



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 26 JULY 2016

(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 4.09 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 Christine Germain	Councillor
Cr John Salerian	Councillor
Cr Laurie Snell	Councillor
Cr Trish Witney	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO / Director Corporate Services
Mr Patrick Steinbacher	Director Technical Services
Mr Louis Fouche	Director Development Services
Mr Leonard Long	Manager Development Services
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Nil.

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr John Mason	Councillor
Cr Craig Wright	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**COUNCIL RESOLUTION**

OCM16/07/064

MOVED: CR SNELL

SECONDEC: CR GERMAIN

That Leave of Absence be granted to Cr Snell for the Special Council meeting to be held on 2 August 2016, and Cr Witney for the period 22-26 August 2016.

CARRIED 6/0



6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS
Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS
Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 28 JUNE 2016

COUNCIL RESOLUTION

OCM16/07/065

MOVED: CR WITNEY

SECONDEC: CR GERMAIN

That the Minutes of the Ordinary Council Meeting held 28 June 2016 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 DEVELOPMENT SERVICES

9.2.1 LOT 1426, GIBBINGS ROAD, WAROONA – 2 LOT SUBDIVISION	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil
Responsible Officer / Officer's Interest:	Leonard Long – Manager Development Services / Nil
Proponent:	De Nada Surveys
Landowner:	Teklite Pty Ltd
Date of Report: 12 July 2016	File No: SD153830
Previous Reference:	Nil
Policy Implications:	State Planning Policy 2.5 – Agricultural and Rural Land Use Planning Development Control Policy 3.4 – Subdivision of Rural Land WAPC Development Control Policy 1.1 – Subdivision of Land – General Principles
Statutory Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 1996
Strategic Implications:	Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

BACKGROUND

A Western Australian Planning Commission subdivision application referral was received for a two (2) lot subdivision of Lot 1426, Gibbings Road, Waroona.

The subject lot is located on the north west of the intersection of Gibbings Road and Dorsett Road. The lot has an approved single house and the remainder of the land is used for agricultural purposes. There is remnant vegetation in areas of the lot, including the area to be subdivided.

A location plan can be seen in **APPENDIX 9.2.1A**.

PROPOSAL

The applicant proposes to subdivide Lot 1426 into 2 lots, creating a small 1632m² lot for the proposed road realignment of Dorsett Road. The proposal plan is at can be seen in **APPENDIX 9.2.1B**.

STATUTORY IMPLICATIONS

Peel Region Scheme

Lot 1426 is zoned Rural under the Peel Region Scheme. The objective of the Rural zone under the Peel Region Scheme states:



“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 mineral, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

No guidance is given by the Peel Region Scheme as to appropriate lot sizes in the Rural zone.

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

The subject lot is located within the ‘Rural 1 – General Farming’ zone under the Shire of Waroona Town Planning Scheme No. 7. Clause 4.14 relates to rural zones but fails to specify criteria for subdivision of land within the rural zones.

STRATEGIC/POLICY 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.

Section 4. – Objectives of this policy, states:

- a) To protect rural land from incompatible uses by:
 - i) requiring comprehensive planning for rural areas;
 - ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
 - iii) providing investment security for the existing and future primary production sector.
- b) To promote regional development through provision of ongoing economic opportunities on rural land.
- c) To promote sustainable settlement in, and adjacent to, existing urban areas.
- d) To protect and improve environmental and landscape assets.
- e) To minimise land use conflicts.

WAPC Development Control Policy 1.1 Subdivision of Land – General Principles

Objectives of Development Control Policy 1.1 include:

- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- To ensure a comprehensive and coordinate approach to the subdivision of urban expansion areas in metropolitan Perth, regional centres and country towns.
- To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.
- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.

WAPC Development Control Policy 3.4 Subdivision of Rural Land (DC Policy 3.4)

Section 6 of DC Policy 3.4 states:

'In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances':

'c) *to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources'.*

Local Planning Strategy 2009 (LPS)

The subject lots are classified as General Agriculture in the LPS. The LPS provides for a minimum lot size of 80ha in the General Agricultural zone.

COMMUNITY CONSULTATION

Community consultation was not required nor sought for this application.

INTERNAL REFERRAL

The proposal has been circulated to all the Shire's internal departments of which none have any concerns with the proposal.

OFFICER'S ASSESSMENT

The application proposes the subdivision of Lot 1426 into two (2) lots. The proposed lots are to be 1632m² and 42.92ha. The proposed subdivision is not in accordance with the 80ha minimum required by the Local Planning Strategy. However, provision is made under section 6 (c) of DC Policy 3.4 for the creation of lots to allow for the efficient provision of utilities and infrastructure - in this case the road realignment of Dorsett Road. The creation of the additional lot will not impact on the development potential of the parent lot and does not create the capacity for additional dwellings.

Given that the proposed Lot 201 is located within Conservation Category Wetland, the WAPC have referred the application to the Department of Parks and Wildlife for comment. The proposed lot within the Shire's TPS is zoned Rural 1.

The proposal is not considered to compromise the use of Lot 1426 for agricultural purposes.

Whilst the proposed subdivision is not directly in line with the Local Planning Strategy with regard to lot size it is in line with the Local Planning Strategies 'Transport Considerations' which states:

"There will need to be connection between the Peel Deviation Road and Waroona. The most logical route is via Williamson, Dorsett and Coronation Roads. All three roads will require upgrading and realignment to remove some dangerous corners."

Further the proposal does not impact on the use of Lot 1426 for agricultural purposes and is deemed to be in accordance with DC Policy 3.4. It is recommended that Council responds to the Western Australian Planning Commission stating its support of the application.

Appendices Attached: Yes	Appendices Numbers: 9.2.1A&B
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**OCM16/07/066****MOVED: CR GERMAIN****SECONDED: CR SNELL**

1. That in relation to the application for the subdivision of Lot 1426 Gibbings Road, Waroona, Council resolves that the Western Australian Planning Commission be advised of Council's support of the application for the subdivision of the lot into two (2) lots for the purpose of the Dorsett Road road widening.

CARRIED 6/0

Cr Witney left the meeting, the time being 4.13pm.

9.2.2 REVIEW OF LOCAL PLANNING POLICY 11.0 – HOME BASED BUSINESS	
Reporting Officer / Officer's Interest:	Chris Dunlop - Senior Town Planner / Nil
Responsible Officer / Officer's Interest	Leonard Long - Manager Development Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 27/11/2015	File No.: TPS 7 General 111/1
Previous Reference:	OCM15/08/085
Policy Implications:	Shire of Waroona Town Planning Policy 11.0 – Home Based Business
Statutory Implications:	Competition and Consumer Act 2010 (Commonwealth); Planning and Development Act 2005; Planning and Development (Local Planning Schemes) Regulations 2015; Shire of Waroona Town Planning Scheme No. 7.
Strategic Implications:	Shire of Waroona Community Strategic Plan 2014/15 – 2023/24
Financial Implications:	Cost of Advertising the Policy (included in operating budget)
<i>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme 3: Responsible Land Use Planning and Protecting Rural Land</i>	

PROPOSAL SUMMARY

Council is requested to adopt the amended Local Planning Policy 11.0 – Home Based Business (LPP11) at **APPENDIX 9.2.2**.

BACKGROUND / INITIAL COMMENTS

Shire of Waroona Planning Officers have cited numerous operational issues in the everyday application of LPP11. Issues identified include:

- Inconsistency with Competition and Consumer Act 2010;
- Clarity of legal status of home based business permits under the Planning and Development Act and Planning and Development (Local Planning Schemes) Regulations 2015;
- Inconsistency with revised format of the Shire's Local Planning Policy Manual; and
- Inconsistency with the Town Planning Scheme (TPS).

In order to address the above issues a number of changes have been made to the policy when advertised. These changes include:

- Updating definitions of land uses in accordance with the Town Planning Scheme;
- Clarifying use interpretations of home based businesses;



- Modifying approval and renewal processes to be consistent with the Town Planning Scheme;
- Removing provisions relating to commercial impact of home based businesses; and
- Removing provisions relating to applicants undertaking consultation.

At the Ordinary Council Meeting of 25 August 2015 Council adopted the revised draft version of LPP11 for advertising purposes.

Since that time community consultation has been undertaken with no submissions being received. Since the advertising of the policy, definitions of the various land uses dealt with under the policy have been removed to prevent any potential future inconsistency with the Town Planning Scheme. The definitions of the land uses will now be interpreted directly from Schedule 1 of the Town Planning Scheme.

PLANNING – STRATEGIC IMPLICATIONS

Local Planning Strategy (LPS)

The LPS serves as Council's main strategic planning instrument guiding development within the Shire. The LPS outlines land uses that are permissible and discretionary within the six (6) precincts of the Shire. The classification of these land uses as permitted or discretionary is then reflected in Table 1 of the TPS. LPP 11 sets the provisions for the assessment and consideration of the various land uses that constitute home based business.

REFERRALS

The draft policy has been referred to internal departments, prior to being referred to Council for final adoption. No concerns were raised.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15 – 2023/24

This item contributes towards achieving Theme 3: Responsible Land Use Planning and Protecting Rural Land.

FINANCIAL ISSUES/IMPLICATIONS

Cost of Advertising the Policy (incorporated into Council's existing advertising expenses associated with the Sea to Scarp publication).

POLICY ISSUES/IMPLICATIONS

Nil.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Competition and Consumer Act 2010

The Competition and Consumer Act 2010 is a Commonwealth Act that regulates fairness in business. This Act governs the regulation of businesses by government



entities and requires that no instrument of government directly disadvantages any particular type of business.

Planning and Development Act 2005

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and provides the head of power for the enforcement of the Scheme and any policies adopted under it.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 of the Regulations sets out deemed provisions for Local Planning Schemes that are to be read as part of the Local Planning Scheme.

Clause 4 of Schedule 2 sets out the procedure for making a local planning policy.

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

(a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —

(i) the subject and nature of the proposed policy; and

(ii) the objectives of the proposed policy; and

(iii) where the proposed policy may be inspected; and

(iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;

(b) ...;

(c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

3) After the expiry of the period within which submissions may be made, the local government must —

(a) review the proposed policy in the light of any submissions made; and

(b) resolve to —

(i) proceed with the policy without modification; or

(ii) proceed with the policy with modification; or

(iii) not to proceed with the policy.

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

(5) A policy has effect on publication of a notice under subclause (4).

(6) The local government —

(a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and

(b) may publish a copy of each of those local planning policies on the website of the local government.

Clause 5 of Schedule 2 prescribes the procedure for amending a local planning policy.

Town Planning Scheme No.7

Clause 4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the TPS, the various uses permitted in the TPS area in the various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

Clause 8.4 of the Scheme states that where Council grants planning consent, conditions may be imposed through the approval.

LEGAL ISSUES / IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

Clause 4(1) of the Regulations require a draft Planning Policy to be advertised in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

The draft policy adopted for advertising purposes has been advertised in accordance with the requirements of Clause 4(1) of the Regulations. No submissions were received during the consultation period.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The following issues, identified by officers during the everyday application of LPP11, have instigated the requirement for its amendment:

Issuance of Temporary Approvals

The previous method of issuing a planning consent for a home based business and requiring annual renewals was legally ambiguous as it does not appear as though there is a head of power for the annual renewal process. In order to address this matter the Draft LPP11 requires that planning consents for home based businesses be issued for a period of 1 year, after which a new planning consent is required to be issued for the continued operation of the business.

Advertising Undertaken by Applicant

The current LPP11 requires that applicants undertake consultation with affected neighbouring property owners. This practice is not considered appropriate in the contemporary planning industry and has the potential to compromise the integrity of the planning process. As such the consultation procedure has been removed from LPP11 and consultation will be undertaken by the Shire in accordance with Local Planning Policy 1 – Community Consultation.

Changes Post Advertising

The removal of the land use definitions from the policy will prevent any future inconsistency should the definitions within the Town Planning Scheme be updated. The

removal of the definitions does not affect the operation of the policy and is considered to be a minor administrative change.

Conclusion

The amended policy will provide greater clarity and efficiency around the assessment and approval of home based businesses. It is envisaged that the updated Policy will aid the Planning Department in processing Planning Consent applications. A clear and consistent policy will also benefit applicants and the general community.

The Policy will be more consistent with the Model Scheme Text, the TPS and the other LPPs. It is therefore recommended that Council adopt the draft Local Planning Policy 11- Home Based Business.

Appendices Attached:	Yes	Appendices Numbers: 9.2.2
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

OCM16/07/067

MOVED: CR SNELL

SECONDED: CR SCOTT

- 1. That in relation to Local Planning Policy 11.0 – Home Based Business, Council resolves to adopt the amended policy in accordance with APPENDIX 9.2.2 pursuant to Schedule 2 of Part 2, Clause 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.**

CARRIED BY ABSOLUTE MAJORITY 5/0

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 14/07/16	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers: 9.3.1
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COUNCIL RESOLUTION**OCM16/07/068****MOVED: CR SALERIAN****SECONDED: CR GERMAIN****That Vouchers numbered:**

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8327 - 8342	\$22,614.75
Trust (Cheque/EFTs)	EFT 22836, 22837, 22909 & 22976 Chqs: 11090–11093, 11095, 11096	\$51,696.50
Electronic Transfers Municipal Fund	EFT 22838 to 22989	\$840,306.01
Direct Wages	01/06/2016 – 30/06/2016 inclusive	\$161,586.60
Direct Debits	01/06/16 – 30/06/16	\$1,633.53
GRAND TOTAL:		<u>\$1,077,867.39</u>

and attached at Appendix 9.3.1 be endorsed.**CARRIED 5/0**

9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2015 TO 30 JUNE 2016	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/7/16	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.2
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COUNCIL RESOLUTION**OCM16/07/069****MOVED: CR GERMAIN****SECONDED: CR SNELL**

That the Monthly Statements of Financial Activity for the period 1 July 2015 to 30 June 2016 be received and noted.

CARRIED 5/0

9.3.3 REVIEW OF FINANCIAL MANAGEMENT SYSTEMS	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall, Manager Financial Services; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy Chief Executive Officer; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 1 July 2016	File No.: 15/1
Previous Reference:	Not Applicable
Policy Implications:	<i>Nil</i>
Statutory Implications:	<i>Nil</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>Nil</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

Following receipt of the report on the review of the Financial Management Systems and Procedures of the Shire of Waroona the Chief Executive Officer is required to present the results to Council. The review was carried out by Council's Auditor AMD Charter Accountants. A copy of the Scope of the review and auditors findings are attached within the appendices (**Appendix 9.3.3**).

BACKGROUND/INITIAL COMMENTS

In accordance with Part 2, Section 5 (2)(c) of the Local Government Financial Management Regulations, the Chief Executive Office is to undertake a review (not less than every four (4) years) of the appropriateness and effectiveness of the Financial Management systems and procedures of the Local Government.

The last review was presented to Council in July 2012 (OCM12/07/086)

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 "Active Civic Leadership, Good Governance, & Excellence in Management".

FINANCIAL ISSUES/IMPLICATIONS

Nil

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The report states that compared to other Councils similar in size the Shire of Waroona has minimal findings which is a credit to the organisation.

No major issues of concern were raised. Recommendations to improve our financial operations have been implemented.

Appendices Attached:	Yes	Appendices Numbers:	9.3.3
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**OCM16/07/070****MOVED: CR SCOTT****SECONDED: CR GERMAIN**

- 1. That the Report on the review of the Financial Systems and Procedures of the Shire of Waroona conducted in accordance with Section 5(2)(c) of the Local Government Financial Management Regulations be accepted.**

CARRIED 5/0

9.3.4 WORKFORCE PLAN – REVISED VERSION [2015/16]	
Reporting Officer / Officer's Interest:	John Crothers, Co-Ordinator Corporate Planning; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, DCEO; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 12 July 2016	File No.: 11/1
Previous Reference:	25 July 2015
Policy Implications:	See detailed note
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 <i>"Responsible Stewardship of Assets, Effective Resources Supervision, and pursuit of Best Practice Financial Management and Sustainability".</i>	

PROPOSAL SUMMARY

The Council is requested to endorse and adopt the latest version of the revised "Shire of Waroona Workforce Plan", which forms part of the Integrated Planning and Reporting Framework.

BACKGROUND/INITIAL COMMENTS

The original Workforce Plan [WFP] was adopted in November 2012, and revised versions have been adopted in June or July each subsequent year.

As a result of changes to the organisational structure, re-allocation of various duties, and out-sourcing of the Health Inspection and Ranger services, there has been changes to the Workforce, with consequent implications to the preparation and updates to the 10 year Long Term Financial Plan and the shorter 5 year Corporate Business Plan,

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 "Responsible Stewardship of Assets, **Effective Resources Supervision**, and pursuit of Best Practice Financial Management and Sustainability".

FINANCIAL ISSUES/IMPLICATIONS

Some significant financial implications occurred in the 2014/15 financial year, following the changes to the internal structure of the organisation, the re-allocation of various duties, and the subsequent out-sourcing of the Health Inspection and Ranger services.

No major financial implications are expected for the forthcoming 2016/17 year.

POLICY ISSUES/IMPLICATIONS

There are no Policy implications associated with the adoption of this latest version of the Workforce Plan.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The workforce plan forms part of the Councils Integrated Planning and Reporting Framework as an “informing strategy”, and should be reviewed each year.

LEGAL ISSUES/IMPLICATIONS

There are no Legal implications associated with the adoption of this latest version of the Workforce Plan.

COMMUNITY CONSULTATION

No direct community consultation was carried out when compiling this latest version of the Workforce Plan.

The WFP document is reflective of the community’s sentiment that the Council strives to achieve the six themes/areas of emphasis outlined in the Strategic Community Plan.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The reviewed and revised plan contains a number of minor amendments to some text and statistical information. It should be noted that the attached Workforce Plan includes figures as at 30 June 2016.

The amendments to the Workforce Plan have now been updated to the latest Corporate Business Plan and Long Term Financial Plan.

Appendices Attached:	Yes	Appendices Numbers: 9.3.4
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

OCM16/07/071

MOVED: CR SCOTT

SECONDED: CR SNELL

That the reviewed and revised Workforce Plan for Shire of Waroona for the period 2016/17 – 2025/26 as attached at APPENDIX 9.3.4 be adopted.

CARRIED BY ABSOLUTE MAJORITY 5/0



9.3.5 APPLICATION FOR EXEMPTION TO KEEP MORE THAN ALLOWED DOGS– LOT 131 (No.3) WILLIAMS PLACE, WAROONA	
Reporting Officer / Officer's Interest:	Ron Porter – Manager Ranger and Emergency Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO / Director Corporate Services / Nil
Proponent:	Jennifer Brady
Landowner:	Jennifer and Peter John Brady
Date of Report: 4 July 2016	File No.: 45/2
Previous Reference:	N/A
Policy Implications:	Nil
Statutory Implications:	<i>Dog Act 1976</i> <i>Shire of Waroona Dogs Local Law 2001</i>
Strategic Implications:	Nil
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No 6 Active Civic Leadership, Good Governance, & Excellence in Management</i>	

PROPOSAL SUMMARY

An application has been submitted by the resident of 3 Williams Place, Waroona, requesting an exemption under 26(3) of the *Dog Act 1976* to keep three (3) dogs at the premises.

BACKGROUND / INITIAL COMMENTS

The proponent had previously been granted an exemption to keep more than allowed number of dogs at the property, however in early 2015 one of the dogs passed away namely, 'Tash', female, German shepherd, 5-year-old, registration number 1500339.

Without the proponent's knowledge her children purchased a new dog, in an attempt to comfort their mother with the passing of Tash. This action has led to the proponent having to seek a fresh exemption to keep three (3) dogs at her address.

The details of the dogs subject to this application are as follows;

1. 'Kya', female, German shepherd, 1-year-old, registration number 1600365,
2. 'Sindy', female, German shepherd, 8-year-old, registration number 1700004,
3. 'Sammy', male, Silky terrier, 9½-year-old, registration number 1700141.

The 3rd dog belongs to the proponent's daughter who lives at the property and cares her invalid mother.

All of the dogs are microchipped and sterilised.

Whilst there has been history of dog barking at the address there are no current complaints on file relating to the dogs and/or the proponent subject to this report.

PLANNING – STRATEGIC IMPLICATIONS

N/A

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

One of the key strategies of the Strategic Community Plan (SCP) is;

THEME 6: GOOD GOVERNANCE

A core element of Council functioning is legislative compliance. Breaches of legislation can consume considerable quantities of officer resources.

By ensuring appropriate procedures and controls are put in place to maintain compliance with legislation reduces the likelihood of adverse outcomes.

FINANCIAL ISSUES/IMPLICATIONS

N/A

POLICY ISSUES/IMPLICATIONS

There are no inherent policy implications with the proposal.

Council Policy 2.21 allows for alleged breaches of the *Dog Act 1976* to be investigated by authorised officers.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Part 5 of the *Dog Act 1976* [**‘the/this Act’**] states:

Part V — The keeping of dogs

26. *Limitation as to numbers*

- (1) A local government may, by a local law under this Act —
 - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government’s district; or
 - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government’s district.
- (2) A local law mentioned in subsection (1) —
 - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
 - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
 - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
 - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).

- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of —
 - (i) more than 6 dogs that have reached 3 months of age; or
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
- and
- (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
 - (i) a local law mentioned in subsection (1); or
 - (ii) an exemption granted under subsection (3);
- or
- (b) more than —
 - (i) 2 dangerous dogs (declared); or
 - (ii) 2 dangerous dogs (restricted breed); or
 - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
 - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.

Penalty:

- (a) for an offence relating to a dangerous dog —
 - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500;
 - (b) for an offence relating to a dog other than a dangerous dog —
 - (i) a fine of \$5 000;
 - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$100.
- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption under subsection (3); or

- (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

Clause 3.2 of the *Shire of Waroona Dogs Local Law 2001* sets out the number of dogs that can ordinarily be kept on a premises without an exemption:

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age unless the premises are situated in a rural or special rural zone under the town planning scheme; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a rural or special rural zone under the town planning scheme.

LEGAL ISSUES/IMPLICATIONS

There are no inherent legal implications with this proposal.

COMMUNITY CONSULTATION

Ranger Services consulted with six (6) immediate neighbours with only one (1) neighbour formally objecting to the application on the basis of dog barking.

An additional four (4) neighbours, whilst having no formal objection with the application, raised concerns about the previous history of dog barking at the address. Conversely all four accepted that the dog barking hadn't been an issue in recent times and indicated cautious support for the application.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The Ranger Services inspection report indicates that the dogs are kept in an area consisting of grass and bare earth, with adequate fencing and gates capable of confining the animals.

The dogs have access to adequate shelter, food and water and sufficient area for exercise. The inspection report also details that the dogs are good-natured and well cared for with the proponent displaying the ability to control the dogs during the inspection.

A check of the system indicates that there has been previous dog barking history however this accusation has never been formally substantiated. Additionally a check of the system indicates that there hasn't been a formal complaint at the address in relation to dog barking since 2014.

Furthermore the proponent has historically been proactive in dealing with the situation such as the purchase and fitment of a dog barking collar to the offending dog and restricting the amount of time the dogs were left outside unsupervised.

Based on the above, it is recommended that this application be granted subject to conditions aimed at minimising the risk of future adverse problems occurring.

Appendices Attached: No	Appendices Numbers: N/A
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM16/07/072

MOVED: CR SCOTT

SECONDED: CR SALERIAN

That Council resolve that the exemption application to keep three (3) dogs at Lot 131 (No.3) Williams Place, Waroona, be approved, subject to the following conditions:

- 1. The exemption only applies to the specified dogs. If any dog/s die or are no longer kept on the property then a replacement cannot be obtained,**
- 2. All dogs are to be registered in accordance with the provisions of the *Dog Act 1976*,**
- 3. That means exist on the property for effectively confining the dogs within the premises in accordance with the provisions of the *Shire of Waroona Dogs Local Law 2001*,**
- 4. The dogs are not to cause a nuisance to neighbouring properties by barking or otherwise,**
- 5. Dog refuse is to be contained on the property and disposed of in a timely and appropriate manner.**

The exemption may be reviewed if:

- i. an offence is committed under the *Dog Act 1976* by any of the dogs or a person in charge of the dogs; or,**
- ii. a valid complaint is received; or,**
- iii. any of the above conditions of the approval are breached.**

CARRIED 4/1

**For the Motion: Cr's Scott, Salerian, Dew, Snell
Against the Motion: Cr Germain**



9.4 CHIEF EXECUTIVE OFFICER
Nil

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.

Cr Witney returned to the meeting, the time being 4.21pm.

12.2 OFFICERS
Nil.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 4.35 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 23 AUGUST 2016 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

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

