



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**TUESDAY 28 MARCH 2017**

**(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 4.05 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 Mason          | Councillor   |
| Cr Trish Witney        | Councillor   |
| Cr John Salerian       | Councillor   |
| Cr Craig Wright        | Councillor   |
| Cr Laurie Snell        | Councillor   |
| Mr Ian Curley          | Chief Executive Officer                                      |
| Mr Laurie Tilbrook     | Deputy Chief Executive Officer / Director Corporate Services |
| Mr Louis Fouche        | Director Development Services                                |
| Mr Patrick Steinbacher | Director Technical 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**

Nil

**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 Scott declared an interest affecting impartiality in Item 9.4.1 as a member of the Waroona Lions Club and the Waroona Agricultural Society.

Cr Germain declared an interest affecting impartiality in item 9.4.1 as a member of the Waroona Agricultural Society and 9.4.2 as Chairperson of the Waroona Community Centre Board.



Cr's Snell and Salerian declared an interest affecting impartiality in item 9.4.1 as members of the Waroona Agricultural Society.

Cr Witney declared a financial interest in item 9.4.2 as an employee of the Waroona Community Resource Centre.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 28 FEBRUARY 2017**

**COUNCIL RESOLUTION**

**OCM17/03/020**

**MOVED: CR SNELL**

**SECONDED: CR WRIGHT**

**That the Minutes of the Ordinary Council Meeting held 28 February 2017 be confirmed as being a true and correct record of proceedings.**

**CARRIED 8/0**

**9.0 REPORTS OF OFFICERS AND COMMITTEES**



## 9.1 DIRECTOR TECHNICAL SERVICES

| <b>9.1.1 PROPOSAL TO RE-NAME PRESTON BEACH ROAD CAUSEWAY</b>  |                                       |
|---|---------------------------------------|
| Reporting Officer / Officer's Interest:   | Patrick Steinbacher, DTS; No Interest |
| Responsible Officer / Officer's Interest  | Patrick Steinbacher, DTS; No Interest |
| Proponent:  | Preston Beach Progress Association    |
| Landowner:  | Shire of Waroona                      |
| Date of Report: 21/02/2017  | File No.: 132/4                       |
| Previous Reference:   | OCM12/02/002                          |
| Policy Implications:  | Nil                                   |
| Statutory Implications:   | Nil                                   |
| Strategic Implications:   | Nil                                   |
| Financial Implications:   | See heading below                     |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b><br><b>4.11 Pursue actions to preserve areas and materials of Historical significance</b> |                                       |

### **PROPOSAL SUMMARY**

To present to Council the results of publicly advertising the proposal to name the causeway section of Preston Beach Road after the late Mr Alf Barker.

### **BACKGROUND/INITIAL COMMENTS**

The late Mr Alf Barker was the Shire of Waroona's Works Manager/Supervisor for over 30 years and as such he was involved in a substantial amount of the Shire's past works activities including the construction of the Preston Beach Road causeway in its present state.

Following his passing in 2016, the Preston Beach Progress Association and some residents living in Preston Beach considered it would be fitting to install signage adjacent to the causeway to name it in Mr Barker's memory.

This proposal does not change the name of the actual road as it crosses the causeway, which would remain Preston Beach Road. Instead, the name would be linked to the causeway itself that carries Preston Beach Road across the lakes. The Geographic Names Committee has confirmed that this approach is permitted.

Final signage design and placement would be determined if the proposal is supported by Council, however it is envisaged that the sign would be similar in design and colours to the Shire's street signage, sized appropriately and that a sign would be installed at either end of the causeway with the wording 'THE ALF BARKER CAUSEWAY' or words to that effect.

This matter was initially presented to Council at the February OCM where the following was resolved:

**COUNCIL RESOLUTION**

OCM17/02/002

MOVED: CR GERMAIN

SECONDED: CR SNELL

*That Council publicly advertise the proposal to name the causeway section of Preston Beach Road after the late Mr Alf Barker, a former Works Manager of the Shire of Waroona and long term employee, and any comments received be presented to the March 2017 Council meeting, prior to formally considering the proposal.*

**CARRIED 8/0**

The proposal was subsequently advertised in the Harvey-Waroona Reporter in early March.

Two responses were received via email which are **Appended at 9.1.1**

**PLANNING – STRATEGIC IMPLICATIONS**

Nil

**REFERRALS**

Nil

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

This issue comes under the SCP Nos. 4.11 - Pursue actions to preserve areas and materials of Historical significance

**FINANCIAL ISSUES/IMPLICATIONS**

Should the proposal proceed, costs would be limited to the purchase of signage materials and labour to install, which would be relatively minor and could be met by the current budget.

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

This proposal was advertised in the Harvey-Waroona Reporter in the second week of March 2017.



**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Both responses were very much positive and anecdotally the proposal has support amongst the Preston Beach Community. Officers have not received, either formally or anecdotally, any negative feedback regarding the proposal therefore are happy to recommend that this proposal be supported. It is further recommended that the CEO be given delegated authority to determine design, wording and location of the signage.

|                             |            |                            |              |
|-----------------------------|------------|----------------------------|--------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.1.1</b> |
|-----------------------------|------------|----------------------------|--------------|

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION**

**OCM17/03/021**

**MOVED: CR WRIGHT**

**SECONDED: CR SNELL**

**That Council:**

- 1. Approve the proposal to name the causeway section of Preston Beach Road after the late Mr Alf Barker, a former Works Manager of the Shire of Waroona and long term employee and resident of Preston Beach; and**
- 2. The Chief Executive Officer be granted delegated authority to determine the design, wording and location of the signage.**

**CARRIED 8/0**

**COUNCIL RESOLUTION**

**OCM17/03/022**

**MOVED: CR SCOTT**

**SECONDED: CR MASON**

**That an official ceremony for the dedication of the plaque or renaming of the causeway be held followed by a morning or afternoon tea.**

**CARRIED 8/0**



## 9.2 DIRECTOR DEVELOPMENT SERVICES

| <b>9.2.1 CLOSURE OF UNNAMED ROAD RESERVES, YALGORUP NATIONAL PARK</b>  |  |
|--|--|
| Reporting Officer / Officer's Interest:  | Chris Dunlop – Senior Town Planner / Nil   |
| Responsible Officer / Officer's Interest:  | Leonard Long – Manager Development Services / Nil  |
| Proponent:   | Department of Parks and Wildlife   |
| Landowner:   | State of Western Australia   |
| Date of Report: 1 February 2017  | File No.: 132/1  |
| Previous Reference: OCM15/02/10 of 24 February 2015  | File No.: SD151094   |
| Policy Implications:   | State Planning Policy 3.4 Natural Hazards and Disasters<br>State Planning Policy 3.7 Planning in Bushfire Prone Areas<br>Development Control Policy 1.1 Subdivision of Land<br>Development Control Policy 1.2 General Provisions<br>Development Control Policy 1.7 General Road Planning |
| Statutory Implications:  | Land Administration Act 1997<br>Planning And Development Act 2005<br>Planning and Development (Local Planning Schemes) Regulations 2015  |
| Strategic Implications:  | Draft South Metropolitan Peel Sub-regional Planning Framework<br>Shire of Waroona Strategic Community Plan 2014/15-2023/24<br>Shire of Waroona Local Planning Strategy<br>Draft Preston Beach Townsite Strategy  |
| Financial Implications:  | See heading in report.   |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme 2: Environment: Conserving our Unique Environment and Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.</b> |  |

### **PROPOSAL SUMMARY**

Council is requested to consider a written proposal from the Department of Parks and Wildlife to permanently close roads 228 and 13736 in order to facilitate the inclusion of the land into the Yalgorup National Park.

A copy of the location plan of the subject roads is at **Appendix 9.2.1A**.

### **BACKGROUND / INITIAL COMMENTS**

The 1995 Management Plan for Yalgorup National Park proposed the road reserves inside the park be cancelled. Until recently this has not been possible as these road reserves provided legal access to privately owned land inside the park.





In 2013 the Shire received a scheme amendment and structure plan for the proposed expansion of Preston Beach, a region scheme amendment was also lodged with the WAPC. To date these proposals have not been formally considered by Council or the WAPC and remain in draft form. The structure plan and its supporting documentation discuss the potential for the development of access to the north of Preston Beach to connect with the regional road network. The road network for the proposal has not been finalised, however a secondary access was proposed to the south (Myalup).

In 2015 Council considered the proposed subdivision of lot 1000 Preston Beach North Road and recommended its refusal to the WAPC the application proposed lot sizes not in accordance with the Local Planning Strategy. The proposal included the construction of a new road from the southern boundary of Lot 1000 to link with the City of Mandurah road network.

In 2016 the State acquired six lots that were previously privately owned within the park. As these lots are no longer privately owned, the Department now proposes the closure of roads adjacent to them.

## **PLANNING – STRATEGIC IMPLICATIONS**

### **DRAFT South Metropolitan Peel Sub-regional Planning Framework**

The Draft framework does not identify any further expansion of Preston Beach beyond the existing urban zoned land. The subject roads are not proposed as future regional roads under the framework.

### **Shire of Waroona Local Planning Strategy**

The strategy identifies the existing Preston Beach Townsite but excludes the area subject to the Townsite Expansion Strategy and defers to that process.

## **INTERNAL REFERRAL**

Discussions have taken place with internal technical departments and the potential for secondary access to Preston Beach has been raised as a concern in relation to the proposed closure.

The road reserves traverse the boundary between the Shire and that of the City of Mandurah. As such officers have discussed the proposed closure with the relevant officers from the City of Mandurah and have advised them of the need to retain the road reserve for emergency ingress / egress and for potential future public access requirements from Preston Beach

## **STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS**

### **Shire of Waroona Strategic Community Plan 2014/15-2023/24**

This item relates to achieving Theme 2: Environment: Conserving our Unique Environment and Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.



## **FINANCIAL ISSUES / IMPLICATIONS**

Should Council wish to proceed with the proposed road closure, there would be a cost to the Shire for officer time in preparing the necessary advertising documentation. In addition there will be a cost for the construction of the road. Until such time as the road is required it is unclear what the cost of road construction will be and who will be responsible for its construction.

## **POLICY / PROCEDURAL ISSUES / IMPLICATIONS**

### **Land Titles Registration Practice Manual (Manual)**

Section 8 of the Manual sets out the procedure for the closure and sale of a road as required under the *Land Administration Act 1997*. In assessing, advertising and making recommendations on the proposed closure the Shire is required to fulfil the obligations of the Act as set out in the Manual.

### **State Planning Policy 3.4 Natural Hazards and Disasters**

The objectives of this Policy are as follows;

- *“Include planning for natural disasters as a fundamental element in the preparation of all statutory and non-statutory planning documents, specifically town planning schemes and amendments, and local planning strategies; and*
- *Through the use of these planning instruments, to minimise the adverse impacts of natural disasters on communities, the economy and the environment.”*

The hazard most prevalent to the subject area is vulnerability to bushfires.

The policy states the following under Bushfires;

#### ***“Bush fires***

*This statement of planning policy incorporates by reference the provisions and requirements contained in the guidelines Planning for bushfire protection (2001), development control policy 3.7 Fire planning, and Rural urban bush fire threat analysis (2003), and should be used by governments to determine those areas that are most vulnerable to bushfire and therefore where development should not be recommended.”*

### **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

The objective of the Policy relevant to this matter is as follows;

*“Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.”*

### **WAPC Development Control Policy 1.1 Subdivision of Land**

The objective of this Policy most relevant to the subject matter is as follows;

*“To facilitate development which achieves appropriate community standards of health, safety and amenity.”*

### WAPC Development Control Policy 1.2 General Principles

The objectives of the Policy most relevant to the subject matter is as follows;

- *“To promote development that is sustainable and achieves appropriate community standards of health, safety and amenity.”*
- *“To preserve planning options in areas subject to planning study or review.”*

### WAPC Development Control Policy 1.7 General Road Planning

The objective of this policy are as follows;

- *“To promote the planning of road networks throughout the State which maximise efficiency, safety and amenity.*
- *To provide a consistent approach for contributions towards the provision of roads from the subdivision and development of land.”*

## **STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS**

### Land Administration Act 1997 (the Act)

Section 58 of the Act sets out the community consultation required to be undertaken as part of the procedure for closing a road.

Section 74 of the Act provides the Minister with the powers to sell Crown land.

Section 87 deals with ‘Minister may convey in fee simple or lease Crown land for subsequent amalgamation with adjoining land’ and states that *“if the Minister considers that a parcel of Crown land is unsuitable for retention based on good land use and planning principles, the Minister may, by order amalgamate that parcel with the adjoining land”*.

### Planning and Development Act 2005

Section 26 of the Act sets out the content and requirement of a State Planning Policy. Section 26 states *“A State planning policy is to be directed primarily towards broad general planning and facilitating the coordination of planning throughout the State by local governments.”*

### Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations provide deemed provisions for all schemes including the consideration of proper and orderly planning and bushfire safety in the assessment of planning proposals.

## **COMMUNITY CONSULTATION**

If Council resolves to initiate the closure of the road, community consultation will be undertaken in accordance with Section 58 of the *Land Administration Act 1997*, where affected landowners and relevant service providers will be given the opportunity to comment on the proposed closure of the road.

## **OFFICER'S FINAL COMMENTS / CONCLUSIONS**

The roads in question are unconstructed roads and are not identified for construction in the short term. The closure of the roads would not result in the loss of primary access to any privately owned properties. However, closure of the road reserves would impede the potential for secondary access should Preston Beach develop further in the future.

It is imperative that these 'roads' be retained to allow for future access for the Preston Beach community, if required.

The broader planning framework of State Planning Policies, Development Control Policies and strategic documents such as the Draft Sub-regional Planning Framework require the consideration of access in the planning for Preston Beach.

The draft structure plan for the extension of Preston Beach investigated the option of constructing an access to the north via Mandurah. The Preston Beach Townsite Strategy has not progressed to date and the potential for constructing an access to the south towards Myalup remains an alternative secondary egress option. Regardless, the draft nature of the strategy means that revisions, including the reconsideration of access to the north (Mandurah), could potentially occur prior to further progression of the Strategy.

Given the undecided status of the Preston Beach Townsite Expansion Strategy it would be premature to close the only road reserve which could provide access to the townsite from the north. It is not considered appropriate to close these roads while the future of the further development of the townsite remains unclear.

### **Conclusion**

It is recommended that Council advise the Department of Parks and Wildlife and the City of Mandurah that Council does not support the closure of the roads as it will compromise the potential for the establishment of formalised secondary access to and from Preston Beach.

|                             |            |                            |               |
|-----------------------------|------------|----------------------------|---------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.2.1A</b> |
|-----------------------------|------------|----------------------------|---------------|

## **VOTING REQUIREMENTS**

Simple Majority.

### **COUNCIL RESOLUTION**

**OCM17/03/023**

**MOVED: CR MASON**

**SECONDED: CR WRIGHT**

**That Council resolves to respond to the request from the Department of Parks and Wildlife to permanently close roads 228 and 13736 advising the Department and the City of Mandurah that Council does not support the proposed closure as it will compromise the potential for the establishment of formalised secondary access to and from Preston Beach townsite for emergency purposes.**

**CARRIED 8/0**



| <b>9.2.2 INITIATION OF AMENDMENT 37 TO LOCAL PLANNING SCHEME NO. 7</b>   |   |
|--|---|
| Reporting Officer / Officer's Interest:  | Chris Dunlop – Senior Town Planner; No Interest   |
| Responsible Officer / Officer's Interest   | Leonard Long – Manager Development Services; No Interest  |
| Proponent:   | Shire of Waroona  |
| Landowner:   | Not Applicable  |
| Date of Report: 8/2/2017   | File No.: TPS7A37   |
| Previous Reference:  | OCM15/06/060 of 23 June 2015  |
| Policy Implications:   | Development Control Policy 1.2 Development Control – General Principles (DCP 1.2)   |
| Statutory Implications:  | Planning and Development Act 2005<br>Environmental Protection Act 1986<br>Planning and Development (Local Planning Schemes) Regulations 2015<br>Shire of Waroona Local Planning Scheme No. 7 1996 |
| Strategic Implications:  | Nil   |
| Financial Implications:  | See heading below   |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 3</b><br><b>“Responsible Land Use Planning and Protecting Rural Land”</b> |   |

### **PROPOSAL SUMMARY**

Council is requested to consider the initiation amendment 37 to the Shire's Local Planning Scheme No. 7. Amendment 37 proposes the inclusion of additional provisions in Schedule A, with the intention of exempting Single Houses and associated structures from requiring planning consent where a Single House is a “P” use in the zone, except within the Rural Residential zone.

A copy of the amending documentation is at **APPENDIX 9.2.2A**. The proposed amendment is considered to be a standard amendment for the purposes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **BACKGROUND/INITIAL COMMENTS**

The gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* introduced deemed provisions for all local planning schemes. These deemed provisions include exemptions from planning consent for certain forms of development, including a Single House and associated development where the Residential Design Codes (R Codes) are applicable to the lot and the deemed to comply provisions of the R Codes are met.

The gazettal of amendment 32 to the Scheme on 17 January 2017 (OCM15/06/060) brought the Scheme in line with the Regulations. As part of amendment 32 clauses relating to exemptions from planning consent were altered and relocated to Schedule A of the Scheme in order to comply with the Regulations. As a result of these changes the previous exemption for Single Houses, clause 6.1.2(c) is no longer applicable. This has resulted in a situation where only proposals subject of the R Codes have the ability to be exempt from planning consent, meaning that all lots not subject to the R Codes i.e. Rural zoned lots now require planning consent for the construction of a Single House and/or associated structures such as patios, sheds and swimming pools.



## **PLANNING – STRATEGIC IMPLICATIONS**

Nil.

## **REFERRALS**

Preliminary discussions with the Department of Planning have confirmed that the amendment is considered a standard amendment and that there is no objection to the proposal at officer level.

Consultation with government agencies will be undertaken during the consultation period. Should any objections be received they will be required to be considered by Council prior to considering the final adoption of the amendment.

## **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 3 “Responsible Land Use Planning and Protecting Rural Land”.

## **FINANCIAL ISSUES/IMPLICATIONS**

Cost of advertising (included in operational budget).

Cost and time implications to the community for the submission of applications for planning consent for developments that were previously exempt from approval.

## **POLICY ISSUES/IMPLICATIONS**

### **Development Control Policy 1.2 Development Control – General Principles (DCP 1.2)**

This policy provides for exemption from planning consent for inter alia the following development:

*‘c) on land zoned by the scheme, the erection of a single dwelling house on a lot or the carrying out of works in, on, over, or under a street or road by a public authority pursuant to the provisions of any Act, provided the land is not the subject of a notice under clause 32 of the MRS and not included in a planning control area; and’*

## **STATUTORY ISSUES/ENVIRONMENT/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 refer the proposed local planning scheme or amendment to the EPA.

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.

#### Environmental Protection Act 1986

Section 48A of the Environmental Protection Act 1986 sets out the process for the EPA to determine whether a scheme is required to be assessed by the EPA where that scheme is referred under the relevant scheme act.

#### Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations are made under the Planning and Development Act. Part 5 of the Regulations sets out the process for amending a scheme. In accordance with the definitions provided by Part 5 of the Regulations the proposal constitutes a 'standard amendment'.

Regulation 35 sets out the process for the adoption of a scheme amendment.

Regulation 47 provides the process for the advertisement of a standard amendment.

Clause 61 of Schedule 2 to the Regulations outlines development for which approval is not required under the scheme.

#### Shire of Waroona Local Planning Scheme No.7 1996

Schedule A of the Scheme sets out supplementary provisions to Clause 61 of the deemed provisions, providing additional exemptions from planning consent for certain forms of development.

### **LEGAL ISSUES/IMPLICATIONS**

See statutory issues.

### **COMMUNITY CONSULTATION**

Consultation is required to be undertaken in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, with all submissions received required to be considered by Council.

### **OFFICER'S FINAL COMMENTS / CONCLUSIONS**

Amendment 32 reformatted the Scheme to be consistent with the Planning and Development (Local Planning Schemes) Regulations 2015, which included the deletion of Clause 6.1.2 that previously provided exemptions from the requirement for planning consent and moved those provisions to Schedule A.

The inclusion of the proposed provisions into Schedule A of the Scheme is considered to be an integral action to the proper and orderly planning of the Shire. The current requirement for planning consent for compliant Single Houses on all lots is an



unnecessary and onerous requirement that does not necessarily contribute to the objectives of the Shire in relation to preservation of amenity, protection of vegetation, fire safety or environmental value.

It is therefore recommended that Amendment 37 be initiated for advertising purposes.

|                             |            |                            |               |
|-----------------------------|------------|----------------------------|---------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.2.2A</b> |
|-----------------------------|------------|----------------------------|---------------|

### **VOTING REQUIREMENTS**

Absolute Majority.

#### **COUNCIL RESOLUTION**

**OCM17/03/024**

**MOVED: CR GERMAIN**

**SECONDED: CR SCOTT**

- 1. That in relation to proposed Amendment 37 to the Shire of Waroona Local Planning Scheme No. 7 to include additional provisions in Schedule A – Supplementary provisions to the deemed provisions and pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council resolves to ;**
  - A. Initiate Amendment 37 to the Shire of Waroona Local Planning Scheme No. 7 1996 in accordance with APPENDIX 9.2.2A as a standard amendment for advertising purposes.**
  - B. Refer the above Amendment to Local Planning Scheme No.7 to the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005* and should the EPA advise that the amendment does not require assessment, advertise the amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
  - C. Authorise the Chief Executive Officer to execute the Amendment documents.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

Mr Steinbacher left the meeting, the time being 4.21pm and returned at 4.24 pm.





| <b>9.2.3 WAROONA RECREATION AND AQUATIC CENTRE – AMENDMENT OF BUDGET ALLOCATION AND AMENDMENT OF FEES AND CHARGES</b>  |   |
|--|---|
| Reporting Officer / Officer's Interest:  | Leonard Long - Manager Development Services / Nil   |
| Responsible Officer / Officer's Interest:  | Louis Fouché - Director Development Services / Nil  |
| Proponent:   | Not Applicable  |
| Landowner:   | Vested to the Shire of Waroona by the Crown.  |
| Date of Report: 21 March 2017  | File No.: 126/2   |
| Previous Reference:  | Not Applicable  |
| Policy Implications:   | Policy 1.31: Asset Management<br>Policy 1.40: Risk Management<br>Policy 7.3: Management of Risks on Recreation equipment or at Recreation Facilities. |
| Statutory Implications:  | Local Government Act 1995<br>Occupational Health and Safety Act 1984  |
| Strategic Implications:  | N/A   |
| Financial Implications:  | See heading below   |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):<br/>Theme 4: Society and community wellbeing; and<br/>Theme 5: Assets, Resources, Financial Management &amp; Sustainability.</b> |   |

### **PROPOSAL SUMMARY**

It is proposed to increase the Plant and Equipment A/R Account (7154) by \$21,800. The increase will be funded by the reallocation of \$3,800 from the Waroona Recreation and Aquatic Centre (WRAC) Building Maintenance Account (AQ02) with the Waroona Amateur Basketball Association Inc (WABA) contributing the balance of \$18,000 for the LED lights installed in the WRAC basketball courts.

It is further proposed to amend the Fees and Charges specifically for the WABA, for the current financial year as well as the following three (3) years in recognition of the WABA's financial contribution to the installation of the LED lighting in the WRAC basketball courts.

### **BACKGROUND / INITIAL COMMENTS**

The lighting previously used was 600 Watt high bay Metal Halide Globes. These type of globes generally have a lifespan of between 12 to 18 months before having to be replaced.

There are approximately 40 individual globes in the basketball courts. On average it costs of \$200 - \$300 to replace a globe depending on the amount of globes being replaced at a time. The high cost is due to the need for an electrician to change the globe and the need to use an elevated work platform to reach the globes. Currently the Shire spends approximately \$8,000 to \$10,000 a year on replacing globes and in certain cases the entire lighting fixture.

Shire officers negotiated with the WABA to replace the lights with 200W high bay LED lights at a cost of approximately \$22,000, encompassing the following in principle agreements:

- The WABA will contribute \$11,000;



- The Waroona Shire will contribute \$3,000; and
- The balance of \$8,000 will be obtained through a grant submitted by the WABA to the Department of Sport and Recreation.

The contribution of \$11,000 by the WABA is contingent on the following:

- A nil increase on the court hire fees associated with game nights during the 2016/17 season;
- An increase in the court hire fees associated with game nights for the following three (3) seasons ending in 2019/20 as indicated in the table 2 included under the heading Financial Issues / Implications.

The WABA was not successful in obtaining the grant from the Department of Sport and Recreation. In order for the light replacement to proceed WABA contributed \$18,000 towards the lights and the balance of \$3,800 is to be paid by the Shire.

The report was considered and supported by the Recreation Advisory Committee at its meeting held on 7 September 2016 and the recommendation of the Committee was as follows:

**COMMITTEE RECOMMENDATION**

**MOVED: CR WITNEY**

**SECONDED: STEVE PLATELL**

1. *That the project to install LED lighting at the Waroona Recreation and Aquatic Centre (WRAC) basketball courts be supported.*
2. *Subject to the Waroona Amateur Basketball Association Inc. contribution and the necessary grant funding totalling \$19,000 being received, an amount of \$3,000 be allocated from the 2016/17 Adopted Budget to the project.*
3. *That subject to 2 above / the project proceeding, it is recommended that:*
  - i) *The 2016/17 Adopted Fees & Charges be amended to include an additional fee specific for the Waroona Amateur Basketball Association Inc. for court hire on Junior and Senior games night at \$40 per Court.*
  - ii) *the proposed fees for the Waroona Amateur Basketball Association Inc. court hire for subsequent financial years are to be as follows;*
    - *2017/18 court hire on Junior and Senior games night at \$45 per court.*
    - *2018/19 court hire on Junior and Senior games night at \$47 per court.*
    - *2019/20 court hire on Junior and Senior games night at \$50 per court.*
- 4) *It is acknowledged that the proposed project and fee commitments will not proceed if the Waroona Amateur Basketball Association Inc. contribution and the necessary grant funding is not acquired.*

**CARRIED 4/0**

At the time it was anticipated that the Shire's cost would be \$3,000. Due to the unsuccessful grant application Shire officers have had to increase this to \$3,800. This will not have an impact on the budget as \$8,000 had been allocated for repairs of the old lights in the WRAC maintenance budget (AQ02).



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## **PLANNING – STRATEGIC IMPLICATIONS**

Nil.

## **REFERRALS**

Recreation Advisory Committee. See Background.

## **STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS**

The one relevant Strategic Community Plan issue area is theme number 5 “Assets, Resources, Financial Management and Sustainability“. This theme involves responsible stewardship of assets, effective resource supervision and pursuit of best practice financial management and sustainability.

The other relevant theme is Theme 4: Society and community wellbeing. Strategies for future actions under this theme include the provision of recreation facilities.

## **FINANCIAL ISSUES / IMPLICATIONS**

### **Funds Reallocation:**

As part of the 2016/17 budget, an amount of \$8,000 was set aside in the Waroona Recreation and Aquatic Centre (WRAC) maintenance budget for the repair and replacement of lights in the centre including the basketball courts.

The replacement of the lighting is considered to be a capital expenditure which needs to be reflected accordingly in the budget. As such \$3,800 of the funds set aside for maintenance needs to be reallocated from the Waroona Recreation & Aquatic Centre – Building Maintenance Account (AQ02) to the Waroona Recreation & Aquatic Centre – Plant & Equipment A/R Account (7154).

### **Fees & Charges:**

The following table gives a breakdown of the projected income from the WABA based on retaining the current lighting system with no amendment to the approved fees and charges used, with the assumption that the fees and charges will be increased by \$5 per year.

Table 1

| Current Lighting System  |             |         |             |         |                 |         |                 |         |                 |          |
|--|-------------|---------|-------------|---------|-----------------|---------|-----------------|---------|-----------------|----------|
| Fee Structure - Game Nights Only   |             |         |             |         |                 |         |                 |         |                 |          |
| Season   | 2015/16     |         | 2016/17     |         | 2017/18 Assumed |         | 2018/19 Assumed |         | 2019/20 Assumed |          |
|  | Seniors     | Juniors | Seniors     | Juniors | Seniors         | Juniors | Seniors         | Juniors | Seniors         | Juniors  |
| 2015/16  | \$40        | \$40    |             |         |                 |         |                 |         |                 |          |
| 2016/17  | Maintenance |         | \$60        | \$50    |                 |         |                 |         |                 |          |
|  |             |         | \$7,000     |         |                 |         |                 |         |                 |          |
| 2017/18  |             |         | Maintenance |         | \$65            | \$55    |                 |         |                 |          |
|  |             |         |             |         | \$8,050         |         |                 |         |                 |          |
| 2018/19  |             |         |             |         | Maintenance     |         | \$70            | \$60    |                 |          |
|  |             |         |             |         |                 |         | \$9,257.50      |         |                 |          |
| 2019/20  |             |         |             |         |                 |         | Maintenance     |         | \$75            | \$65     |
|  |             |         |             |         |                 |         |                 |         | \$10,646        |          |
| Potential income to the Shire over 4 years less assumed maintenance cost of lights |             |         |             |         |                 |         |                 |         |                 |          |
| 2015/16  | \$9,000     | \$6,600 |             |         |                 |         |                 |         |                 |          |
|  | \$15,600    |         |             |         |                 |         |                 |         |                 |          |
| 2016/17  |             |         | \$13,500    | \$8,250 |                 |         |                 |         |                 |          |
|  |             |         | \$14,750    |         |                 |         |                 |         |                 |          |
| 2017/18  |             |         |             |         | \$14,625        | \$9,075 |                 |         |                 |          |
|  |             |         |             |         | \$15,650        |         |                 |         |                 |          |
| 2018/19  |             |         |             |         |                 |         | \$15,750        | \$9,900 |                 |          |
|  |             |         |             |         |                 |         | \$16,393        |         |                 |          |
| 2019/20  |             |         |             |         |                 |         |                 |         | \$16,875        | \$10,725 |
|  |             |         |             |         |                 |         |                 |         | \$16,954        |          |
| \$63,746   |             |         |             |         |                 |         |                 |         |                 |          |

The table below gives a breakdown of the projected income from the WABA based on replacing the current lighting system and approving the (in principle negotiated) fees and charges for the following four (4) seasons.

Table 2

| New LED lighting System including a \$11,000 contribution from the basketball club and \$3,000 contribution from the Shire. |             |         |             |         |             |         |             |         |          |         |
|---|-------------|---------|-------------|---------|-------------|---------|-------------|---------|----------|---------|
| Negotiated Fee Structure - Game Nights Only   |             |         |             |         |             |         |             |         |          |         |
| Season  | 2015/16     |         | 2016/17     |         | 2017/18     |         | 2018/19     |         | 2019/20  |         |
|   | Seniors     | Juniors | Seniors     | Juniors | Seniors     | Juniors | Seniors     | Juniors | Seniors  | Juniors |
| 2015/16   | \$40        | \$40    |             |         |             |         |             |         |          |         |
| 2016/17   | Maintenance |         | \$40        | \$40    |             |         |             |         |          |         |
|   |             |         | \$2,000     |         |             |         |             |         |          |         |
| 2017/18   |             |         | Maintenance |         | \$45        | \$45    |             |         |          |         |
|   |             |         |             |         | \$2,300     |         |             |         |          |         |
| 2018/19   |             |         |             |         |             |         | \$47.25     | \$47    |          |         |
|   |             |         |             |         | Maintenance |         | \$2,645.00  |         |          |         |
| 2019/20   |             |         |             |         |             |         |             |         | \$50     | \$50    |
|   |             |         |             |         |             |         | Maintenance |         | \$3,042  |         |
| Potential income to the Shire over 4 years less assumed maintenance cost of lights  |             |         |             |         |             |         |             |         |          |         |
| 2015/16   | \$9,000     | \$6,600 |             |         |             |         |             |         |          |         |
|   | \$15,600    |         |             |         |             |         |             |         |          |         |
| 2016/17   |             |         | \$9,000     | \$6,600 |             |         |             |         |          |         |
|   |             |         | \$13,600    |         |             |         |             |         |          |         |
| 2017/18   |             |         |             |         | \$10,125    | \$7,425 |             |         |          |         |
|   |             |         |             |         | \$15,250    |         |             |         |          |         |
| 2018/19   |             |         |             |         |             |         | \$10,631    | \$7,755 |          |         |
|   |             |         |             |         |             |         | \$15,741    |         |          |         |
| 2019/20   |             |         |             |         |             |         |             |         | \$11,163 | \$8,250 |
|   |             |         |             |         |             |         |             |         | \$16,371 |         |
| \$68,962  |             |         |             |         |             |         |             |         |          |         |

**POLICY ISSUES / IMPLICATIONS**

**Policy 1.31: Asset Management**

The key objective of this policy is to ensure that services delivered by the Shire of Waroona continue to be sustainably delivered. This will be achieved by ensuring that the Infrastructure Assets used to support the service delivery continue to function to the level of service determined by Council.

**Policy 1.40 - Risk Management**

This policy provides a framework for the management of organisational risk. It outlines Council’s commitment to risk management principles, systems and processes to



ensure consistent and affective assessment of risk in planning, decision making, operational processes and new issues identified.

Relevant risk categories include:

Category 1:

Property & Public Liability – Public Safety – Use of Council Facilities;

Category 2:

Property Maintenance & Management Practices;

Category 3:

Work Practices & Operational Issues;

Category 12:

Security and Asset Management / Safety; and

Category 15:

Adequate Financial Management, Budgeting, Financial Planning.

### Policy 7.3 – Management of Risk and Recreational Equipment or at Recreational Facilities.

This policy provides a framework to minimise opportunities for litigation and reduction of insurance costs by preparing a Risk Management Program. The policy further requires Council to adopt a practise of preventing equipment, facilities and natural resources from failing or developing problems, and where failures and problems occur, an immediate Program of Rectification is to be instituted.

## **STATUTORY ISSUES**

### Local Government Act 1995

The Local Government Act 1995, part 6, Division 2, S6.2(4) provides information on what is required to be incorporated into a budget, which is to be approved by Council. Any amendment to the approved budget is required to be approved by Council.

s6.2

- (4) *The annual budget is to incorporate –*
- (a) *particulars of the estimated expenditure proposed to be incurred by the local government; and*
  - (b) *detailed information relating to the rates and service charges which will apply to land within the district including –*
    - (i) *the amount it is estimated will be yielded by general rate; and*
    - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and*
  - (c) *the fees and charges proposed to be imposed by the local government; and*
  - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
  - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
  - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.5(9) of the local government act; and*
  - (g) *such other matters as are prescribed.*

### s6.16 Imposition of fees and charges

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.

\* *Absolute majority required.*

### s6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

### Occupational Health and Safety Act 1984

The objectives of this Act are —

- (a) to promote and secure the safety and health of persons at work;
- (b) to protect persons at work against hazards;
- (c) to assist in securing safe and hygienic work environments;
- (d) to reduce, eliminate and control the hazards to which persons are exposed at work;
- (e) to foster cooperation and consultation between and to provide for the participation of employers and employees and associations representing employers and employees in the formulation and implementation of safety and health standards to current levels of technical knowledge and development;
- (f) to provide for formulation of policies and for the coordination of the administration of laws relating to occupational safety and health; and
- (g) to promote education and community awareness on matters relating to occupational safety and health.

### **LEGAL ISSUES / IMPLICATIONS**

See Statutory Issues.

### **COMMUNITY CONSULTATION**

Nil.

### **OFFICER'S FINAL COMMENTS / CONCLUSIONS**

The replacement of the existing lighting in the WARC basketball courts complies with the objectives of the relevant Shire policies:

- Policy 1.31: Asset Management  
The replacement will result in the courts having modern improved lighting with minimal maintenance required.
- Policy 1.40 - Risk Management and Policy 7.3 – Management of Risk and Recreational Equipment or at Recreational Facilities.



As a result of the improved lighting and the improved life span compared to the current lighting system the risk associated with potential injuries by users due to malfunctioning lights is reduced considerably.

The Shire will have ongoing savings through the reduced maintenance required for the LED lighting as well as saving through the actual power usage which will also be reduced due to the lower power consumption of the LED lights.

### **Conclusion**

The reduced maintenance and operational cost, while small in the overall comparison, will free up much needed funds to direct elsewhere in the WRAC. The upgrade in the lighting may also lead to the potential of hosting higher level games at the centre which could also increase the income generated by the WRAC.

Given the change in circumstances (WABA not receiving the grant and paying \$18,000 towards the LED lights), it is therefore recommended that Council adopt the Officer recommendation for the proposed budget amendment and associated amendment of fees and charges.

|                             |            |                            |
|-----------------------------|------------|----------------------------|
| <b>Appendices Attached:</b> | <b>N/a</b> | <b>Appendices Numbers:</b> |
|-----------------------------|------------|----------------------------|

### **VOTING REQUIREMENTS**

Absolute Majority.

**COUNCIL RESOLUTION****OCM17/03/025****MOVED: CR WITNEY****SECONDED: CR SNELL**

**That in relation to the proposed amendment to the Waroona Recreation and Aquatic Centre budget and proposed amendment of Council's Fees and Charges, Council resolves as follows:**

- 1. That the 2016/17 Adopted Budget be amended as follows;**
  - i) Increase Plant & Equipment A/R Account (7154) by \$21,800 for the supply and installation of LED lighting within the Basketball Courts at the Waroona Aquatic and Recreation Centre.**
  - ii) Income to fund the above expenditure will be obtained from the following sources;**
    - a. \$3,800 transferred from Building Maintenance Account 7162 (AQ02).**
    - b. Contribution of \$18,000 from the Waroona Basketball Association Inc.**
- 2. That the 2016/17 Adopted Fees & Charges be amended as follows;**
  - i) To include an additional fee specific for the Waroona Amateur Basketball Association Inc. for court hire on Junior and Senior games nights of \$40 per Court.**
  - ii) This addition to the Fees and Charges be advertised in accordance with Section 6.19 Local Government Act (1995).**
- 3. The proposed fees for the Waroona Amateur Basketball Association Inc. court hire for subsequent financial years to be as follows;**
  - i) 2017/18 court hire on Junior and Senior games nights to be \$45 per court.**
  - ii) 2018/19 court hire on Junior and Senior games nights to be \$47 per court.**
  - iii) 2019/20 court hire on Junior and Senior games nights to be \$50 per court.**

**(Amounts inclusive of GST)**

**CARRIED BY ABSOLUTE MAJORITY 8/0**





**9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

| <b>9.3.1 ACCOUNTS FOR PAYMENT</b>  |   |
|--|---|
| 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: 20/03/17   | File No.: 1/3                                       |
| Previous Reference:  | N/A   |
| Policy Implications:   | N/A   |
| Statutory Implications:  | N/A   |
| Strategic Implications:  | N/A   |
| Financial Implications:  | N/A   |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b> |   |
| <b>Voting Requirements</b>   | <b>Simple Majority</b>                              |

|                             |            |                            |              |
|-----------------------------|------------|----------------------------|--------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.3.1</b> |
|-----------------------------|------------|----------------------------|--------------|

**COUNCIL RESOLUTION**

OCM17/03/026

MOVED: CR WITNEY

SECONDED: CR GERMAIN

That Vouchers numbered:

| <b><u>ACCOUNT</u></b>                  | <b><u>CHEQUE NOS.</u></b>                   | <b><u>TOTAL \$</u></b>     |
|--|---|----------------------------|
| Municipal                              | Cheques 8512 - 8539                         | \$31,765.11                |
| Trust (Cheque/EFTs)                    | EFT 24429, 24460, 24501<br>Chq: 11115-11117 | \$3,157.96                 |
| Electronic Transfers<br>Municipal Fund | EFT 24373 to 24549                          | \$637,564.58               |
| Direct Wages                           | 01/2/17 – 28/2/17 inclusive                 | \$179,549.11               |
| Direct Debits                          | 01/2/17 – 28/2/17                           | \$2,216.47                 |
| <b>GRAND TOTAL:</b>                    |   | <b><u>\$854,253.23</u></b> |

and attached at Appendix 9.3.1 be endorsed.

CARRIED 8/0



| <b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 28 FEBRUARY 2017</b>  |   |
|--|---|
| 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: 22/3/17  | File No.: 1/1                                       |
| Previous Reference:  | N/A   |
| Policy Implications:   | N/A   |
| Statutory Implications:  | N/A   |
| Strategic Implications:  | N/A   |
| Financial Implications:  | N/A   |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b> |   |
| <b>Voting Requirements</b>   | <b>Simple Majority</b>                              |

|                             |           |                            |
|-----------------------------|-----------|----------------------------|
| <b>Appendices Attached:</b> | <b>No</b> | <b>Appendices Numbers:</b> |
|-----------------------------|-----------|----------------------------|

|   |
|---|
| <p><b><u>COUNCIL RESOLUTION</u></b><br/> <b>OCM17/03/027</b><br/> <b>MOVED: CR MASON</b><br/> <b>SECONDED: CR WRIGHT</b></p> <p><b>That the Monthly Statements of Financial Activity for the period 1 July 2016 to 28 February 2017 be received and noted.</b></p> <p style="text-align: right;"><b>CARRIED 8/0</b></p> |
|---|

## 9.4 CHIEF EXECUTIVE OFFICER

Cr's Germain, Snell and Salerian declared an interest affecting impartiality in item 9.4.1 as members of the Waroona Agricultural Society.

Cr Scott declared an interest affecting impartiality in Item 9.4.1 as a member of the Waroona Lions Club and the Waroona Agricultural Society.

|   |  |
|---|--|
| <b>9.4.1 AMENDMENT TO OCM17/02/008 FEES &amp; CHARGES: EXEMPTING WAROONA AGRICULTURAL SHOW, ALL AUSTRALIAN CAR DAY &amp; VINTAGE MACHINERY RALLY EVENTS FROM FOOD STALLS LICENCE FEES</b>   |  |
| Reporting Officer / Officer's Interest:   | Chief Executive Officer / Nil Interest   |
| Proponent:  | Proposed by Cr Snell and supported by Cr Witney & Cr Scott.                                |
| Date of Report: 20 March 2017   | File No.: 12/2   |
| Previous Reference:   | OCM February 2017 – Item 9.2.6   |
| Policy Implications:  | Policy 3.1.7 – Fees and Charges<br>Policy 1.40 - Risk Management<br>Policy 3.5 - Donations |
| Statutory Implications:   | Local Government Act 1995<br>Food Act 2008   |
| Strategic Implications:   | N/A  |
| Financial Implications:   | See heading below  |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b><br><b><i>Theme 4: Society and community wellbeing; and</i></b><br><b><i>Theme 5: Assets, Resources, Financial Management &amp; Sustainability.</i></b> |  |

### **PROPOSAL SUMMARY**

It is proposed to formulate the motion on the above passed at the February 2017 Council Meeting into a Council Policy and amend the resolution to include that local (Shire of Waroona based) volunteer groups or organisations be exempt from paying the prescribed fee.

### **BACKGROUND / INITIAL COMMENTS**

Crs Snell, Witney and Scott have provided the required written request to enable portion of resolution OCM 17/02/008 from the February 2017 Council Meeting to be rescinded to consider exemption local volunteer groups and organisations from paying the prescribed food stallholders fee.

I have determined that the request can be accommodated by adding to the existing motion without the necessity to effect a rescission. I have also proposed that the resolution be reworded into a Council Policy so that Staff have clear direction for the future.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil



**STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS**

See details in item 9.2.6 February 2017 report.

**FINANCIAL ISSUES / IMPLICATIONS**

See details in item 9.2.6 February 2017 report.

**POLICY ISSUES / IMPLICATIONS**

See details in item 9.2.6 February 2017 report.

**STATUTORY ISSUES**

See details in item 9.2.6 February 2017 report.

**RESOLUTION FROM THE FEBRUARY 2017 COUNCIL MEETING****COUNCIL RESOLUTION**

**OCM17/02/008**

**MOVED: CR GERMAIN**

**SECONDED: CR WITNEY**

- A. That with regard to the fees and charges relating to the daily food stall licence fee for food stall holders attending the Waroona Agricultural Show, the All Australian Car Day and Vintage Machinery Rally, Council resolves to:**
- 1. Exempt food stall holders from the fees associated with the daily food stall licence for 2017, but still require duly completed applications to be submitted and approved by the Shire of Waroona, and that the organisations listed at A be charged the full daily food stall license fee from 2018.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM17/03/027**

**MOVED: CR WITNEY**

**SECONDED: CR GERMAIN**

1. That it be a Council policy that from 2018 onwards all food stallholders, excepting those which are local (Shire of Waroona based) volunteer groups or organisations, attending the Waroona Agricultural Show, All Australian Car Day and Vintage Machinery Rally are required to pay the prescribed daily food stall license fee and all food stallholders are required to complete and submit applications for approval by the Shire of Waroona.
2. That the CEO be delegated authority to determine and approve or reject applications for exempt fee status from groups and organisations referred to in (1).

**CARRIED BY ABSOLUTE MAJORITY 8/0**

Cr Germain declared an interest affecting impartiality in item 9.4.2 as Chairperson of the Waroona Community Centre Board.

Cr Witney declared a financial interest in item 9.4.2 as an employee of the Waroona Community Resource Centre, and left the meeting, the time being 4.30 pm.

| <b>9.4.2 LEASE – PROFESSIONAL OFFICE SUITE AT WAROONA HEALTH &amp; COMMUNITY RESOURCE CENTRE</b>       |   |
|--|---|
| Reporting Officer / Officer's Interest:  | Ian Curley, Chief Executive Officer; Nil Interest |
| Responsible Officer / Officer's Interest   | Ian Curley, Chief Executive Officer; Nil Interest |
| Proponent:   | Shire of Waroona                                  |
| Landowner:   | Shire of Waroona                                  |
| Date of Report: 22 March 2017  | File No.: 44/16                                   |
| Previous Reference:  | N/A   |
| Policy Implications:   | Nil   |
| Statutory Implications:  | Nil   |
| Strategic Implications:  | Nil   |
| Financial Implications:  | <i>See heading below</i>                          |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b>                            |   |
| <i>No 6 Good Government: Active &amp; Responsible Civic Leadership, &amp; Excellence in Management</i> |   |

### **PROPOSAL SUMMARY**

To offer for lease a suite of professional consulting rooms/offices at the Waroona Community Health Resource Centre, Henning Street, Waroona following the vacation of Forrest House Medical Centre.

### **BACKGROUND / INITIAL COMMENTS**

Forrest House Medical Centre, owned by IPN Medical Centres Pty Ltd, has occupied the suite of rooms since 2007. IPN has vacated the premises but is still contracted by lease with the Shire until 5 July 2017. IPN has indicated it will relinquish the lease if a replacement tenant is found prior to the expiry of the lease.

### **PLANNING – STRATEGIC IMPLICATIONS**

N/A

### **REFERRALS**

Council's Waroona Health & Medical Committee met on 22 March 2017 to inspect the rooms and advise Council on the future leasing of the rooms and recommend that Council offer the rooms for lease based on the draft advertisement attached at **APPENDIX 9.4.2**.

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

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



**FINANCIAL ISSUES/IMPLICATIONS**

IPN is currently paying \$7,500 per annum for the lease. This was historically based on a discounted lease to attract and retain a Doctor's service to town. Since the lease was negotiated the Harvey Medical Group has also opened a Doctor's surgery in town.

It is recommended that the rooms be advertised for lease on a non-subsidized commercial rate and that advertising undertaken include non-medical applicants.

**POLICY ISSUES/IMPLICATIONS**

N/A

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

N/A

**LEGAL ISSUES/IMPLICATIONS**

N/A

**COMMUNITY CONSULTATION**

Public advertising advising of the proposal to lease to occur following Council approval.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

|                             |            |                            |              |
|-----------------------------|------------|----------------------------|--------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.4.2</b> |
|-----------------------------|------------|----------------------------|--------------|

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM17/03/028**

**MOVED: CR GERMAIN**

**SECONDED: CR SNELL**

**That Council advertise the vacant suite of consulting rooms/offices available at the Waroona Community Health Resource Centre, for lease following the vacation of the rooms by IPN Medical Centres PTY LTD, and;**

- 1. That the adopted fees & charges for 2016/17 be amended by the inclusion of the following: Waroona Health/Resource Centre (Account 1233) Annual Lease – Consulting Suite (includes reception, storeroom, 3 consulting/office rooms and associated facilities) \$16,500 per annum inclusive of GST water & electricity charges.**
- 2. Weekly Lease – Individual room/office - \$165 per week inclusive of GST water & electricity charges.**
- 3. A lease of up to 5 years is offered.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

Cr Witney returned to the meeting, the time being 4.33pm.



**10. CONFIDENTIAL REPORTS**

Nil

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

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

**12.1 ELECTED MEMBERS**

Nil

**12.2 OFFICERS**

Nil

**13. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 5.05 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 26 APRIL 2017 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE

