



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 26 JUNE 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 4.04 pm and welcomed Councillors and Staff present.

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

Cr Noel Dew	Shire President
Cr Larry Scott	Deputy Shire President
Cr John Salerian	Councillor
Cr Craig Wright	Councillor
Cr Trish Witney	Councillor
Cr John Mason	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy Chief Executive Officer
Mr Louis Fouché	Manager Planning Services
Mr Grayson Hindmarsh	Manager Environmental Health & Building Services
Mr Steve Cleaver	Director Community & Planning Services
Mrs Sue Cicolari	Executive Support Officer
Mrs Karen Oborn (until 4.16 pm)	Coordinator Corporate Planning
Ms Rana Murad	Planning Student

APOLOGIES

Cr Christine Germain Councillor

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Lina Look Councillor

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

Nil.

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Wright declared a financial interest in item 9.4.1 as a close associate of an employee of a landowner adjacent to the subject site.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 PRESENTATION – INTEGRATED PLANNING & REPORTING FRAMEWORK

Mrs Karen Oborn, Coordinator Corporate Planning gave a presentation on the current status of Council's Integrated Planning and Reporting Framework.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 22 MAY 2012

COUNCIL RESOLUTION

OCM12/06/069

MOVED: Cr Wright

SECONDED: Cr Mason

That the Minutes of the Ordinary Council Meeting held 22 May 2012 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

Mrs Oborn left the meeting the time being 4.16pm.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.

9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

9.2.1 PROPOSED TOWN PLANNING POLICY 26: HOLIDAY HOMES	
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: 13 June 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. Tourism Council WA Holiday Home Rental Best Practice Standards
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012 Strategy 5 - ENCOURAGE A DYNAMIC LOCAL ECONOMY.
Financial Implications:	Cost of advertising the policy (approximately \$1050) plus budgeted staff costs.
Voting Requirements:	Absolute majority.

PROPOSAL

Council is requested to adopt a new Local Planning Policy that will guide the development of holiday homes within the Shire of Waroona. **See Appendix 9.2.1A.**

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.
- e) To support the role of holiday homes as part of the tourism industry.

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'.

Previous Council Resolutions

At its Ordinary Meeting of 25 October 2011, Council resolved as follows:

“That Council resolves, with respect to the proposed Short Term Holiday Accommodation Policy, to endorse the development of a Draft Policy to be considered at a future Council meeting.”

At its Ordinary Meeting on 27 March 2012, Council resolved as follows:

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

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

FINANCIAL IMPLICATIONS

The total costs of advertising the policy in a local newspaper at draft (\$700.00) and adoption stages (\$350.00) is approximately \$1050.00. Staff cost in relation to the preparation of the policy has been budgeted.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Section 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:

Zone	Permissibility
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 Community Strategic Plan (2012)

An extract from the Strategic Plan states: Our community would like the Shire to:

Encourage a thriving, dynamic economy:

- Acknowledge the importance of the growth of local industries;
- Seek appropriate resources to assist with economic and tourism planning and development
- Encourage niche businesses related to the Shire of Waroona's strengths.

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.

Tourism Council WA Holiday Home Rental Best Practice Standards

The Tourism Council WA has devised best practice standards for Holiday Home Rentals.

These best practice standards are based around three (3) key requirements.

- Management
- Fire and Emergency Response Plans



- Property checklist (details all relevant property information for the tenants information)

Holiday Homes seeking tourism accreditation must complete the required sections of the Australian Tourism Accreditation Program in addition to the Holiday Home Rental Best Practice Standards.

Local Planning Strategy

The LPS recognises 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 the Draft Planning Policy was advertised for two consecutive weeks (8 and 15 May 2012) in a local newspaper (Harvey-Waroona Reporter), allowing a minimum of 21 days for submissions. In terms of Clause 2.4.1 of the TPS Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

Two (2) submissions were received during the advertising period. See Schedule of Submissions at **APPENDIX 9.2.1B**.

Internal Referrals

The draft policy was referred to internal departments during its formulation. Advice was received from Building Services regarding the policy in relation to the Building Code of Australia. Advice was received regarding the requirement for hardwired smoke alarms in rental properties.

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 area comments were 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.

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.

Submissions

Two (2) submissions, both from operating holiday home management companies, were received on the draft policy. Neither submission objected to the policy but instead questioned specific aspects of the draft policy as well as offering input.

One key issue that arose during the advertising period was the requirement for an approved holiday home to have a sealed vehicle access/crossover to and from the site in cases where the road is sealed. Due to the opposition received from both submissions as well as the fact that this requirement is not deemed essential to the policy, it has been removed.

Another point raised by both submitters was the requirement of the policy to have a manager or management company accessible twenty four hours a day, seven days a week and located within one (1) hour response time of the property. The submitters questioned who may be appointed as a manager as well as the validity of this requirement taking into consideration the costs that may be incurred from appointing such a manager. It is considered that this requirement is necessary and the reasoning behind this requirement derives from the necessity to have a manager within close proximity to the holiday home who can deal with complaints and or emergencies. A landowner may appoint a responsible person in the role of caretaker / manager provided that the caretaker / manager reside within one hour of the approved holiday home. It is not considered necessary to clarify this in the policy.

The policy states that in considering a renewal Council will consider any complaints received. For this reason one submitter question how Council will deal with complaints ensuring fairness to everyone by preventing spurious and malicious reporting. As with any formal complaint received by Council, ones pertaining to holiday homes will be dealt with internally by the appropriated Shire department, most likely Planning/ Health / Building. Each complaint shall be investigated thoroughly and only when a complaint is verified will it be considered at the time of issuing a renewal.

Another issue raised was the policy requirement to provide fire extinguishers, fire blankets, an emergency evacuation plan as well as outside BBQ's to be gas or electric. Although this is a requirement under the Tourism Council WA's Holiday Home Rental Best Practice Standards, there is no legal requirement to include any of this information. For this reason it has been removed from the 'Approval Requirements' section of the policy and included as a recommendation. Further to this an advice note has been added making potential applicants aware of the legal requirement to have a hardwired smoke alarm installed in the home under the Building Regulations 2012.

One submitter noted that Councils specified approval period, one (1) year, is not consistent with the three (3) to five (5) approval period suggested in the State Planning Bulletin 99. It should be noted that the Planning Bulletin serves as a guidance document to Local Government and it is at Councils discretion to choose an appropriate approval period. Considering that holiday homes have the potential to result in a number of complaints the annual renewal gives Council an opportunity to monitor the situation closely should reoccurring complaints be made. This is also consistent with the renewal period for Home Based Businesses.

As a result of the submissions received the following changes were made to the draft policy.

- A new definition included that explains what a Holiday Home accreditation Agency is.
- A new objective included stating that the policy supports the role of the holiday home in the tourism industry.
- Sub clause 7.3.4, relating to the requirement of a sealed crossover, has been deleted.

- Sub clause 7.3.8 has been removed from the approval requirements clause and included as a recommendation in clause 7.4. An advice note has also been included under this section.
- Sub clause 7.3.9 has been renumbered as sub clause 7.3.8.
- Clauses 7.4-7.7 have been renumbered as 7.5-7.8

Conclusion

In conclusion the 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 amended policy on holiday homes.

COUNCIL RESOLUTION

OCM12/06/070

MOVED: Cr Witney

SECONDED: Cr Mason

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

- 1. Adopt the Holiday Homes Policy as set out in Appendix 9.2.1A.**
- 2. Publicly advertise the adopted Policy in accordance with the requirements of Clause 2.4.1 (c) of Town Planning Scheme No.7 of 1996.**

CARRIED BY ABSOLUTE MAJORITY 6/0

9.2.2 PRESTON BEACH TOWNSITE STRATEGY CONSULTANTS	
Reporting Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil.
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil.
Proponent:	Preston Beach Development Joint Venture Pty Ltd (PBJV).
Landowner:	Various
Date of Report: 13 July 2011	File No.: TPSP1
Previous Reference:	N.A.
Statutory/Policy Implications:	Local Government Act 1995 Planning and Development Act 2005 Planning and Development Regulations 2009 Financial Management Regulations 1996. Policy 3.3 Purchase of Budget Items.
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012 <ul style="list-style-type: none"> • Manage the Shire of Waroona's future growth. • Conserve sensitive environmental assets.
Financial Implications:	\$95,000.00 to be allocated from the 2012/2013 budget in both expenditure and revenue.
Voting Requirements	Absolute majority.

PROPOSAL

It is proposed to appoint an Environmental Consultant and extend the engagement of Council's Planning Consultant in order to review the environmental and town planning reports related to the Preston Beach Townsite Strategy and associated statutory processes.

Given that the Draft Townsite Strategy is expected to be lodged during July 2012 (prior to the 2012/2013 budget adoption) it is recommended that Council resolves to commit to the allocation of \$95,000.00 in expenditure and \$95,000 in revenue for the project in order to have the work proceed as soon as possible.

BACKGROUND

Quotations were sought from three environmental consultancies (Cardno, ENV. Australia and Strategen).

A quotation was also sought from town planning consultancy Taylor Burrell Barnett.

The developers are proposing to lodge the Townsite Strategy, Peel Region Scheme Amendment and local Planning Scheme amendment applications all during July 2012. The funding is required to enable the independent assessment of the three applications within expected timeframes.

COMMUNITY CONSULTATION

The representatives of the developer have been advised of the proposed costs to the project.



FINANCIAL IMPLICATIONS

Expenditure of \$95,000.00 is expected in the 2012/2013 financial year to cover the costs of town planning and environmental consultants. An equivalent \$95,000.00 is expected in revenue given that the developers are required to reimburse Council, by way of a levy, for this expenditure.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.2 stipulates the provisions for the preparation of an annual budget.

Section 4 (c) makes provision for fees and charges to be levied by Council.

Planning and Development Act 2005

Part 15, Division 2 of the Act makes provision for fees by Regulation.

Planning and Development Regulations 2009

Regulation 48 makes provision for fees for Structure Plans and Regulation 49 makes provision for additional costs and expenses payable by applicants (including costs associated with advertising, consultation and expert advice).

Financial Management Regulations 1996

The Financial Management Regulations 1996 prescribes the accounting practises to be followed by Local Government in relation to its budget.

STRATEGIC IMPLICATIONS

The project relate to the following strategies in the Shire of Waroona Strategic Community Plan 2012:

- Manage the Shire of Waroona's future growth.
- Conserve sensitive environmental assets.

POLICY IMPLICATIONS

Purchase of Budget Items Policy 3.3

For amounts between \$20,000 and \$49,999, at least two written quotations are required.

For amounts between \$50,000 and \$99,999, at least three written quotations are required or a local state wide public notice needs to be published.

The requirement to seek quotations does not apply to procuring professional services where the preferred professional in the opinion of the CEO, is competent to provide the services requested.

OFFICER COMMENTS

The quotation received from Taylor Burrell Barnett indicated a cost of \$62,975.00 (including GST) to assist with the review of the planning reports related to the Preston Beach Townsite project. This firm is already engaged by the Shire to provide urban design advice on the project, however given limited Shire staff resources in the Town Planning area, their engagement needs to be expanded to allow for further assistance with the statutory planning processes associated with the project (District Structure Plan, Peel Region Scheme Amendment and Local Scheme Amendment).

Given that the Shire has not engaged an environmental consultant on the project to date; three quotations were sought for an environmental review of the Townsite Strategy documents. The three quotations received vary in content (particularly inclusions/exclusion of service) as well as the level of experience of the project teams. The quotations vary in cost between \$20,542.50 and \$46,767.00 (Including GST). An assessment of the quotations indicated that an amount of \$30,000 should be adequate to cover the costs associated with this component of the project. This will allow for some project liaison costed on a fee for service (time) basis.

Conclusion

Given the Preston Beach Townsite Strategy is expected to be lodged during July 2012 (prior to budget adoption); it is recommended that Council commit to income and expenditure for the 2012/2013 financial year as follows:

- Expenditure of \$95,000.00 (Account 2192).
- Income of \$95,000.00 (Account 2333).

COUNCIL RESOLUTION

OCM12/06/071

MOVED: Cr Salerian

SECONDED: Cr Scott

That Council resolves to authorise the following allocations from the 2012/2013 budget:

- 1. Expenditure of \$95,000.00 (Account 2192) for the engagement of an Environmental Consultant and Planning Consultant to review the environmental and town planning reports related to the Preston Beach Townsite Strategy.**
- 2. Receive income of \$95,000.00 (Account 2333).**

CARRIED BY ABSOLUTE MAJORITY 6/0



9.2.3 RIVERS REGIONAL COUNCIL – DEED OF AMENDMENT TO ALLOW DEPUTY MEMBERS	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community and Planning Services
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer
Proponent:	Rivers Regional Council
Landowner:	n/a
Date of Report: 19 June 2012	File No.: Legal Docs 110
Previous Reference:	OCM12/3/025
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Absolute Majority

PROPOSAL

To appoint deputy members to the Rivers Regional Council.

BACKGROUND

At the March 2012 Ordinary Council meeting it was resolved to alter the deed of amendment to allow deputy members to attend the Regional Council. As Council would be aware the two delegates Cr Dew and Cr Salerian are appointed for a two year period until the Local Government elections in 2013.

OFFICER'S COMMENTS

There have been some legal rulings sought on the ability for alternate Councillors to represent the Shire of Waroona. Legal advice was that it was necessary to amend the deed of agreement to allow deputy members. In the past when Councillors on the Regional Council had to take leave an item had to be prepared for Council requesting a replacement for a specific period. In the case of emergencies there was a delegation to the CEO to appoint an alternate Councillor. With the introduction of changes in the Local Government Act this option is now no longer available.

Further legal advice on the Local Government Act is that there must be a deputy for Cr Dew and a deputy for Cr Salerian as opposed to general representatives.

In future the appointment of deputy members will coincide with Local Government Elections.

COUNCIL RESOLUTION

OCM12/06/072

MOVED: Cr Scott

SECONDED: Cr Salerian

That Council appoints Councillor Mason as a deputy for Councillor Dew and Councillor Wright as a deputy for Cr Salerian on the Rivers Regional Council up until the 2013 Local Government Elections.

CARRIED BY ABSOLUTE MAJORITY 6/0

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
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: 11/06/2012	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.3.1

<u>COUNCIL RESOLUTION</u>		
OCM12/06/073		
MOVED: Cr Witney		
SECONDED: Cr Wright		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 6867 - 6921	\$24,006.14
Trust (Cheque/EFTs)	EFT 14356 and 14428	\$2,490.00
Electronic Transfers Municipal Fund	EFT 14357 – 14577	\$721,302.34
Direct Wages	2/5/2012 – 31/5/2012 inclusive	\$231,321.60
GRAND TOTAL:		<u>\$979,120.08</u>
and attached at Appendix 9.3.1 be endorsed.		
CARRIED 6/0		



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2011 TO 31 MAY 2012	
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: 18/06/2012	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.3.2**COUNCIL RESOLUTION****OCM12/06/074****MOVED: Cr Witney****SECONDED: Cr Mason**

That the Monthly Statements of Financial Activity for the period 1 July 2011 to 31 May 2012 Appendix 9.3.2 be received and noted.

CARRIED 6/0

9.3.3 REVIEW OF LOCAL LAWS	
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:	N/A
Landowner:	N/A
Date of Report: 18/06/2012	File No.: 26/1
Previous Reference:	OCM12/3/037
Statutory/Policy Implications:	See below
Strategic Implications:	Shire of Waroona – Plan for Future Shire of Waroona – Community Strategic Plan
Financial Implications:	See below.
Voting Requirements	Absolute Majority

PROPOSAL

The Council is required to consider the outcome of the local law review in order to satisfy the review requirements of section 3.16 of the Local Government Act 1995 and to consider making new or amending existing local laws.

BACKGROUND

In 2010 the Council commenced a review of the existing Shire of Waroona Local Laws and a 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. The review is now being conducted internally with some professional advice from the Shire of Murray.

As result the Council resolved at its Ordinary meeting held 27 March 2012 as follows:

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.*

CONSULTATION

Local Government Act 1995
Shire of Waroona Local Laws
Internal Discussion
Inviting of public submissions.

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 2011/12 budget for costs associated with the review of local laws.

This amount will remain unspent therefore a further budget allocation will be required in 2012/13.



OFFICER'S COMMENTS

A review of the existing Shire of Waroona Local Laws has been carried out in accordance with the Local Government Act.

No public submissions were received during the consultation process.

The Council now has the following options:

- Amend existing local laws;
- Adopt new local laws;
- Maintain the status quo.

The recommended course of action for each local law is detailed as:

Local Laws proposed for amendment:

Local Government Property Local Law

Local Laws proposed for repeal:

Fencing and Tennis Court Floodlighting Local Law
Bushfire Local Law

Local Laws proposed for no change:

Dogs Local Law
Thoroughfares Local Law
Cemeteries Local Law
Extractive Industries Local Law
Standing Orders Local Law
Health Local Law

Local Laws proposed for adoption (new local laws)

Nil.

The above recommendation will complete the statutory review requirement and outlines the process for further follow up action and subsequent consideration by the Council.

COUNCIL RESOLUTION

OCM12/06/075

MOVED: Cr Witney

SECONDED: Cr Salerian

That the Council:

- 1. Amends the following Shire of Waroona Local Law – Local Government Property;**
- 2. Prepares a repeal Local Law to repeal the following obsolete local laws:**
 - Fencing & Tennis Court Floodlighting**
 - Bushfire**
- 3. Supports retention of the following local laws with no amendment:**
 - Dogs Local Law**
 - Thoroughfares Local Law**
 - Cemeteries Local Law**
 - Extractive Industries Local Law**
 - Standing Orders Local Law**
 - Health Local Laws**
- 4. Notes that no new local laws are considered necessary at this point.**
- 5. A further report be prepared to consider proposed draft amendments to the Local Government Property Local Law and to finalise the repealing of local laws as outlined in point 2 above.**

CARRIED BY ABSOLUTE MAJORITY 6/0

Cr Wright declared a financial interest in item 9.4.1 as a close associate of an employee of a landowner adjacent to the subject site, and left the meeting the time being 4.48 pm.

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 SOUTH WEST HIGHWAY FOOTPATH	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Landowner:	Shire of Waroona
Date of Report: 15.05.2012	File No: 97/1
Previous Reference:	OCM 12/15/065 May 2012
Statutory/Policy Implications:	Nil
Strategic Implications:	Improvement to Waroona CBD
Financial Implications:	\$29,800 pre-committed from the 2012/13 budget
Voting Requirements	Absolute Majority

PROPOSAL

To re-consider continuing the Waroona town centre footpath renewal by repaving in front of Lots 76 & 77 South West Highway.

BACKGROUND

Councillors were invited to meet with Mr John Ferraro, at his request, on 6 May 2012 regarding replacement of the current bluemetal/gravel footpath outside of his premises at Lot 77 South West Highways which he is in the process of converting into a café/diner. Council formally considered his request for replacement of the footpath at the May 2012 Council meeting (item 9.4.1) and resolved the following:

COUNCIL RESOLUTION

OCM12/05/065

MOVED: Cr Germain

SECONDED: Cr Scott

That Council refer the paving of footpath on the South West Highway in front of Lots 76 & 77 for consideration for funding in the 2012/2013 budget and that the work be limited to Council property only.

CARRIED 6/0

Mr Ferraro requested that Councillors reconsider the matter with a view to approving expenditure ahead of adopting the 2012/13 budget so that the works could proceed forthwith. Mr Ferraro indicated he wish to open the new business on 1 July, provided outstanding work could be completed by then.

Quotes received to undertake the footpath works were obtained from -

- C & BJs Brickpaving, Waroona \$34,250
- Zig Zag Maintenance, Waroona \$24,800
- Alan Tormey Paving, non-local \$23,650

The quote from Zig Zag Maintenance under Council's Local Purchase Policy No 3.4 is the most advantageous quote.



Additional costs, estimated at \$5,000, will be involved with traffic management and raising the height of utility pits.

The Councillors present agreed that undertaking the works is important in improving the overall appearance of the highway entrance to Waroona and have indicated their intention to apply to Council to rescind the above motion.

The CEO was, subsequently, advised of the following foreshadowed motion to Council -

MOVED Cr Witney seconded Cr Germain, with the support of Cr Salerian, that Council resolution OCM12/05/065 be rescinded to allow for the matter to be reconsidered.

The Councillors present at the site inspection also indicated their preference for the rescission of OCM12/05/065 and an alternative recommendation to be considered in accordance with Council policy 1.24 “*Decisions to be made outside of a Council meeting*”.

OFFICER'S COMMENTS

Below are the results of the implementation of Council Policy 1.24 -

1. Rescission of OCM12/05/065 22 May 2012

COUNCIL RESOLUTION

OCM12/05/065
 MOVED: Cr Germain
 SECONDED: Cr Scott

That Council refer the paving of footpath on the South West Highway in front of Lots 76 & 77 for consideration for funding in the 2012/2013 budget and that the work be limited to Council property only.

CARRIED 6/0

MOVED Cr Witney seconded Cr Germain, with the support of Cr Salerian, that Council resolution OCM12/05/065 be rescinded to allow for the matter to be reconsidered.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

2. South West Highway Footpath

Please refer to report 9.4.1 from the 22 May 2012 Council meeting for details on the subject.



RECOMMENDATION

That Council accept the quote from Zig Zag Maintenance in the amount of \$24,800 plus additional \$5,000 for traffic management and services relocation, to undertake the paving of footpath on the South West Highway in front of Lots 76 & 77 and that the work be limited to Council property only and that the project to proceed forthwith and be funded from the 2012/2013 budget.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

Under the terms of Council Policy No 1.24(a) the above decision is binding on the Council and it is required to be ratified at this meeting.

COUNCIL RESOLUTION**OCM12/06/076****MOVED: Cr Witney****SECONDED: Cr Germain, with the support of Cr Salerian**

1. **That Council resolution OCM12/05/065 be rescinded to allow for the matter to be reconsidered.**

CARRIED BY AN ABSOLUTE MAJORITY 5/0

COUNCIL RESOLUTION**OCM12/06/077****MOVED: Cr Witney****SECONDED: Cr Mason**

2. **That Council approve the amount of \$24,800 plus additional \$5,000 for traffic management and services relocation to undertake the paving of footpath on the South West Highway in front of Lots 76 & 77 and that the work be limited to Council property only and that the project to proceed forthwith and be funded from the 2012/2013 budget.**

CARRIED BY AN ABSOLUTE MAJORITY 5/0

9.4.2 WAROONA VOLUNTEER FIRE SERVICES – MEMORANDUM OF UNDERSTANDING	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Proponent:	Fire & Emergency Services of WA
Landowner:	N/A
Date of Report: 14.06.2012	File No: 23/1
Previous Reference:	OCM05/107 August 2005
Statutory/Policy Implications:	Council is responsible for the management of Bush Fire Brigades under the Bush Fires Act 1954.
Strategic Implications:	N/A
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

To renew the Memorandum of Understanding between Fire and Emergency Services Authority, Waroona Fire Service and Shire of Waroona in which agreement was made to amalgamate the Waroona Central Volunteer Bush Fire Brigade and the Waroona Volunteer Fire & Rescue Service to form a single "Volunteer Fire Service Brigade".

BACKGROUND

The services referred to above were successfully amalgamated in 2005 and have operated as a single body since then. FESA are proposing that the MOU be continued and the Waroona VFS has advised that it is in agreement with the renewal of the MOU.

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

The amalgamated bodies have operated successfully since 2005 and renewal of the MOU is recommended. A copy of Council's resolution in August 2005 is attached at **Appendix 9.4.2**.

COUNCIL RESOLUTION

OCM12/06/078

MOVED: Cr Mason

SECONDED: Cr Salerian

That Council renews, for a further period of 5 years, the Memorandum of Understanding between the Fire and Emergency Services Authority, Waroona Fire Service and Shire of Waroona which details the terms and conditions for the amalgamation of the Waroona Central Volunteer Bush Fire Brigade and the Waroona Volunteer Fire & Rescue Service.

CARRIED 5/0

Cr Wright returned to the meeting the time being 4.54 pm.

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

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

12.2.1

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.28 pm.

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

.....
PRESIDING MEMBER

.....
DATE

