this development falls within catchment 3 of the Waroona Drainage Development Area. The contribution is to contribute towards the development of an adequate drainage service within the Waroona Townsite. Payment shall be made prior to the clearance of subdivision conditions to the satisfaction of the Shire of Waroona.
  - d) All buildings having the necessary clearance from the new boundaries as required by the Residential Design Codes.

**ADVICE TO WAPC AND APPLICANT**

- a) In relation to condition b), the provision of an easement for drainage purposes is required in favour of the eastern lot being granted over the western lot to the satisfaction of the Shire of Waroona.
- b) The Shire of Waroona Local Planning Strategy requires a minimum lot size of 1000m<sup>2</sup> for lots identified as Mixed Use. It is recommended that the proposed plan of subdivision be modified to ensure all newly created lots achieve this minimum lot size. This will also ensure compliance with R 20 lot area requirements with future subdivisions.

**CARRIED 6/0**

<b>9.2.7 PROPOSED TOWN PLANNING POLICY 26: HOLIDAY HOMES</b>	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	N/A.
Landowner:	Various
Date of Report: 15 March 2012	File No.: TP 7 General, 111/1
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme No.7 1996. WAPC Planning Bulletin 99 – Holiday Homes Guidelines WAPC Guidelines. Holiday Homes - short stay use of residential dwellings Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth.
Financial Implications:	Cost of advertising the policy (Approximately \$700)
<b>Voting Requirements</b>	<b>Simple majority</b>

### **PROPOSAL**

Council is requested to consider the preparation of a new draft Local Planning Policy to guide the development of holiday homes within the Shire of Waroona.

The objectives of this Policy are as follows:

- a) To recognise the increasing market demand for holiday homes 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 homes 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.

### **BACKGROUND**

Holiday homes are a component of the short stay accommodation sector in some parts of Western Australia and an important aspect of the overall mix of tourism accommodation, particularly in popular tourist destinations within the State. Over the past decade a growing number of holiday homes have been made commercially available, resulting in an increasing trend to purchase or build homes for holiday home use.



The informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation, resulting in an uncertain legal environment, issues of inequity with other service providers and land use conflict. The issue of impact on neighbouring residential amenity has caused particular concern in the community.

In response to these issues the Minister for Planning and Infrastructure formed the Holiday Homes Working Group in 2005. The role of the working group was to investigate issues surrounding the operation of holiday homes and matters raised by the group have been taken into consideration to prepare WAPC Guidelines titled 'Holiday Homes - short stay use of residential dwellings'.

## **STATUTORY IMPLICATIONS**

### **Planning and Development Act 2005**

Clause 162 of the Act deals with Development that requires approval

(1) Subject to this Act, where a planning scheme or interim development order provides that development referred to in the planning scheme or interim development order is not to be commenced or carried out without approval being obtained upon the making of a development application, a person must not commence or carry out that development on land to which the planning scheme or interim development order applies unless.

(a) The approval has been obtained and is in force under the planning scheme or interim development order.

(b) The development is carried out in accordance with the conditions subject to which the approval was granted.

### **Town Planning Scheme No.7**

Under the Scheme holiday homes are classified as holiday accommodation with the definition being as follows:

*“means buildings constructed in accordance with the provisions of Model By-Law No 18 (Holiday Accommodation) and used for the short term accommodation of tourists and holiday makers and includes small scale convention centres, halls and other buildings for the amenity of the residents but does not include a Hotel or a Motel*

The Scheme defines the following land use permissibility for holiday accommodation across the zones as follows:

<b>Zone</b>	<b>Permissibility</b>
Urban 4 - Residential	SA
Urban 8 - Hamel	SA
Urban 9 - Preston Beach	AA
Rural 1 – General Farming	AA
Rural 3A & 3B	AA
Rural 4 – Hills Face	SA
Rural 5 – Darling Ranges	AA



Where an application is made for Planning Consent to commence or carry out development which involves “AA” use, Council may, at its discretion, permit the use.

Where an application is made for Planning Consent to commence or carry out development which involves “SA” use, the Council shall not grant consent to that application unless notice of the application is first given in accordance the advertising clause of the Scheme.

In terms of Clause 2.4 of the Scheme, once a Draft Town Planning Scheme Policy has been developed, Council needs to resolve to adopt the draft policy and then advertise the policy for a minimum period of 21 days. All submissions to the draft policy need to be considered by Council and then Council can resolve to adopt the policy, amend it or not proceed with the policy.

Although a town planning scheme policy does not bind Council, it shall have regard for the policy when making a decision.

### **STRATEGIC IMPLICATIONS**

#### **Shire of Waroona Strategic Plan 2005 – 2025**

An extract from the Strategic Plan states: “Improved transport links will bring pressure to the coastal areas and there will be a drift of people to the coastal settlements of Preston Beach and Lake Clifton.

Our planning will need to reflect the complexities of the fast-moving urban growth of the Shire.”

### **STRATEGIC PLANNING IMPLICATIONS**

#### **Planning Bulletin 99 – Holiday Home Guidelines**

The objectives of this Planning Bulletin are:

- To facilitate a consistent, equitable and efficient planning process for the regulation of holiday homes in Western Australia.
- To support the tourism industry by the promotion of voluntary accreditation of holiday homes.
- To encourage good quality, well managed holiday homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of holiday homes as part of the tourism industry.

#### **WAPC Guidelines: Holiday Homes - Short Stay Use of Residential Dwellings**

The objectives of these guidelines are:

- To establish clear guidelines for the short stay use of holiday homes for tourism accommodation. The policy excludes short term accommodation



where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.

- To ensure that short stay use of residential homes occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- To ensure that all new holiday home rental accommodation is in accordance with relevant legislation, local planning schemes and policies, and management plans.

### Local Planning Strategy

The LPS recognizes that currently there is a limited range of tourist accommodation within the Shire. In order to address this, the strategy identifies that the Shire will give consideration to resort or similar accommodation on appropriate sites.

The strategy estimates that there are a total of 26,200 visitors per annum to the Shire. There are 71,000 visitor nights and an average length of stay of 2.7 nights.

Encourage the development of low scale tourist accommodation in the Rural zones throughout the Shire, but particularly in the Scarp and in proximity to Lake Navarino.

### **COMMUNITY CONSULTATION**

In terms of Clause 2.4.1 of the TPS a Draft Planning Policy is to be advertised for two consecutive weeks in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

### **Internal Referrals**

The draft policy will be referred to internal departments, prior to being referred to Council for final adoption. Preliminary advice has been received from Building Services regarding the draft policy in relation to the Building Code of Australia.

### **OFFICER'S COMMENTS**

A number of recent development applications for holiday homes have highlighted the necessity for a Town Planning Policy addressing the issue. In the Preston Beach zone there have been reports received about unregulated, illegal holiday homes operating without a Planning Consent.

The aforementioned WAPC Planning Bulletin 99 states that as well as including holiday homes as a controlled use in local planning schemes, local governments are encouraged to develop a local planning policy on holiday homes.

The Department of Planning has prepared guidelines to assist local governments in the preparation of local planning policies.

### Location

It is proposed that holiday homes should be restricted to locations as identified by the TPS and the LPS.



These locations have been selected due to close proximity to key tourism attractions such as the beach, town centre or rural areas.

### Ongoing Management

It is considered that the responsibility for appropriate on-going management rests with the proponent to ensure that visitors are responsible and do not create inappropriate impacts (including noise) to adjoining/nearby properties.

Suitable on-going management is, of course, more difficult if owners live a considerable distance from the application site. Accordingly, as part of the planning application, the proponent will be required to submit a property management plan. This management plan will contain an agreement with a manager/caretaker or management company which lists their responsibility and shall include but not be limited to, matters such as maintenance and cleaning. The manager or management company shall be accessible twenty –four hours a day, seven days a week and located within one (1) hour response time of the property. A code of conduct for guests which shall, amongst others, list what is considered acceptable and unacceptable behaviour will be supplied. Finally details of how nuisance issues such as noise will be addressed by the manager shall be provided.

### Fire and Emergency Plan

A Fire and Emergency Plan shall be prepared to the satisfaction of Council and shall be required to be submitted as part of the planning application. The Fire and Emergency Plan shall include the provision of the following fire safety measures:

- Provision of fire extinguishers, fire blankets and internal hardwired smoke alarms.
- Outside barbeques to be gas or electric.
- Emergency Evacuation Plan.
- Access to water supply.

### Car Parking

One issue that has been flagged in complaints received has been that of car parking. The new policy will address this issue specifically. All car parking is to be contained on-site and no verge area should be used for car parking. At a minimum, it will be necessary to provide 2 on-site car parking bays for up to 6 guests. Tandem parking will only be permitted for a maximum of two parking bays. In the case of a holiday home (large) a minimum of three car parking bays.

### Phasing In

The WAPC Planning Bulletin recommends that local governments allow owner operators up to 12 months, after a local planning policy has been adopted, to apply for and obtain approval for the operation of existing holiday homes and implement the recommended regulatory measures.

As this is a new approach to the management of holiday homes, operators of existing commercial holiday homes will be provided with the opportunity to obtain a planning

consent within this 12 month period. Council may also consider not charging existing operators retrospective planning consent fees.

### Conclusion

In conclusion the proposed policy will seek to ensure that holiday homes are regulated, encouraged and suitably located within the Shire. It is therefore recommended that Council adopt the draft policy on holiday homes for advertising.

### **COUNCIL RESOLUTION**

**OCM12/3/031**

**MOVED: Cr Germain**

**SECONDED: Cr Salerian**

**That pursuant to Clause 2.4 of the Shire of Waroona Town Planning Scheme No.7, Council resolves to:**

- 1. Prepare a Draft Holiday Homes Policy as set out in Appendix 9.2.7A.**
- 2. Advertise the Draft Policy in accordance with the requirements of Clause 2.4.1 of Town Planning Scheme No.7.**
- 3. Consider all submissions received as a result of advertising.**

**CARRIED 6/0**

<b>9.2.8 SHIRE OF WAROONA TOWN PLANNING SCHEME NO.7 AMENDMENT NO.31</b>	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché –Manager Planning Services / Nil
Proponent:	Algeri Planning and Appeals
Landowner:	Gregory Richard McDonald
Date of Report: 15 March 2011	File No: TPS7A31
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005. Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 Local Planning Strategy 2009 Draft Hills Landscape Protection Policy
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 • Objective 1 – Prepare for Growth.
Financial Implications:	Nil.
<b>Voting Requirements</b>	<b>Simple Majority</b>

### **BACKGROUND**

The proposed zone of 'Rural 8 – Hills Landscape Protection' does not exist under the TPS and must therefore be inserted as a new zone into the TPS. This new zoning carries with it a number of considerations and development and/or subdivision standards that will regulate how the land is utilised.

In September 2011 Council received the first re-zoning application involving the new Hills Landscape Protection zone (amendment 31). The subject site is located on Invarell Road, Waroona at the edge of the Darling Escarpment, approximately 4km east of the town of Waroona. See site location map **at APPENDIX 9.2.8A**.

### **PROPOSAL**

Council are requested to consider the Town Planning Scheme (TPS) provisions for the new Rural 8 - Hills Landscape Protection Zone.

This report seeks Council's adoption of the TPS provision that have been prepared for the new zone. If Council proceeds to endorse these provisions, Amendment 31 may subsequently be advertised.

### **Previous Council Resolution**

In October 2011 (TPS7A31 / OCM11/10/120 Council resolved:

1. Pursuant to section 75 of the Planning and Development Act 2005, to adopt for initiation and advertising the proposed rezoning of Lot 10 Invarell Road, Waroona from 'Rural 5 – Darling Range' to 'Rural – Hills Landscape protection' subject to the:



- a) Preparation of five (5) sets of amending documentation to the satisfaction of the Manager Planning Services.
  - b) Shire President and Chief Executive Officer being authorised to sign the documentation
2. Prior to public advertising pursuant to section 84 of the Act, the documents be referred to the Environmental Protection Authority in accordance with Section 81 of the Act.
  3. At the conclusion of public advertising, a further report including all submissions received be presented to Council for consideration and final adoption.'

### **STATUTORY IMPLICATIONS**

#### **Planning and Development Act 2005.**

Section 75 of the Act states that a local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

Section 81 of the Act states that when a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA —

- (a) Written notice of that resolution; and
- (b) Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.

Section 84 of the Act states that after compliance with sections 81 and 82, a local planning scheme prepared or adopted, or an amendment to a local planning scheme prepared or adopted, by a local government, is to be advertised for public inspection in accordance with the regulations.

#### **Town Planning Scheme No. 7 (1996)**

The proposed zone of “Rural 8 – Hills Landscape Protection” does not exist under the TPS. The proposed zone is nominated as the preferred zoning of the subject land pursuant to the Local Planning Strategy (LPS). For this to occur, the zone of “Rural – Hills Landscape Protection” must therefore be inserted as a new zone into the TPS. The provisions, based on the LPS and the TPS are discussed in detail in the officer’s comments. See new TPS provisions **at APPENDIX 9.2.8B.**

## **STRATEGIC IMPLICATIONS**

### Shire of Waroona Strategic Plan 2005 – 2025

Council's planning will need to reflect the complexities of the fast-moving urban growth of the Shire, the needs of rural settlements and the highly sensitive and variety of environmental settings within which this is taking place

## **STRATEGIC PLANNING IMPLICATIONS**

### Local Planning Strategy (2009)

The Hills Landscape Protection sub - precinct is located within the Scarp and Darling Range precinct of the LPS. Here it is Councils objective to provide for opportunities for small-scale agriculture and tourism accommodation whilst providing landscape protection.

The LPS stipulates a minimum lot size of 10 hectares.

A list of permitted and discretionary land uses are specified in the LPS.

The LPS states that the Shire will put a high priority on the protection of visual amenity from the coastal plain.

### Draft Hills Landscape Protection Policy

Currently a draft Hills Landscape Protection Policy is being prepared by the Shire of Waroona in co-ordination with the Department of Planning.

Increased development pressure in the hills area has resulted in the need for greater guidance and coordination in order to preserve the amenity of both the policy area and the greater Waroona area.

In order to meet maintain the existing visual amenity of the Darling Scarp as viewed from the western coastal plain, design and location requirements for future development are needed. These requirements are also intended to facilitate the development of the hills area in accordance with the Shire of Waroona Local Planning Strategy without compromising the very amenity that makes the area attractive to prospective residents.

The policy will ensure a coordinated and responsible approach to future development in the hills area. It will seek to ensure that development occurs in a proper and orderly fashion and best practice fire safety and transport outcomes are met.

## **COMMUNITY CONSULTATION**

Should Council resolve to endorse the new TPS provisions community consultation will be undertake. EPA and all relevant Government departments would also be consulted at the next stage.

## **OFFICER'S COMMENTS**

Council's previous decision to initiate the amendment 31 was undertaken on the basis that the amendment is consistent with the LPS. Council's resolution also called for the



applicant to submit five (5) sets of amending documents to the satisfaction of the Manager Planning Services prior to advertising. Since this resolution there has been ongoing consultation between Shire Planning Staff and the applicant regarding the content to be included in the TPS provisions for the new zone. The application has now progressed to a stage where the amending documents have been prepared for advertising. However, as a new zone is going to be inserted into the TPS, it is important that Council is aware of the provisions that will be included in this new zone.

### Objectives

The objective of the new zone is to provide for opportunities for lifestyle purposes, small-scale agricultural and tourism accommodation while providing for landscape protection. This objective mimics that of the LPS.

### Subdivision Guide Plan

Council will not recommend support to applications for subdivision unless an adopted Subdivision Guide Plan for an estate exists, and the proposed subdivision is consistent with the adopted Subdivision Guide Plan to the satisfaction of the Council.

### Dwellings and Outbuildings

As the LPS places a high priority on visual amenity, a range of design criteria has been included within this section. These design criteria are consistent with that present in the Rural Residential zone.

Further to this, given the proximity of the new zone to State Forest, a provision has been included ensuring that domestic water tanks are supplied with new dwellings and buildings are constructed to Australian Standard AS3959-2009.

### Lot Sizes

The minimum lot area of 10ha has been attained from the LPS.

The 10ha lot area allows for adequate separation of land use and allows for continuation of low impact agricultural activities. The density of subdivision also means the landscape values and views are protected. To subdivide the land at any closer density risks adversely affecting the high quality landscape values that currently exist on the subject land.

### Fire Management Plans

Council will not recommend support to applications for subdivision unless a Fire Management Plan prepared to the satisfaction of the Council and the Fire & Emergency Services Authority of Western Australia is endorsed.

### Hazard Separation Zones, Buildings Envelopes, Setbacks & Variations

Subject to compliance with identified Hazard Separation Zones or any requirements of an endorsed Fire Management Plan, all buildings are to be set back a minimum of 40 metres from any street frontage and 20 metres from a rear or side boundary as identified in the LPS



Further to this provisions have been included relating to the use and variation of building envelopes. Although building envelopes have not been included as of yet as part of Amendment 31, it is likely that they will be required prior to subdivision within the new zone.

#### Clearing Restrictions

Clearing restrictions proposed in the new zone echo those that already exist in the TPS. These restrictions offer protection to the native flora and in turn landscape protection. This offers consistency with the objective of the new zone.

#### Fencing

Fencing provisions have been included in order to preserve the rural character of the new zone. These standards have been drawn from existing provisions in the Rural Residential zone.

#### Effluent Disposal

Suitable on-site effluent disposal is to be provided to the satisfaction of the Council.

#### Drainage

Any drainage system shall not be altered without the prior approval of the Council in writing.

In considering any proposal to obstruct or dam any part of the drainage system the Council shall have regard to the effect of the drainage system and the impact on the land and the environment in general and shall consult with any appropriate authority prior to granting approval.

#### Stocking of Animals

The stocking of animals has been taken into consideration in order to protect from land degradation. The number of livestock on a property shall not exceed the stocking rates as provided in the Department of Agriculture's 'Stocking Rate guidelines for rural small holdings'.

#### Zoning Table

The land uses deemed acceptable for the new zone that have been included in the zoning table are drawn from the LPS. 'AA' and 'SA' land uses have been determined in order to retain consistency with existing TPS classification.

#### Conclusion

The proposed TPS provisions for the new zone have been formulated from a combination of the LPS and existing provisions in the TPS. It is considered that these provisions will allow residential, tourist and small scale agriculture land uses while also providing landscape protection. For this reason it is recommended that Council adopts the proposed TPS provisions for Amendment 31 for advertising.

**COUNCIL RESOLUTION**

**OCM12/3/032**

**MOVED: Cr Mason**

**SECONDED: Cr Germain**

**That Council resolves to:**

- 1. Adopt the TPS provisions for the new Rural 8 - Hills Landscape Protection Zone for initiation and advertising as set out in Appendix 9.2.8B.**

**CARRIED 6/0**

<b>9.2.9 AMENDMENT OF DELEGATIONS – BUILDING ACT 2011</b>	
Reporting Officer / Officer's Interest:	Trevor Pitcher, EHO/Building Surveyor / Nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services/Nil
Proponent:	Building Commission
Landowner:	N/A
Date of Report: 19/3/2012	File No. 52/1:
Previous Reference:	Nil
Statutory/Policy Implications:	Building Act 2011
Strategic Implications:	Amendment of Council Delegations required
Financial Implications:	Potentially some loss of income and some additional costs are possible.
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### Proposal

To alter the Delegations from Council to the CEO and from the CEO to Directors, Managers & Officers through Sections 5.42 & 5.44 of the *Local Government Act 1995* to allow for the smooth transition of building control from the current *Local Government (Miscellaneous Provisions) Act 1960* to the *Building Act 2011*, that was given Royal assent on 11 July 2011 and will be proclaimed on 2 April 2012. An additional delegation to be given to the CEO to engage a Building Surveying Contractor to certify all building that the Shire will need to construct.

### Background

The Western Australian Government is replacing the state's building legislation, some of which is over 50 years old. One part of this process is the new *Building Act 2011* which replaces sections Parts VIII, IX and XV of the *Local Government (Miscellaneous Provisions) Act 1960*. The *Building Regulations 2012* replace the *Building Regulations 1989*. The new Act is aimed at streamlining the provision of building control in Western Australia and of speeding up approvals. The Building Act 2011 will also bind the crown. This will require that all buildings to be constructed by the Shire will need to conform to the requirements of the Act and so will require certification and possibly inspections to be carried out by a Building Surveying Contractor.

The *Building Act 2011* aligns with the following recently proclaimed complimentary Acts:

- *Building Services (Registration) Act 2011*;
- *Building Services (Complaint Resolution & Administration) Act 2011*; and
- *Building Services Levy Act 2011*.

The Building Act 2011 introduces key changes to the processing and procedures of Building Control in Local Government. These key changes include the following:

- Private Certification (of all commercial building applications and the ability to also certify building applications for dwellings also);
- Permit Authorities;
- Timeframes for approvals (14 calendar days for certified, 35 days for uncertified);



- Occupancy Permits and Building Approval Certificates;
- Applying for a Building Permit only when ready to build or occupy;
- Consent to affect other land.

The Act sets out the role of local government as a permit authority which can be categorised into the following three main functions:

- Building Approval Certificates (for uncertified applications);
- Permit approval and issue (Building Permits, Occupancy Permits); and
- Enforcement.

The intent of the Act is to give the head of power to enable matters to be done and the Regulations will deal with the day to day operation of the Act.

As part of this process the delegation of authority to the CEO and officers is required to allow the smooth operation of Building Control from the current *Local Government (Miscellaneous Provisions) Act 1960* to the *Building Act 2011*.

#### Financial Implications

Income from Building Control functions may drop depending on the number of certified applications. Provision should be made in the budget for payments to a Building Surveying Contractor for any buildings that may be planned to be built during a particular budget year.

If the Shire fails to make a determination on a Building Permit Application within the statutory time (14 or 35 calendar days) the application is deemed to be refused and All fees are to be refunded to the applicant. The applicant can appeal to the State Administrative Tribunal which would incur additional costs to the Shire.

#### Statutory Implications

The *Building Act 2011* is replacing the *Local Government (Miscellaneous Provisions) Act 1960* as the legislation controlling building & construction in Western Australia. The *Building Act 2011* requires all commercial building applications to be 'certified' by a Building Surveying Contractor as being compliant with the Building Code of Australia (BCA) and that the application contains all required design, engineering, energy efficiency and insurance certificates and that all other statutory processes are completed before the Building Application is submitted for the issuing of a Building Permit.

Such statutory processes can include Town Planning development applications; Residential Design Code compliance; Subdivision condition compliance; *Strata Titles Act 1985* compliance; *Health Act 1911* compliance and all other statutory requirements.

The *Building Act 2011* allows for 'project home' builders to submit certified applications for dwellings to take advantage of the streamlined application process. The *Building Regulations 2012* will give greater power to Permit Authorities to deal with non-compliance issues.

#### Strategic Implications

All commercial applications must be certified. However the Shire of Waroona will not be supplying a certification service for Class 2 to Class 9 building applications. The



Shire website will provide a list of all qualified Building Surveying Contractors that can certify commercial applications. The Building Surveyor will certify all uncertified dwelling and outbuilding applications before a building permit is issued. It is predicted that project home builders will take advantage of the streamlined certified building process and so it is estimated that between a quarter to half of all dwelling applications will be received certified. Applications for incidental structures such as sheds, patios, swimming pools will generally not be received certified and will be certified by the Building Surveyor.

Community Consultation

Nil

Officer's Comments

The change of legislation requires the Shire of Waroona to alter its Record of Delegations to allow for the smooth transition of building control from the current *Local Government (Miscellaneous Provisions) Act 1960* to the *Building Act 2011* that comes into operation on 2 April 2012.

**COUNCIL RESOLUTION**

**OCM12/3/033**

**MOVED: Cr Scott**

**SECONDED: Cr Mason**

- 1. That Council resolves to repeal previous delegations relating to building approval and stop work orders.**
- 2. Through the *Building Act 2011* to delegate to the Chief Executive Officer and Director Community and Planning Services powers & duties as follows:**
  - a. Grant or refuse building Permits, demolitions permits, occupancy permits and building approval certificates.**
  - b. Issue building orders in relation to:  
Stop work, demolish/remove a building, alter a building, not fit for human habitation or evacuate a building**
  - c. The Chief Executive Officer is granted authority to appoint authorised persons.**
- 3. Through the *Building Act 2011* delegate to the Manager Environmental Health & Building Services and Building Surveyor powers & duties as follows:**
  - a. Grant or refuse building permits, demolitions permits, occupancy permits and building approval certificates.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

<b>9.2.10 ADOPTION OF AMENDED BUILDING FEES – BUILDING ACT 2011 &amp; BUILDING SERVICES (COMPLAINT RESOLUTION &amp; ADMINISTRATION) ACT 2011</b>	
Reporting Officer / Officer's Interest:	Trevor Pitcher, EHO/Building Surveyor / Nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services
Proponent:	Building Commission
Landowner:	N/A
Date of Report: 21/3/2012	File No.: 25/5
Previous Reference:	Nil
Statutory/Policy Implications:	<i>Building Act 2011</i> <i>Building Services (Complaint Resolution &amp; Administration) Act 2011</i> ; and <i>Building Services Levy Act 2011</i> All Acts come into operation 2 April 2012.
Strategic Implications:	
Financial Implications:	Amendment of 2011/2012 fees & charges required
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### **PROPOSAL**

To alter the Fees & Charges in the Shire of Waroona 2011/2012 Budget to comply with the Building Act 2011 and the *Building Services (Complaint Resolution & Administration Act 2011* that comes into operation as of 2 April 2012.

### **BACKGROUND**

The Western Australian Government is replacing the state's building legislation, some of which is over 50 years old. One part of this process is the new *Building Act 2011* which replaces sections of the *Local Government (Miscellaneous Provisions) Act 1960*. The new Act is aimed at streamlining the provision of building control and of speeding up approvals. The *Building Services (Complaint Resolution & Administration) Act 2011* sets a levy to pay for the cost of the administration and complaint resolution functions of the Building Commission and replaces the Builders Registration Board Levy.

As part of this process the fees charged by local government for the provision of the issuing of Building Permits (previously building licences) will change to reflect the change of work involved to process the building permits. The fees also cover new types of permits not before issued in Western Australia. These new permits will also incur Building Services Levy charges.

### **FINANCIAL IMPLICATIONS**

Building fees received by the Shire of Waroona will go down for all commercial applications as they are all required to be 'certified' and if more dwelling building applications are received from project home builders who choose to submit 'certified' applications. The new Building Services Levy will increase the amount of handling fees received by the Shire of Waroona as the levy is chargeable for all 'permit' application.

### **STATUTORY IMPLICATIONS**

The current building fees are set down in the *Building Regulations 1989* and the new building fees are listed in the *Building Regulations 2012* and relating to fees in the *Building Act 2011 section 16 (1)* for building and demolition applications; *Section 54 (4) (d)* for occupancy permits; and for other activities.

The Building Services Levy is chargeable on all applications for Permits including Building permits, Demolition permits, Occupancy permits, Building Approval Certificates & on unauthorised Building Work applications.

### **STRATEGIC IMPLICATIONS**

The work load of the Building Surveyor will also change as 'certified' applications will require simple checks of supplied certificates and plans. However compliance inspections will increase and the Building Surveyor must 'certify' all uncertified dwelling and outbuilding applications before a building permit can be issued.

### **COMMUNITY CONSULTATION**

Nil

### **OFFICER'S COMMENTS**

The Fees and Charges are set out in the *Building Regulations 2012* and the *Building Services (Complaint Resolution & Administration) Act 2011* are a modification of the current statutory fees.

**COUNCIL RESOLUTION****OCM12/3/034****MOVED: Cr Wright****SECONDED: Cr Scott**

1. That Council deletes all scheduled building fees and charges in the 2011/2012 budget, effective 1 April 2012.
2. That the following fees & charges are inserted, effective 1 April 2012.

**CARRIED BY ABSOLUTE MAJORITY 6/0**

<b>Item</b>	<b>Proposed Fee</b>
<b>Building Permit application Class 1 &amp; 10 – certified</b>	<b>0.19% of the estimated value (inclusive of GST) of the proposed building work as determined by the permit authority but not less than \$90.00</b>
<b>Building Permit Application Class 2 to 9 –certified</b>	<b>0.09% of the estimated value (inclusive of GST) of the proposed building work as determined by the permit authority but not less than \$90.00</b>
<b>Building permit application Class 1 &amp; 10 – uncertified</b>	<b>0.32% of the estimated value (inclusive of GST) of the proposed building work as determined by the permit authority but not less than \$90.00</b>
<b>Demolition Permit Application for the issue of permit for demolition work of Class 1 &amp; 10.</b> Ref: S16(1)	<b>\$90</b>
<b>Demolition Permit Application for the issue of permit for demolition work of Class 2 to 9.</b>	<b>\$90 for each storey.</b>
<b>Application to extend the time during which a building or demolition permit has effect.</b>	<b>\$90</b>
<b>Application for an occupancy permit for completed building;</b>	<b>\$90 per application</b>
<b>Application for temporary occupation permit for incomplete building.</b>	<b>\$90 per application</b>
<b>Application for modification of</b>	<b>\$90 per application</b>



<b>occupancy permit for additional use of a building on a temporary basis.</b>	
<b>Application for a replacement occupancy permit for permanent change of the building's use, classification.</b>	<b>\$90 per application</b>
<b>Application for occupancy permit or building approval for registration of strata scheme, plan of re-subdivision.</b>	<b>\$10 per strata unit covered by the application, but not less than \$100.</b>
<b>Application for an occupancy permit for a building in respect of which unauthorised work has been done.</b>	<b>0.18% of the estimated value of unauthorised work as determined by the relevant permit authority but not less than \$90.</b>
<b>Application for a Building Approval Certificate approval for a building in respect of which unauthorised work has been done.</b>	<b>0.38% of the estimated current value of the unauthorised building work as determined by the permit authority, but not less than \$90.00</b>
<b>Application to replace an Occupancy Permit for an existing building.</b>	<b>\$90</b>
<b>Application for a Building Approval Certificate approval for a building in respect of which unauthorised work has not been done.</b>	<b>\$90</b>
<b>Application to extend the time during which an occupancy permit or a building approval certificate has effect.</b>	<b>\$90</b>
<b>Certification of commercial permit applications</b>	<b>\$60.00 per hour</b>
<b>Building Commission Levy</b>	
<b>Building and Demolition Permits levy</b>	<b>\$40.50 where work value is below \$45000. 0.09 % where work value is greater than \$45000</b>
<b>Occupancy permit and Building approval certificate levy</b>	<b>\$40.50</b>
<b>Unauthorised Building Work</b>	<b>\$91.00 where work value is below \$45000. 0.18 % where work value is greater than \$45000</b>

**9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.3.1 ACCOUNTS FOR PAYMENT</b>	
Reporting Officer / Officer's Interest:	Joe Dineley – Senior Finance Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 12/03/2012	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>Voting Requirements</b>	<b>Simple Majority</b>

**APPENDIX 9.3.1**

<b><u>COUNCIL RESOLUTION</u></b>		
<b>OCM12/3/035</b>		
<b>MOVED: Cr Germain</b>		
<b>SECONDED: Cr Mason</b>		
<b>That Vouchers numbered:</b>		
<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
<b>Municipal Trust</b>	<b>Cheques 6791 - 6815 Cheques 10997 EFT 13904</b>	<b>\$12,875.52 \$42,891.05</b>
<b>Electronic Transfers Municipal Fund</b>	<b>EFT 13905 – 14059</b>	<b>\$421,608.11</b>
<b>Direct Wages</b>	<b>9/2/2012 – 23/2/2012 inclusive</b>	<b>\$144,355.61</b>
<b>GRAND TOTAL:</b>		<b><u>\$621,730.29</u></b>
<b>and attached at Appendix 9.3.1 be endorsed.</b>		
<b>CARRIED 6/0</b>		

<b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2011 29 FEBURARY 2012</b>	
Reporting Officer / Officer's Interest:	Tamara Olsson – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/3/12	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>Voting Requirements</b>	<b>Simple Majority</b>

**APPENDIX 9.3.2**

<p><b><u>COUNCIL RESOLUTION</u></b>  <b>OCM12/3/036</b>  <b>MOVED: Cr Scott</b>  <b>SECONDED: Cr Wright</b></p> <p><b>That the Monthly Statements of Financial Activity for the period 1 July 2011 to 29 February 2012 Appendix 9.3.2 be received and noted.</b></p> <p style="text-align: right;"><b>CARRIED 6/0</b></p>
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The Shire President congratulated Laurie Tilbrook and Tamara Olsson on the successful Audit.

<b>9.3.3 REVIEW OF LOCAL LAWS</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Deputy Chief Executive Officer/Director Corporate Services / Nil
Responsible Officer / Officer's Interest:	Laurie Tilbrook, Deputy Chief Executive Officer/Director Corporate Services / Nil
Date of Report: 19.03.2012	File No: 26/1
Previous Reference:	
Statutory/Policy Implications:	See Heading below
Strategic Implications:	Shire of Waroona Plan for the Future Shire of Waroona Community Strategic Plan
Financial Implications:	See Heading below
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### **PROPOSAL**

This report is provided to Council to consider recommending the review of the current Shire of Waroona Local Laws as required by section 3.16 of the Local Government Act 1995.

### **BACKGROUND**

In 2010 the Council commenced a review of the existing Shire of Waroona Local Laws and a consultant was engaged to facilitate and progress the process. The consultant was engaged on a resource sharing arrangement with the Shire of Murray.

The review was to encompass all existing Local Laws together with an assessment of new Local Laws that may be required. Although some progress was made with the review the matter stalled when the contracted officer resigned his position from the Shire of Murray.

If a review of the existing local laws is commenced and completed, the current local laws will not need to be legislatively reviewed until 2017. However, this does not preclude periodic reviews occurring or new local laws or amendments being made in the intervening period.

### **CONSULTATION**

- Local Government Act 1995
- Shire of Waroona Local Laws
- Internal Discussion

### **POLICY IMPLICATIONS**

This matter does not affect Council Policy. The risk of negative community comment is considered to be low as a consultation process is a requirement of the review process.



## **STATUTORY IMPLICATIONS**

Section 3.16 of the Local Government Act 1995 states:

“Periodic Review of Local Laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local laws was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give Statewide public notice stating that –
  - a) The local government proposes to review the local law;
  - b) A copy of the local law may be inspected or obtained at any place specified in the notice; and
  - c) Submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its Council.
- (4) When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended. (Absolute majority required).

## **FINANCIAL IMPLICATIONS**

The Council has allocated \$7,000 in the 2011/2012 budget for costs associated with reviewing, amending or drafting new local laws for the district.

It is likely that a large proportion of this amount will remain unspent and a further budget allocation to complete the process will be required in 2012/13.

## **OFFICERS COMMENT**

The review of the Shire of Waroona Local Laws commenced in 2007. A comprehensive review of the existing local laws is required to ensure that the most effective and up to date methods are available to manage and control local issues for the benefit of the whole community.

The review of the current local laws is a legislative requirement and it provides a timely opportunity to reflect on the working effectiveness of the current local laws and to consider new local laws that may be required to meet the needs of the community in the future.



**COUNCIL RESOLUTION**

**OCM12/3/037**

**MOVED: Cr Germain**

**SECONDED: Cr Scott**

**That Council:**

- 1. Advertise is intention to review the following Shire of Waroona Local Laws and that public submissions be invited for a minimum period of six (6) weeks in accordance with Section 3.16 of the Local Government Act, 1995 –**
  - Dogs Local Law**
  - Standing Orders Local Law**
  - Bushfire Brigades Local Law**
  - Local Government Property Local Law**
  - Activities on Thoroughfares & Trading in Public Places Local Law**
  - Cemeteries Local Law**
  - Extractive Industry Local Law**
  - Local Laws relating to Fencing & Tennis Court Floodlighting**
  - Health Local Law**
- 2. After the last day for public submissions a report be prepared and presented to Council to consider any submissions received; and**
- 3. To determine whether or not the existing local laws should be repealed or amended or to consider adopting new local laws.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

<b>9.3.4 FORWARD CAPITAL WORKS PLAN (FCWP)</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Deputy CEO / Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Ian Curley – CEO / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report:	File No: 38/1
Previous Reference:	N/A
Statutory/Policy Implications:	<i>The FCWP is currently not a statutory requirement however is a pre-requisite to access Royalties for Regions funding pursuant to the Country Local Government Fund.</i>
Strategic Implications:	The FCWP together with other long term planning documents will form an essential part of the Council's overall planning framework ultimately linked to an updated Community Strategic Plan.
Financial Implications:	In house preparatory costs
<b>Voting Requirements</b>	<b>Simple Majority</b>

### Proposal

The Council is requested to consider and endorse the Shire of Waroona Forward Capital Works Plan (FCWP) for the period 2011/12 to 2015/16.

The document is an update to the initial plan (adopted December 2010) prepared in conjunction with the Shire of Murray.

### Background

The primary objective of the Country Local Government Fund is to address infrastructure backlogs across the country Local Government sector by providing additional funds for the purposes of infrastructure provision and renewal.

Councillors may recall that initial Royalties for Regions funding in 2008/09 was provided direct however subsequent funding is subject to the requirement to produce and submit a FWCP.

The plan is based on the following criteria:

- Is to address infrastructure items only, not plant and equipment.
- Infrastructure is to be owned by the Council.
- To cover a 5 year period.
- Details of capital works expenditure in the year prior ie, 2010/11.
- Provision of written evidence of adoption.
- Conduct of a risk assessment for each project.
- Must be linked to the Council's Community Strategic Plan.
- A Commitment to an annual review of the plan.

### Community Consultation

As the document is largely based on the existing Community Strategic and Long Term Financial Plans community consultation has therefore previously taken place during preparation of these documents.

With an update to the Council Community Strategic Plan currently in progress a renewed approach to community consultation will be required.

It is likely that a community engagement strategy will be developed as part of the proposed Integrated Planning Framework.

### Officer's Comments

The document has been divided into the following infrastructure categories:

- Buildings
- Road
- Drainage
- Footpaths
- Parks

Each category contains a summary table and individual project information together with an overall total summary.

In addition assets are required to be classified to identify whether the capital works expenditure is either for Renewal, New Asset, Asset Expansion or Asset Upgrade.

For each individual sub project in the plan the following information is provided:-

- Purpose of the project, including information on whole of life costing, whether the project involves recurrent expenditure, expenditure for maintenance or renewal of infrastructure or expenditure of new infrastructure.
- Background on the project.
- Explanation of how the project meets the intent of the Council's Strategic Plan.
- Breakdown of funding sources and amount of funding from each source for each year, including whether the Council has identified the CLGF as a funding source.
- A risk management assessment for each project based on the individual "risk definition matrix".

Projects for 2011/12 funding (expenditure in 2012/13) have previously been adopted by the Council (OCM 20 December 2011) and are identified on page 6.

The plan will be updated on an annual basis and will also require amendment following adoption of the proposed Community Strategic Plan.

The document has been provided to Councillors under separate cover.



**COUNCIL RESOLUTION**

**OCM12/3/038**

**MOVED: Cr Germain**

**SECONDED: Cr Scott**

**That the Forward Capital Works Plan (FCWP) of the Shire of Waroona for the period 2011/12 to 2015/16 be endorsed.**

**CARRIED 6/0**

<b>9.3.5 BAD DEBT WRITE OFF</b>	
Reporting Officer / Officer's Interest:	Joe Dineley – Senior Finance Officer / Nil Tamara Olsson – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: Date Report Written	File No:
Previous Reference:	N/A
Statutory/Policy Implications:	<i>Local Government Act 1995 s6.12</i>
Strategic Implications:	Nil
Financial Implications:	See Below
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### Proposal

To submit to Council for approval to write off an outstanding debt totalling \$900. All reasonable attempts to recover the monies have not succeeded and further recovery is not considered cost effective.

### Background

Details of the debt proposed for write off are as follows:

<b>Date (oldest inv.)</b>	<b>Sundry Debtor</b>	<b>Amount</b>	<b>Reason</b>
11/09/2008	Civil Infrastructure	\$900.00	<p>Tip Fees. Civil Infrastructure have gone into liquidation</p> <p>We have been advised by the Liquidator (K. Strickland) that:</p> <ol style="list-style-type: none"> <li>1. Unsecured Creditors (Shire of Waroona) are unlikely to receive a return from the liquidation.</li> <li>2. A dividend will not be available for ordinary unsecured creditors unless further preference claims are successfully pursued.</li> </ol> <p>It is quite clear that further action on this debt would only cost more and take up valuable council resources in the process.</p> <p>There would be no guarantee that any monies would be retrieved by Council on this debt.</p>

As bad debt write offs are an operational expense and the Council does not have a provision for doubtful debts, the expense should be allocated to Refuse Site Maintenance GL account 1772 Job C001.

### Statutory Implications

Section 6.12 (1) (c) Local Government Act allows a local government to write off any amount of money. Shire Policy 3.22 (“Write Off Minor Debts”) grants Delegated Authority to the Chief Executive Officer to approve debt write offs including rates on behalf of Council to a maximum of \$50.00. As the reported bad debt is in excess of \$50.00 it is required by Council to resolve to write the bad debts off by absolute majority.

### Officer's Comments

Although all reasonable steps had been taken in the collection of the above outstanding debts, processes are now place which seek to minimise the need for further write offs. These processes include the following:

- An application for credit form must be completed by any company or person seeking an account with the Shire of Waroona.
- A list of doubtful or bad debtors is sent to the tip on a regular basis. Any person or company on the list must pay in cash at the tip, or by credit card at the office prior to tipping.
- A list of all other debtors who have an account with the Shire of Waroona has also been sent to the tip. This list contains any conditions which may be relevant to that debtor, for example “a purchase order must be supplied prior to tipping” or “contact office re this debtor” etc, etc.
- Because sub-contractors were the major cause of previously shown bad debts they must now produce a purchase order prior to tipping.
- Following initial enquiries via a phone call from our Senior Finance Officer and a warning letter that legal action is imminent all outstanding debts are placed in the hands of our collection agency Austral Mercantile Collections.

### **COUNCIL RESOLUTION**

**OCM12/3/039**

**MOVED: Cr Wright**

**SECONDED: Cr Mason**

**That in accordance with section 6.12 of the Local Government Act 1995 the Council resolves to write of the following bad debt**

**Name: Civil Infrastructure**

**Number: DC85**

**Amount: \$900**

**Job/GL: C001**

**CARRIED BY ABSOLUTE MAJORITY 6/0**



<b>9.3.6 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN – JANUARY 1, 2011 TO DECEMBER 31, 2011</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – DCEO / Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – DCEO / Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 14 March 2012	File No: 193/1
Previous Reference:	N/A
Statutory/Policy Implications:	<i>The Compliance Audit Return is an annual requirement of the Local Government Audit Regulations 1996</i>
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

### Proposal

The Council is requested to adopt the Compliance Audit Return for the 12 month period 1 January 2011 to 31 December 2011.

### Background

The Compliance Audit is a self assessment tool that allows the Council to monitor how the organisation is functioning in relation to meeting a range of its statutory obligations under the Local Government Act 1995 and its regulations.

Recent amendments to the Financial Management regulations require the compliance return to be considered by the Finance and Audit committee prior to formal adoption by the Council.

### Officer's Comments

A copy of the Compliance Audit Return is included with the agenda.

No issues of non compliance were observed during preparation of the return.

### **COUNCIL RESOLUTION**

**OCM12/3/040**

**MOVED: Cr Mason**

**SECONDED: Cr Salerian**

**That the Compliance Audit Return for the Shire of Waroona for the period January 1, 2011 to December 31, 2011 be adopted.**

**CARRIED 6/0**



<b>9.3.7 AMENDMENT TO 2011/12 ADOPTED BUDGET – PEEL HARVEY CATCHMENT COUNCIL GRANT, ESL CAPITAL GRANT</b>	
Reporting Officer / Officer's Interest:	Tamara Olsson – Manager Financial Services / Nil.
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A.
Date of Report: 23 March 2012	File No.: 1/7
Previous Reference:	N.A.
Statutory/Policy Implications:	Local Government Act 1965
Strategic Implications:	N.A.
Financial Implications:	2011/12 Budget
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### **PROPOSAL**

Council is requested to consider an amendment to the 2011/12 adopted budget in order to accept additional funding from Peel Harvey Catchment Council and FESA and also the associated expenditure for the PHCC funding.

### **BACKGROUND**

Peel Harvey Catchment Council has provided the opportunity for Council to receive a contribution of \$15,000 "Monitoring Funding" towards the Local Government Stormwater and Drainage Strategies. The purpose for the funding being to contribute towards the protection and enhancement of water quality within the Peel Harvey Catchment through increasing the Shire's capacity to prepare Stormwater and Drainage Strategies.

An application was made in April 2011 for funding by ESL of \$21,500 towards the improvement of facilities at the Preston Beach Fire Shed. At the time of 2011/12 Budget adoption officers were not advised whether FESA had approved the ESL Capital Grant application. FESA has advised that the application has now been approved

### **OFFICER'S COMMENTS**

Associated expenditure of the ESL Capital Grant is already budgeted for under account 0764.

**COUNCIL RESOLUTION**

**OCM12/3/041**

**MOVED: Cr Wright**

**SECONDED: Cr Mason**

**That the 2011/2012 adopted budget be amended as follows:**

- **Increase income of Account 0693 from \$1,500 to \$23,000 to reflect FESA ESL contribution towards Preston Beach Fire Shed.**
- **Authorise unbudgeted expenditure of \$15,000 from Account 2032 towards (a) \$10,000 towards the Local Government Stormwater Strategy Officer and (b) \$5,000 seed funding towards attracting grant funding for a future Waroona project.**
- **Authorise unbudgeted income of \$15,000 from grants to Account 2033 to reflect Peel Harvey Catchment Council contribution towards Urban Stormwater Drainage.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

**9.4 CHIEF EXECUTIVE OFFICER**

<b>9.4.1 COUNCIL DELEGATE – QUAMBIE PARK BOARD</b>	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Date of Report: 16.03.2012	File No: 35/1 & 158/1
Previous Reference:	11/10/115 (October 2011 Council meeting)
Statutory/Policy Implications:	Appointment under Local Government Act 1995
Strategic Implications:	N/A
Financial Implications:	N/A
<b>Voting Requirements</b>	<b>Absolute Majority</b>

**PROPOSAL**

To approve an alternate Councillor appointment to the Waroona Quambie Park Board.

**BACKGROUND**

Council appointed Cr Scott as its representative on the Quambie Park Board 2011-2013 in October 2011. Cr Scott has since advised that he is unable to remain as the representative to this group due to time commitments and has requested a replacement Councillor be sought.

**COUNCIL RESOLUTION****OCM12/3/042****MOVED: Cr Scott****SECONDED: Cr Wright**

**That Cr Witney be appointed to the Waroona Quambie Park Board.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

**11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING**

**11.1 Purchase of ATV for Ranger Services and Preston Beach Volunteer Rangers**

Cr Dew submitted the following notice of motion for consideration at the April Ordinary Council meeting.

<p><b><u>COUNCIL RESOLUTION</u></b> <b>OCM12/3/043</b> <b>MOVED: Cr Scott</b> <b>SECONDED: Cr Wright</b></p> <p><b>That the Council investigate the purchase price and suitability of purchasing an all terrain vehicle for Ranger services and the Preston Beach Volunteer Rangers and that a report be prepared for the April 2012 Council meeting for consideration.</b></p> <p style="text-align: right;"><b>CARRIED 6/0</b></p>
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**12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION**

**12.1 ELECTED MEMBERS**

Nil.

**12.2 OFFICERS**

Nil.

There being no further business the Chairperson closed the meeting the time being 6.04 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 24 APRIL 2012 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER  
.....  
DATE

