



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**TUESDAY 23 JULY 2013**

**(Held at the Shire of Waroona 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, in particular the new Town Planner, Lucy Shell.

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

Cr Noel Dew	Shire President
Cr Christine Germain	Councillor
Cr Craig Wright	Councillor
Cr Lina Look	Councillor
Cr John Mason	Councillor
Cr John Salerian	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO / Director Corporate Services
Mr Louis Fouché	Director Planning Services
Mr Steve Cleaver	Director Community Services
Mr Andrew Bruce	Director Technical Services
Mr Jason Robertson	Manager Environmental Health & Building Services
Mrs Sian Gair	Community Development Officer
Miss Lucy Shell	Town Planner
Mrs Sue Cicolari	Executive Support Officer

**APOLOGIES**

There was 1 member of the public present at the commencement of the meeting.

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Larry Scott	Deputy Shire President
Cr Trish Whitney	Councillor

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

Nil.

**4.1 PUBLIC QUESTION TIME**

Nil.

**4.2 PUBLIC STATEMENTS**

Mr Richard Butler of PO Box 356, Waroona, made the following statement relating to Agenda Item 9.3.1 – Proposed Subdivision – Lot 51 Elliott Street, Waroona.

*“In reference to the seven acres of land that I have applied to subdivide off my home block, which is at the east end of Elliott Street. I would like to bring to the attention of Council, this portion of land is situated among 14 other blocks all of which are 6 or 7 acres each. This block like some of the others is purely a live-on block, no fences and no livestock, to my knowledge the size of the blocks has not created any problems.”*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.



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

Cr Mason and Cr Wright both declared an interest affecting impartiality in Item 9.2.2 as they are members of the Waroona Golf Club.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 25 JUNE 2013**

**COUNCIL RESOLUTION**

**OCM13/7/063**

**MOVED: Cr Mason**

**SECONDED: Cr Look**

**That the Minutes of the Ordinary Council Meeting held 25 June 2013 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**

Nil.

## 9.2 DIRECTOR COMMUNITY SERVICES

<b>9.2.1 PEEL MOSQUITO MANAGEMENT GROUP – MEMORANDUM OF UNDERSTANDING</b>	
Reporting Officer / Officer's Interest:	Jason Robertson – Manager Health & Building Services
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community Services
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 8 <sup>th</sup> July 2013	File No.: 77/15
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	In Document
Financial Implications:	In Document
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	HR requirements will be provided by current staff.
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b>	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input checked="" type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input checked="" type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

### **PROPOSAL**

Council is requested to agree to enter into a reviewed Peel Mosquito Management Group Memorandum of Understanding see attached at **APPENDIX 9.2.1**.

The Peel Mosquito Management Group has been requested by the Department of Health to review its partnering agreement as part of a review of the overall Contiguous Local Authority Group Scheme that operates across the state. The scheme allows local governments to receive funding from the Department of Health for mosquito management.

The Memorandum of Understanding takes the opportunity to formalise improved training and cross local government boundary staff cohesion within the Peel Region which were identified as areas that could be improved within the peer review undertaken by Mike Muller in May 2011.

### **BACKGROUND**

This partnership allows funding through the Department of Health's Contiguous Local Authority Group Scheme and given the ability of mosquitoes to travel vast distances, a coordinated approach is essential to providing the best results possible in each local government. In addition, due to the large areas of salt marsh mosquito breeding habitat a helicopter is required to undertake treatments and the proper coordination of treatment timings is necessary.

The Department of Health have recently amended the Contiguous Local Authority Group funding model and through this review have requested Memorandum of Understandings be reviewed and signed as a way of encouraging some consistency



in the way the numerous CLAG groups across the state operate and allow more flexibility in the mosquito management approaches that can be funded.

With regard to the funding of the Peel Mosquito Management Group there are no major changes through this review process with regard to the allocation of assistance from the Department of Health.

The payment of 50% of larviciding costs and 100% of the helicopter hire for treatments remain the foundation of the support from the Department of Health with additional expert advice as required and access to funding for mosquito management activities beyond the provision of larviciding including public awareness campaigns.

The University of Western Australia Arbovirus Surveillance and Research Laboratory undertake fortnightly adult mosquito trapping runs during the season and on a monthly basis during June, July and August to allow an assessment of the numbers and species of mosquitoes at key sites. Most importantly the laboratory assesses the mosquitoes for the prevalence of diseases such as Ross River and Barmah Forest virus. This work is critical in providing an early warning against mosquito borne disease outbreaks.

### **FINANCIAL IMPLICATIONS**

\$1000 to be budgeted for the 2013/2014 financial year.

### **STATUTORY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

The Department of Local Government (DLG) in WA has regulated that all Integrated Planning & Reporting Frameworks (IP&RF) be compliant with the standards outlined in the DLG's IP&RF 'Advisory Standards' and "*all activities /services*" delivered by Council connect to the "*community's vision aspirations and objectives*" (p.4). Of the 6 objectives outlined in Waroona's *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number 2 "Protect Rural Land Use" and objective number 4 "Conserve Sensitive Environmental Assets".

### **COMMUNITY CONSULTATION**

No Community consultation is required.

### **OFFICER'S COMMENTS**

In May 2011 a peer review of the City's mosquito management program was undertaken by Mike Muller the Medical Entomologist from Brisbane City Council. It was noted during that peer review that the coordination of labour for the program and potential risks of a loss of breeding site specific knowledge for the local governments were items that should be addressed.

The reviewed Memorandum of Understanding allows a more cohesive approach to the surveillance of breeding sites across the region to identify breeding locations



and intensity of breeding in a range of different environmental scenarios that will assist in directing the helicopter in its larviciding treatments.

Having a number of officers with an understanding of breeding across the region allows consistent training and work procedures as detailed within the Memorandum of Understanding. This will assist in ensuring that there is a regional understanding of breeding sites as well as a greater spread of corporate knowledge relating to treatment techniques that will protect against staff changes. This is critically important given the unique mosquito breeding conditions that the Peel Region faces and the fact that treatments methods undertaken in the Peel Region are unique within Western Australia.

For the Shire of Waroona the most significant change is the removal of its contribution towards larvicide purchases, inclusive of the 10% Trust Fund.

The reasoning behind this stems from a review of last season's aerial treatment GPS files showed the suggested treatment area as opposed to the actual area receiving treatment was considerably overestimated.

For this reason the Shire has had its larvicide contribution removed, but the \$1000.00 administration contribution can be paid to ensure the Shire retains its membership.

It is to be noted should the treatments penetrate into Waroona boundaries and take in more area the arrangement can be reassessed as required. There is also the exemption to provide staff for operational purposes.

**COUNCIL RESOLUTION**

**OCM13/7/064**

**MOVED: Cr Wright**

**SECONDED: Cr Look**

**That Council agree to enter into the reviewed Peel Mosquito Management Group Memorandum of Understanding as attached at appendix 9.2.1.**

**CARRIED 6/0**



Cr Mason and Cr Wright declared an interest affecting impartiality in Item 9.2.2 as they are members of the Waroona Golf Club.

<b>9.2.2 WAROONA GOLF CLUB ROOF REPLACEMENT</b>	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services / Nil
Proponent:	Margaret Scott, President, Waroona Golf Club
Landowner:	Shire of Waroona
Date of Report: 15 July 2013	File No.: 66/1
Previous Reference:	OCM13/06/061, OCM13/06/050
Statutory/Policy Implications:	Council Policy 1.30 & 7.2
Strategic Implications:	
Financial Implications:	\$40,000-not included in budget or forward plans
Asset Mgt. & LCC Implications:	In document
Workforce Implications:	nil
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b>	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input checked="" type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

## **PROPOSAL**

To consider a request from the Waroona Golf Club (INC) for assistance of a roof replacement at the Waroona Golf Club clubrooms roof.

## **BACKGROUND**

A letter has been received from Mrs Margaret Scott, President, Waroona Golf Club requesting consideration for funding to replace the roof at the Waroona Golf Club clubhouse Hill Street Waroona. (**ATTACHMENT 9.2.2**). Mrs Scott advises that it is no longer sustainable for them to repair the roof and ceilings.

In 2005 Council engaged consultants to review this building and it was advised that the building was in a poor condition requiring \$57,000 of repairs which included roof replacement at that time. This figure would be significantly higher now. In 2006 the Golf Club signed a twenty year peppercorn lease of \$500 per annum that included a clause requiring the lessee to keep the clubhouse in good repair and condition.

In 2012 the clubhouse building had a replacement value of \$610,000 by the Shires valuers. The roof was rated as a category 7 meaning:

*An asset in poor overall condition. Deterioration would be quite severe and would be starting to limit the serviceability of the asset. Maintenance cost would be high.*

At the June 2013 Ordinary Council meeting, Council adopted its asset management plan for its buildings. Whilst the plan has been acknowledged an implementation strategy has not yet been costed or adopted. The plan notes the dilapidation of this building along with the degradation of many other buildings. Whilst Mrs Scott advises that the building is the Shire's asset it is only so due to the building being





built on Shire land. Generally buildings of this nature were built by Sporting clubs with the land being provided by the Shire. It is not legally possible to have a different building owner to the land owner.

Also at the June Ordinary Council meeting it was resolved to fund a letter mail out by a community steering group consisting of the Waroona Football Club, Waroona Bowling Club and Waroona Agricultural Society. The mail out was to investigate a feasibility study for a co-located Community Sporting building on the Town Oval reserve.

### **FINANCIAL IMPLICATIONS**

Consultants' estimates obtained in 2005 for roof and gutter replacement of the Waroona Golf club roof was approximately \$22,000. Current estimates would be in the vicinity of \$40,000.

### **STATUTORY IMPLICATIONS**

Councils Policy 7.3 adopted in 2004 supports the development of facilities that are multipurpose and cater for more the needs of many user groups and activities in the one facility.

### **STRATEGIC IMPLICATIONS**

This item contributes towards achieving objective number 3.

### **COMMUNITY CONSULTATION**

Nil.

### **OFFICER'S COMMENTS**

The Shire is not in a financial position to fund a roof replacement of the Waroona Golf Clubs clubhouse. The Waroona Bowling Club, Waroona Football Club, Preston Beach Golf Club all have had similar requests in the past that have been declined.

The 2006 lease also required the Golf Club to have a five year strategic plan. The plan was completed and indicated a \$30000 upgrade to the roof by the club funded from government grants and a low interest loan. However to date no grants have been sought or loans applied for.

It has been suggested to the Golf Club previously that they consider co-location at the Waroona Recreation and Aquatic Centre with the Basketball, Netball and other recreational groups however this was declined. It would be prudent to again remind the Waroona Golf Club of this policy. Further to this it is highly recommended that the Golf Club participate in the Community Steering groups' feasibility study for a co-located facility.

Council's community Development Officers are also available to assist the club in grant applications, however past meeting with the Department of Sport and Recreation with the club have revealed that it is unlikely that grant funding would be approved to sports with low participation numbers and holders of club liquor licences.



**COUNCIL RESOLUTION**

**OCM13/7/065**

**MOVED: Cr Germain**

**SECONDED: Cr Look**

1. That the request by the Waroona Golf Club (INC) for funding to reroof the Waroona Golf Club is declined as clause 2.4 of their lease requires the lessee to maintain the building.
2. That the Waroona Golf Club is requested to investigate co-location as per Council Policy and is encouraged to participate in investigations of a collocated community/sporting building on the town oval reserve by the community steering committee.

**CARRIED 6/0**

### 9.3 DIRECTOR PLANNING SERVICES

<b>9.3.1 PROPOSED SUBDIVISION – LOT 51 ELLIOTT STREET, WAROONA</b>	
Reporting Officer / Officer's Interest:	Greg Delahunty, Town Planner / Nil
Responsible Officer / Officer's Interest:	Louis Fouché, Director Planning Services / Nil
Proponent:	R.I.T. McEwan
Landowner:	Richard Hatton Butler
Date of Report: 9 July 2013	File No.: SD147586
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme; Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment; State Planning Policy 2.5 - Agricultural and Rural Land Use Planning; Development Control Policy 1.1 - Subdivision of Land General Principles; Development Control Policy 3.4 - Subdivision of Rural Land; Shire of Waroona Town Planning Scheme No. 7; and Shire of Waroona Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Officer time (budgeted).
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):</b>	
<input checked="" type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

### PROPOSAL

A Western Australian Planning Commission referral was received for an application to subdivide Lot 51 Elliott Street, Waroona. See site location plan at **APPENDIX 9.3.1A** and proposed plan of subdivision at **APPENDIX 9.3.1B**. The two (2) new lots proposed are identified as (Lot) 1 and 2.

This application proposes to divide the 10.2206 Ha parent lot into two smaller lots. Proposed Lot 1 is 7.48Ha in area and proposed Lot 2 is 2.7407Ha in area. The house, rainwater tank and outbuildings are to be retained on the proposed Lot 1.

A 10 metre wide battle axe access way is proposed to enable access, to proposed Lot 2, from Forrington Heights. Further to this there is also a 10m wide battle axe access way providing access from Forrington Heights to proposed lot 1.



## **BACKGROUND**

Lot 51 (10.2206 Ha) contains an abundance of mature native vegetation. The topography of the lot slopes from East to West.

Access to lot 51 (and proposed lot 1) is obtained from Elliott Street. There is an existing house, rainwater tank and two sheds on Lot 51.

Lot 51 is surrounded by a number of Rural Residential lots varying from 2.3 Ha to 3.82 Ha.

Lot 51 comprises part of an approved Subdivision Guide Plan adopted by Council on 26 April 1994. See SGP at **APPENDIX 9.3.1C**. There are three (3) tree planting areas approved within Lot 51.

### **Previous Approvals**

On 22 December 2005 Planning Consent was issued for an outbuilding (TP906)–.

– In December 2002 a 3 lot subdivision of Lot 44 Forrington Heights (now lot 51 Elliott Street.) was proposed (SD120916). Council recommended refusal of the application as the proposed subdivision contravened the approved Subdivision Guide Plan adopted on 26 April 1994. The WAPC refused the proposal as it was deemed to be inconsistent with WAPC DC Policy 3.4 Subdivision of Rural Land.

The applicant reduced the lot number to 2 and argued that Policy 3.4 was not applicable as the subdivision was concerned with rural residential land rather than rural land. Council and the WAPC supported the revised plan of subdivision and one new lot was created. (Lot 50 Forrington Heights).

## **FINANCIAL IMPLICATIONS**

Assessment of the application is accommodated in existing budgeted officer time.

## **STATUTORY IMPLICATIONS**

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

The subject lot is zoned Rural under the PRS. Clause 5 (b) of the PRS states that it is the purpose of the PRS to provide for the zoning of land for living, working and rural land uses.

Clause 12 (e) deals with the Rural zoning under the PRS;

“Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

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

The subject lot is located within the 'Rural 6 – Rural Residential' zone with a Rural Residential Code of R Res 3, under the Shire of Waroona Town Planning Scheme No. 7.

Clause 4.15 of the Scheme relates specifically to the 'Rural 6' zone, and the application for subdivision can be assessed using the relevant provisions of this clause.

Within the Rural 6 Zone Council's objective is to select and appropriately zone areas wherein subdivision and development of small holdings will be permitted to provide for such uses as rural-residential and hobby farms, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Council's objectives will therefore be to:

- Recommend that subdivision in the Rural Residential zone should comply with the provisions of Clause 4.15 and the requirements set out against the particular localities within the zone in Schedule 2 and further, to require development within the zone to comply with the same;
- Give due consideration to the Peel Regional Plan and the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment.

Clause 4.15.11 of the TPS states where an application is made for subdivision within the Rural Residential Zone, Council recommend to the Commission that the subdivider be required to enter into an agreement with Council to ensure that prospective purchasers of the lots created are advised of the special provisions of the Scheme which relate to the use, development and management of the land.

R Res 3 Code (i) states that it is Council objectives are to provide for Rural Residential subdivision and development in close proximity to Waroona Townsite and to encourage retention and re-establishment of native vegetation, stream protection and unobtrusive development in harmony with the environment consistent with the need for reasonable protection against bushfires).

R Res 3 Code (iii) states that Lots 41-49 on the subdivision and development guideline plan adopted by Council on 11th April 1994 (incorporating minor modifications to the preliminary plan adopted by Council on 8th September 1992) are included in this zone and that plan in its entirety was adopted.

R Res 3 Code (v) states that Council shall recommend that any subdivision within the area should be in accordance with the aforementioned subdivision guideline plans and Council may require development of lots to be in accordance with the subdivision and development guideline plan.

Clause 7.4.2.14.1 states that the local government may vary a structure plan:

- a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- b) Otherwise, in accordance with the procedures set out in clause 7.4.2.6 onwards.

## **STRATEGIC IMPLICATIONS**

### **Shire of Waroona Community Strategic Plan 2012**

Council's diligent assessment of subdivision application is an integral part of managing future growth within the Shire.

## **STRATEGIC PLANNING IMPLICATIONS**

### **WAPC Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment**

The objectives of this Policy are to:

- Improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey coastal plain catchment.
- Ensure that changes to land use within the catchment to the Peel-Harvey estuarine system are controlled so as to avoid and minimise environmental damage.
- Balance environmental protection with the economic viability of the primary sector.
- Increase high water-using vegetation cover within the Peel-Harvey coastal plain catchment.
- Reflect the environmental objectives in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.
- Prevent land uses likely to result in excessive nutrient export into the drainage system.

Section 5.4 of this policy states that the retention and rehabilitation of existing remnant vegetation is to be encouraged.

### **State Planning Policy 2.5 - Agricultural and Rural Land Use Planning**

This Policy applies to all rural land in Western Australia. The policy focuses on the identification and appropriate zoning of highly productive agricultural land throughout the state.

Section 5.3.1 dealing with general Scheme provisions for rural settlement states that land identified in the local planning strategy as being suitable for closer settlement in rural areas should be zoned "Rural-Residential" for a residential use in a rural environment.

In areas zoned "Rural-Residential" town planning scheme provisions should provide for—

- a) the requirement for a subdivisional guide plan;
- b) the identification of clearing, land management controls and environmental repair requirements including the retention of areas of remnant vegetation or regeneration of degraded areas;

In areas zoned "Rural-Residential" the following town planning scheme provisions should apply in addition to those listed in 5.3.1

- (a) The lot size should range from 1 ha to 4 ha depending on local conditions.



### Development Control Policy 1.1 - Subdivision of Land - General Principles

This Policy sets out the general principles used by the WAPC in determining applications for the subdivision of land. The objectives of this Policy are:

- To ensure that the subdivision of land is consistent with Statement of Planning Policy No. 1 State Planning Framework (SPP No. 1) and relevant WAPC policies and plans.
- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- 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.
- To facilitate development which achieves appropriate community standards of health, safety and amenity.
- To ensure constructed vehicle access from the gazetted public road system to each new lot.
- To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.
- To secure public utility services to each new lot appropriate for intended use of the lot.

### Development Control Policy 3.4 - Subdivision of Rural Land

This policy sets out the principles which will be used by the WAPC in determining applications for the subdivision of rural land.

It is WAPC policy that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural smallholdings) and more intensive agricultural uses should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

When approving lots for rural-residential development (1-4 ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical or reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply.

### Local Planning Strategy (LPS) 2009

The subject land is located within the Scarp and Darling Range Precinct under the LPS and identified as Rural Residential. The objective of the Rural Residential classification is to provide areas that will offer lifestyle blocks in close proximity to the Waroona Town Site, with good amenity and in locations where environmental impacts can be minimised.

A minimum lot size of 4 hectares is specified for the Rural Residential zone.



## **COMMUNITY CONSULTATION**

As the Shire only provides comment to the WAPC on subdivision applications, community consultation is not required.

## **INTERNAL REFERRALS**

The Director Technical Services stated that should the proposal be recommended for approval a condition relating to engineering drawings and specifications to be submitted, be applied. Further to this a condition requiring the construction of a drained crossover was also recommended.

The Environmental Health Officer / Building Surveyor stated that, as the proposed lots are larger than 2,000m<sup>2</sup>, there are no implications relating to the usage of septic tanks on the lots.

## **OFFICER'S COMMENTS**

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

Schedule II of the TPS specifically specifies that Subdivision must be in accordance with the approved SGP. As the proposed subdivision is not in accordance with the approved SGP, a variation to the SGP is required. Clause 7.4.2.14.1 of the TPS gives the ability to do this however the application does not seek this variation at this stage. It is therefore considered that the proposed subdivision is not consistent with the provisions of the TPS.

### Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment

The proposed boundary between the two new lots will traverse the approved tree planting areas. The potential clearing of vegetation along the proposed boundary / fence line, contravenes section 5.4 of this policy.

### State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

With regards to the appropriateness of this proposal within the rural context and setting, it is noted that the proposal:

- Is non-compliant with the approved SGP;
- Is non-compliant with the LPS; and
- Will potentially result in clearing of vegetation.

### Development Control Policy 1.1 - Subdivision of Land - General Principles

The proposal is inconsistent with this policy in the following way:

- This application disregards the relevant local town planning scheme (*See TPS section in Officer Comments*).



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### Development Control Policy 3.4 - Subdivision of Rural Land

The proposal is inconsistent with this policy as the subdivision is not consistent with the LPS. Policy 3.4 states that subdivision of Rural Land should be properly planned through the preparation of regional and local planning strategies, as has occurred within the Shire. The fact that the proposal does not comply with Council's LPS results in non-compliance with DC Policy 3.4.

### Local Planning Strategy (LPS) 2009

Proposed lot 2, 2.7407 Ha, falls below the minimum lot size of 4 Ha required in the LPS. Although it is noted that there are other lots of 2 Ha in the locality, these lots were created prior to the adoption of the LPS in 2009.

### Conclusion

The proposed subdivision is inconsistent with the approved SGP and Schedule II RRes 3 provision (v) in the TPS. Further to this, the proposed lot 2 falls below the minimum lot area outlined in Council's LPS. For these reasons and those detailed in the report above, it is recommended that Council recommends refusal of the application to the WAPC for the reasons outlined below.

**COUNCIL RESOLUTION****OCM13/7/066****MOVED: Cr Dew****SECONDED: Cr Germain**

That Council, in respect to application SD148122 for the subdivision of Lot 51 Elliott Street, Waroona, respond to the Western Australian Planning Commission recommending refusal of the application, for the following reasons:

**Condition:**

1. The proposed subdivision is inconsistent with the approved Subdivision Guide Plan adopted by Council on 26 April 1994 and with Schedule II, R Res 3 provision (v) in the Shire of Waroona Town Planning Scheme No. 7 1996.
2. Proposed Lot 2 falls below the minimum lot area of 4 Hectares required in Council's Local Planning Strategy.
3. Council is concerned with the potential loss of vegetation along the new boundary between the two proposed lots.

**MOTION LOST 2/4**

For the Motion: Cr's Dew &amp; Germain

Against the Motion: Cr's Salerian, Mason, Wright &amp; Look

**COUNCIL RESOLUTION****OCM13/7/067****MOVED: Cr Mason****SECONDED: Cr Wright**

That item 9.3.1 – Proposed Subdivision Lot 51 Elliott Street, Waroona, lie on the table for further consideration at the Ordinary Council meeting to be held on 27 August 2013.

**CARRIED 6/0**

<b>9.3.2 FINAL ADOPTION OF AMENDMENT NO. 31 – REZONING OF LOT 10 (NO. 114) INVARELL ROAD, WAROONA FROM ‘RURAL – DARLING RANGE’ TO ‘RURAL 8 – HILLS LANDSCAPE PROTECTION’</b>	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Algeri Planning and Appeals
Landowner:	Gregory Richard McDonald
Date of Report: 12 July 2013	File No.: TPS7A31
Previous Reference:	Nil
Statutory/Policy Implications:	Planning and Development Act 2005 Town Planning Regulations 1967 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 State Planning Policy 2.5 - Agricultural and Rural Land Use Planning Local Planning Strategy 2009 Local Planning Policy 27 – Waroona East Hills Development
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Amendment fees as per Regulations & Fees & Charges Schedule.
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	HR requirements provided by current staff.
<b>Voting Requirements</b>	<b>Absolute Majority</b>
LINKED TO STRATEGIC OBJECTIVE NUMBER ( <i>Strategic Community Plan-SCP</i> ):	
<input checked="" type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input checked="" type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input checked="" type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

## **PROPOSAL**

The proposal seeks the final adoption Town Planning Scheme No.7 Amendment 31 (A31). A31 involves the creation of a ‘Rural 8 – Hills Landscape Protection’ zone and the rezoning of Lot 10 (No. 114) Invarell Road, Waroona from ‘Rural – Darling Range’ to ‘Rural 8 – Hills Landscape Protection’ under the Shire of Waroona Town Planning Scheme No.7 (TPS7). See site location plan at **APPENDIX 9.3.2A**.

The new zoning carries with it a number of considerations and development and/or subdivision standards that will regulate how the land is utilised.

Find amending documents at **APPENDIX 9.3.2B**.

## **BACKGROUND**

The subject site is located on Invarell Road, Waroona at the edge of the Darling Escarpment, approximately 4km east of the town of Waroona. Access to the subject land is mainly via Scarp Road, which connects to Invarell Road.



Lot 10 is 113.3556 ha and is largely cleared of natural vegetation. The lot is dissected by two creeks running across the land from east to west. Natural vegetation exists along the two creeks on the property as well as in clusters in varying locations across the subject lot.

### **Previous Council Resolutions**

At its Ordinary Meeting held 25 October 2011 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.*

At its Ordinary Meeting held 27 March 2012 Council resolved to:

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

### **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 Regulations 1967

Regulation 15 requires the Local Government to advertise the Scheme.

Regulation 17 (1) states that the responsible authority shall, within 6 months of the expiry of the period specified under regulation 15(5) for making submissions, consider all submissions to the Scheme and in respect of each submission shall consider whether the Scheme should be modified accordingly or whether that submission should be rejected.

Regulation 17 (2) states that after considering the submissions made within the period specified the responsible authority shall pass a resolution either —

- (a) that the Scheme be adopted with or without modification; or
- (b) that it does not wish to proceed with the Scheme.

#### Peel Region Scheme 2003

The subject area is zoned Rural under the Peel Region Scheme.

Clause 12 (e) deals with the Rural zoning under the Scheme;

“Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments”.

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

The subject land is currently zoned Rural 5 Darling Range under TPS7.

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 9.3.2B**



## **STRATEGIC IMPLICATIONS**

### **Shire of Waroona Community Strategic Plan 2012**

The Shire of Waroona includes spectacular natural features, fertile agricultural lands, heritage interests and some strong economic partners. Its community is proud of the diversity it provides and wants to ensure that growth occurs, but that it occurs at a pace that ensures the attractions of the Shire of Waroona are safeguarded.

## **STRATEGIC PLANNING IMPLICATIONS**

### **State Planning Policy 2.5 - Agricultural and Rural Land Use Planning**

This Policy applies to all rural land in Western Australia. The policy focuses on the identification and appropriate zoning of highly productive agricultural land throughout the state.

The policy requires Local Governments to develop Local Planning Strategies that will be used as a basis for appropriately zoned rural land.

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

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

A minimum lot size of 10 hectares is specified in the strategy.

### **Planning Policy 27 - Waroona East Hills Development**

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. For this reason the Hills Landscape Protection Policy was prepared by the Shire of Waroona in co-ordination with the Department of Planning.

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 ensures 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.

*Although its initiation preempted the formulation of LPP 27, A31 is considered to be consistent with the objectives of LPP 27.*



## **CONSULTATION**

Pursuant to regulation 15 of the Town Planning Regulations 1967 the amendment was publicly advertised. A notice was placed in the Harvey-Waroona Reporter (15 May 2012) and letters were sent to Government agencies and surrounding landowners. Within the allocated advertisement period no public submissions were received. Comments were received from six (6) Government / Referral Agencies. See summary of comments in External Referral section below as well as the Schedule of Submissions at **APPENDIX 9.3.2C**.

## **OFFICER'S COMMENTS**

### **External Referral**

#### **Department of Water (DoW)**

The DoW offered advice relating specifically to water quality protection, management of surface water, groundwater abstraction and effluent disposal. Where relevant this information was included in the new TPS provisions.

#### **Department of Fire and Emergency Services (DFES)**

After a period of ongoing consultation DFES raised no objection to the proposal subject to the proponent implementing the endorsed Fire Management Plan (FMP). This requirement is reflected in the new TPS provisions.

#### **Department of Environment and Conservation (DEC)**

DEC offered advice relating specifically to protection of the adjacent state forests and the native vegetation on site. This information has been included in the TPS provisions.

#### **Environmental Protection Authority (EPA)**

The EPA offered advice relating specifically to protection of native vegetation and watercourses on site. This information has been included in the TPS provisions.

#### **Department of Indigenous Affairs (DOIA)**

DOIA advised that there are no Aboriginal heritage places on the DOIA database within the proposed rezoning area.

#### **Water Corporation (WC)**

WC advised that the amendment does not present any impacts to the Corporation's water or wastewater service infrastructure and therefore it has no objection to the application.

## **Modifications**

The TPS text was modified in order to reflect the information provided by the referral agencies. The inclusion of this information, while necessary, does not alter the intent of the amendment.



## Locality

The areas in which the subject land is located is characterised by traditional farming, Rural-Residential development and preserved areas of forest and bush vegetation. The subject land is located on the Darling Scarp. The landscape is categorized by a mix of forest and cleared land and is largely undulating and dissected by a number of streams and creeks.

The landscape values of the wider locality are considered to be high. There is no evidence of any flooding or inundation largely due to the landscape's undulating nature. There are areas of steep incline that slope to form the various creeks and streams

## Fire Management

The Local Planning Strategy outlines that:

*'Proponents must demonstrate that acceptable protection can be offered to future residents from bushfire hazard. Development applications and/or subdivision to be accompanied by a fire management plan prepared to the satisfaction of the Fire and Emergency Services Authority and the Shire'*

A specific clause, 4.17.7, has been inserted into the TPS to deal specifically with bush fire protection. This clause will ensure Councils ability to enforce adequate bush fire protection measures on all new lots to be included within the Rural 8 zone are.

A FMP, prepared by FirePlan WA, has been endorsed by DFES. This plan illustrates that fire risk associated with the terrain of the subject land, whilst considered extreme in some locations, can be safely managed with future subdivision of the land.

The important features of the FMP are summarized as follows:

- The developer shall provide 50,000 litres of water for fire fighting purposes located within a road reserve within the site which has a downhill outlet to enable a flow rate between 450-600 litres/minute. Individual 10,000 litre tanks shall be provided at each lot for domestic fire fighting purposes.
- There is a low risk that fires may start within or adjoining areas of the proposed development. The subject land being mostly cleared significantly reduces fire risk as the only (major) source of bush fire fuel is annual grass growth.
- Bush fire protection of dwelling could be achieved through the provision of Hazard Separation Zones.

## Access

Lot 10 currently only has gazetted road access from Prince Road. Further to this the landowners utilise an informal existing road through a small section of State Forest to access the homestead on the property. This section of road is currently in the process of being formalised and dedicated for official use as access to the subject land. Only having one point of access and egress would be seen as a fatal flaw for





any subdivision application on site however provision 4.17.3 of the new TPS text requires the preparation of a structure plan prior to subdivision within the new Zone. The preparation of this structure plan will ensure that any access issues are resolved prior to subdivision.

### **Dwelling and Outbuildings**

Satisfactory provisions have been included to ensure that all future development within the Rural 8 Zone is to be of a sufficiently high standard that will complement and blend with the environment of the area.

### **Lot Areas**

As noted the Local Planning Strategy specifies a minimum lot size of 10 hectares for the subject lot. The proposed minimum 10ha lot size is considered appropriate given the context of the subject land. The 10ha lot size 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.

The minimum lot size has been reflected in the TPS provisions.

### **Drainage**

Two brooks traverse the subject land running from east-to-west. The land slopes downwards towards these two brooks feeding all surface runoff into the two tributaries. The larger of the two brooks, Drakes Brook flows from Waroona Dam (east of the subject land) to Lake Moyanup (west of the subject land). The smaller of the two brooks flows east-to west across the subject land, draining water from the slopes on the northern portion of the subject land. This brook eventually connects with Drakes Brook on the adjacent property to the west of the subject land.

The subject land remains void of any flooding or inundation due to its undulating landscape. The proposed amendment and any subsequent subdivision are unlikely to have any impact on the drainage and hydrology of the subject land.

Clause 4.17.12 has been inserted into the TPS in order to ensure that drainage is in accordance with Council wishes.

### **Schedule**

A site specific schedule has been included to supplement the new zone. This schedule, dealing with site specific requirements, will be added to in time as more lots in the area are rezoned to Rural 8.

### **Conclusion**

Council's LPS outlines a zoning of "Rural – Hills Landscape Protection" for the subject land. The proposed amendment effectively pre-empts any local planning Scheme review or consolidation by the Shire to modify the existing TPS7 to reflect the zones recommended under the LPS.

As a result of the modifications to the TPS text, informed by the Referral Agency comments made on the amendment, there will be no negative impact on proper and orderly planning should the proposed amendment be gazetted. The Shire has outlined its intended planning direction for the subject land in the LPS and this proposal reflects this direction.

Council's long term land use strategies support the use of the land for this on the provision that environmental matters are fully explored.

It is therefore recommended that Council adopts this amendment to Town Planning Scheme No. 7.

**COUNCIL RESOLUTION**

**OCM13/7/068**

**MOVED: Cr Mason**

**SECONDED: Cr Wright**

**That Council (in accordance with regulation 17 (2) of the Town Planning Regulations 1967) resolves to:**

- 1. Adopt for final approval, with modifications, Amendment 31 to the Shire of Waroona Town Planning Scheme No. 7 1996 to create a new zone, Rural 8 – Hills Landscape Protection, and rezone Lot 10 Invarell Road, Waroona from 'Rural 5 – Darling Range' to 'Rural 8 – Hills Landscape Protection' as per Appendix 9.3.2B.**
- 2. Authorise the Shire President and Chief Executive Officer to sign and seal the Amendment documentation; and**
- 3. Forward the signed copies of the documentation to the Western Australian Planning Commission seeking final approval of the Minister for Planning; Culture and the Arts.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

**9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.4.1 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: 15/07/2013	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
<b>Voting Requirements</b>	<b>Simple Majority</b>
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

**APPENDIX 9.4.1**

<b><u>COUNCIL RESOLUTION</u></b>		
<b>OCM13/7/069</b>		
<b>MOVED: Cr Wright</b>		
<b>SECONDED: Cr Germain</b>		
<b>That Vouchers numbered:</b>		
<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
Municipal	Cheques 7354 - 7400	\$673,004.77
Trust (Cheque/EFTs)	EFT 16429 & 16487	\$1,496.75
	Chq's 11016	
Electronic Transfers Municipal Fund	EFT 16430 - 16648	\$783,589.27
Direct Wages	01/06/2013 – 30/06/2013 inclusive	\$159,659.40
<b>GRAND TOTAL:</b>		<b><u>\$1,617,750.19</u></b>
<b>and attached at Appendix 9.4.1 be endorsed.</b>		
<b>CARRIED 6/0</b>		



<b>9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2012 TO 30 JUNE 2013</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – 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: 20/05/2013	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
<b>Voting Requirements</b>	<b>Simple Majority</b>
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

**APPENDIX 9.4.2****COUNCIL RESOLUTION****OCM13/7/070****MOVED: Cr Wright****SECONDED: Cr Look**

**That the Monthly Statements of Financial Activity for the period 1 July 2012 to 30 June 2013 at Appendix 9.4.2 be received and noted.**

**CARRIED 6/0**

<b>9.4.3 PROPOSED AMENDMENT TO EXISTING POLICY 3.25 NOTICES OF DISCONTINUANCE</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Deputy CEO / Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO / Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 17 July 2013	File No.: 111/1
Previous Reference:	OCM11/11/143
Statutory/Policy Implications:	
Strategic Implications:	
Financial Implications:	See below.
Asset Mgt. & LCC Implications:	Nil.
Workforce Implications:	Nil.
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b>	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input checked="" type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

### **PROPOSAL**

The Council is requested to consider an amendment to Council Policy 3.25 Debt Recovery – Notices of Discontinuance which would remove the “blanket” no issue and allow discretion subject to certain conditions.

### **BACKGROUND**

A copy of the existing policy is attached at **APPENDIX 9.4.3** for information.

The matter has arisen as a result of several enquiries whereby debts have been cleared in full by the ratepayer have remained encumbered for several years (up to 5).

In several cases the ratepayer has continued to be penalised even though they may have made full clearance of the debt. There is no doubt that the intent of the policy is effective against regular non-payers, however, is too great a penalty for one-off non-payers.

### **FINANCIAL IMPLICATIONS**

These matters are assessed on day to day basis by rates staff. Debt recovery action by external parties is recoverable from the ratepayer.

In the case of the issue of a “Notice of Discontinuance” the Council is charged a fee (currently \$80) by the Councils nominated debt collector.

This fee would be required from the debtor before the Council proceeded with the issuing of the notice.



## **STATUTORY IMPLICATIONS**

Nil.

## **STRATEGIC IMPLICATIONS**

The policy is an administrative guide and therefore has no impact on the Council's Community Strategic Plan or Corporate Business Plan.

## **COMMUNITY CONSULTATION**

No community consultation is required with this report, however, seven neighbouring Councils were sourced for comparative information.

## **OFFICER'S COMMENTS**

Details of a suitable replacement policy is detailed as follows:

### **Policy No. 3.25 – Debt Recovery – Notices of Discontinuance**

Policy Intention – to establish a policy to determine the correct practice of issuing “Notices of Discontinuance” as a result of issue of claim in the debt recovery process.

### **Background**

As part of the debt recovery process, debtors who have been referred to the debt collector for issue of claim (summons), will, as a result, receive a bad debt against their name with VEDA Advantage. This affects the debtors lending capabilities for five years from issue of claim. A notice of discontinuance will result in the debtor's debt being cleared completely and wipes any record of their bad debt with the Shire of Waroona on their VEDA Advantage record.

### **Proposed Policy**

That the Chief Executive Officer (CEO) be authorised to issue the “Notice of Discontinuance” (NOD) for debtors who have been served with such a notice and have made application for a reassessment. The following factors shall be taking into account:

- All outstanding amounts having been paid at the time of consideration of the NOD in relation to a debt and no other outstanding debts are owed to the Shire of Waroona, including debts on rate assessments.
- The payment by the debtor of any fees associated with the issue of a NOD, including the notice lodgement fee as appropriate at the time of consideration of the NOD.

**COUNCIL RESOLUTION****OCM13/7/071****MOVED: Cr Germain****SECONDED: Cr Mason**

**That Council Policy No. 3.25 – Debt Recovery – Notice of Discontinuance be rescinded and replaced with new policy 3.25 as follows:**

**Policy No. 3.25 – Debt Recovery – Notices of Discontinuance**

**Policy Intention – to establish a policy to determine the correct practice of issuing “Notices of Discontinuance” as a result of issue of claim in the debt recovery process.**

**Policy**

**That the Chief Executive Officer (CEO) be authorised to issue the “Notice of Discontinuance” (NOD) for debtors who have been served with such a notice and have made application for a reassessment. The following factors shall be taking into account before issuing the NOD:**

- **All outstanding amounts having been paid at the time of consideration of the NOD in relation to a debt and no other outstanding debts are owed to the Shire of Waroona, including debts on rate assessments.**
- **The payment by the debtor of any fees associated with the issue of a NOD, including the notice lodgement fee as appropriate at the time of consideration of the NOD.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

Mr Tilbrook left the meeting, the time being 4.38 pm.

**9.5 CHIEF EXECUTIVE OFFICER**

<b>9.5.1 COUNCIL POLICY 2.1- SUPERANNUATION</b>	
Responsible Officer / Officer's Interest	Ian Curley Chief Executive Officer / Nil
Date of Report: 17.07.2013	File No.: 111/1
Previous Reference:	OCM12/10/123
Statutory/Policy Implications:	Revision of current policy
Strategic Implications:	N/A
Financial Implications:	Nil change to budget
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
<b>Voting Requirements</b>	<b>Absolute Majority</b>
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input checked="" type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

**PROPOSAL**

To review Council Policy 2.1 Superannuation – Local Government Full Member Scheme in view of the proposed increase to the Superannuation Guarantee from 9% to 12%.

**BACKGROUND**

The Federal Government has foreshadowed that the Superannuation Guarantee, which has been held at 9% for many years, will increase over the next 7 years to 12%. This is the amount of superannuation employers are required to contribute to employee.

As of 1 July 2013 the Superannuation Guarantee rose from 9.00% to 9.25%.

Council's superannuation policy provided for Council to pay a contribution in excess of the Superannuation Guarantee on a \$ for \$ basis up to 6% ie. the Council would match the employee's contribution up to 6%. This meant that the maximum amount of superannuation an employee could receive from the Council was 15% (16% after 10 years' service). A majority of staff do not take advantage of this policy and are currently only been paid the statutory 9%.

The policy, as written, would ultimately increase the 15% to 18% (19% after 10 years' service) by 2019/2020, however, it is unclear whether the policy was originally drafted on this premise or intended to only provide a contribution up to 15% (16% over 10 years' service). I believe that the later would have been the original intent and recommend that Policy 2.1 be amended to reflect that position.



**COUNCIL RESOLUTION****OCM13/7/072****MOVED: Cr Germain****SECONDED: Cr Look**

**That Council Policy 2.1 (resolution date 22.06.2001) be rescinded and replaced with the following:**

**Policy No 2.1 Superannuation (Non Compulsory) Local Government Full Member Scheme**

**Employees may join this voluntary scheme under the prevailing terms and conditions of the Local Government Superannuation Act.**

**Council's contribution rate to the Local Government Full Member Superannuation Scheme, over and above the Superannuation Guarantee amount, shall be on the basis of 1:1. Council's contribution will be capped at the upper limit of 15%, inclusive of the Superannuation Guarantee amount.**

**After 10 years' service Council will contribute an additional 1% on the Council's basic contribution. The Council's additional 1% contribution shall commence at the beginning of the financial year in which the employee's 10<sup>th</sup> anniversary of commencement of employment with the Council occurs. No additional employee contribution is required to attract the additional 1%.**

**Through their individual contracts Executive Staff may negotiate Superannuation contributions by Council outside of this Policy.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

**10. CONFIDENTIAL REPORTS**

Nil.

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

Nil.

**12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION**

Nil.

**12.1 ELECTED MEMBERS**

Nil.

Miss Shell left the meeting, the time being 5.02 pm.

**12.2 OFFICERS**

Nil.

**13. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 5.11 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 27 AUGUST 2013 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE

