



Date: 19 October 2017

**To: Shire President
All Councillors**

**Copy: Directors
Staff**

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 24 October 2017 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in black ink, which appears to read 'Ian Curley', is placed on a light blue rectangular background.

**IAN CURLEY
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

AND

PUBLIC STATEMENT TIME

1. The order of business allows for a Public Question time and a Public Statement time at the beginning of the Meeting. The Presiding Member will announce these times.
2. If you wish to ask a Question or make a Statement about an Agenda Item BEFORE it is considered then it should be made at the Public Question and Public Statement Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time and Receiving Public Statements.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**

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

A. SWEARING IN OF COUNCILLORS

Cr John Salerian JP to officiate at the Swearing-in of Councillors in the following order:

- | | | |
|------|----|----------------|
| i. | Cr | Four Year Term |
| ii. | Cr | Four Year Term |
| iii. | Cr | Four Year Term |
| iv. | Cr | Four Year Term |

B. ELECTION OF SHIRE PRESIDENT

1. **SWEARING IN OF SHIRE PRESIDENT**

C. ELECTION OF DEPUTY SHIRE PRESIDENT

1. **SWEARING IN OF DEPUTY SHIRE PRESIDENT**

D. ELECTION OF COMMITTEE MEMBERS AND REPRESENTATIVES

Council Standing Committees (Members only)

- a. Works & Services Committee
(4 Councillors)

- b. Council Staff Management Committee
(4 Councillors)

- c. Finance & Audit Committee
(4 Councillors)

- d. Waste Management Advisory Committee
(4 Councillors)

- e. Waroona Health & Medical Committee
(4 Councillors)

- f. Economic & Tourism Committee (*new committee*)
(4 Councillors)

Other Council Committees/Groups

- a. Recreation Advisory Committee
(4 Councillors) + (2 community representatives)
- b. Small Grants & Awards Committee
(4 Councillors)
- c. Occupational Safety & Health Committee
(1 Councillor and 1 proxy)
- d. Waroona Visitor Centre Working Group
(3 Councillors)
- e. Waroona Cemetery Development Working Group
(3 Councillors)

OFFICER RECOMMENDATION

That the appointment of Councillors to the Council Standing Committees and Councillors and Staff to Other Council Committee/Groups as per the Local Government Act 1995 for the 2017-2019 period as listed below be endorsed:

Council Standing Committees (Members only)

- a. **Works & Services Committee**
- b. **Council Staff Management Committee**
- c. **Finance & Audit Committee**
- d. **Waste Management Advisory Committee**
- e. **Waroona Health & Medical Committee**
- f. **Economic & Tourism Committee**

Other Council Committees/Groups

- a. **Recreation Advisory Committee**
- b. **Small Grants & Awards Committee**
- c. **Occupational Safety & Health Committee**
- d. **Waroona Visitor Centre Working Group**
- e. **Waroona Cemetery Development Working Group**

The appointment of Representatives and delegates to the Advisory Committees; Committees and Progress Associations; Local Organisations; Regional Bodies/Committees; and Special Purpose Committees and Groups for the 2017-2019 period as listed below:

Advisory Committee Representatives

- a. Bush Fire Advisory Committee
1 Councillor
- b. Local Emergency Management Committee
1 Councillor, EMC

Committees and Progress Association Representatives

- a. Preston Beach Progress Association
1 Councillor
- b. Lake Clifton/Herron Progress & Sports Association
1 Councillor

Delegates to Local Organisations

- a. Wagerup Community Consultative Network
1 Councillor

Delegates to Regional Bodies/Committees

- a. Peel Zone – Western Australian Local Government Association
2 Councillors and 1 proxy; CEO
- b. Peel Region Planning Committee
N/A – Ctte no longer exists
- c. Regional Road (Sub) Group (South West)
1 Councillor + proxy
- d. COASTSWAP
1 Councillor; TP
- e. Mid-West/Wheatbelt (Central) Joint Development Assessment Panel
2 Councillors and 2 alternate delegates
** Note – delegates must undergo specific training for this panel.*

Special Purpose Committees and Groups

- a. Waroona Roadwise
N/A – no longer operates
- b. Waroona Interagency Committee
1 Councillor



- c. Harvey River Task Force
1 Councillor
- d. Alcoa Waroona Sustainability Fund
Shire President and 1 Councillor

Liaison to other Committees/Organisations

- a. Coolup Land Conservation District Committee
1 person
- b. Peel Mosquito Management Group
1 Councillor
- c. Waroona Historical Society
1 Councillor
- d. Long Term Residue Management Committee
1 Councillor
- e. Peel Trails Group
1 Councillor; TP
- f. Lesueur Community Consultative Committee
1 Councillor & DDS
- g. Peel Regional Leaders Forum
Shire President & Chief Executive Officer
- h. Peron Naturaliste Partnership
1 Councillor, DDS
- i. Alcoa Wagerup Environmental Improvement Plan Stakeholder Reference Group
1 staff member
- j. Willowdale Mine Environmental Improvement Plan Stakeholder Reference Group.
1 staff member

OFFICER RECOMMENDATION

That the appointment of Representatives to Advisory Committees and Progress Associations; Delegates to Local Organisations, Regional Bodies and Committees and Special Purpose Committees and Groups and Liaisons to other Committees and Organisations for the 2017-2019 period as listed below be endorsed :

Advisory Committee Representatives

- a. **Bush Fire Advisory Committee**
- b. **Local Emergency Management Committee**

Committees and Progress Association Representatives

- a. **Preston Beach Progress Association**
- b. **Lake Clifton/Herron Progress & Sports Association**

Delegates to Local Organisations

- a. **Wagerup Community Consultative Network**

Delegates to Regional Bodies/Committees

- a. **Peel Zone – Western Australian Local Government Association**
- b. **Regional Road (Sub) Group (South West)**
- c. **COASTSWAP**
- d. **Mid-West/Wheatbelt (Central) Joint Development Assessment Panel**

Special Purpose Committees and Groups

- a. **Waroona Interagency Committee**
- b. **Harvey River Task Force**
- c. **Alcoa Waroona Sustainability Fund**

Liaison to other Committees/Organisations

- a. **Coolup Land Conservation District Committee**
- b. **Peel Mosquito Management Group**
- c. **Waroona Historical Society**
- d. **Long Term Residue Management Committee**
- e. **Peel Trails Group**
- f. **Lesueur Community Consultative Committee**
- g. **Peel Regional Leaders Forum**
- h. **Peron Naturaliste Partnership**
- i. **Alcoa Wagerup Environmental Improvement Plan Stakeholder Reference Group**
- j. **Willowdale Mine Environmental Improvement Plan Stakeholder Reference Group.**

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4.1 PUBLIC QUESTION TIME

4.2 PUBLIC STATEMENTS

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 26 SEPTEMBER 2017

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 26 September 2017 be confirmed as being a true and correct record of proceedings.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 TENDER – RFT 2017/04 – ROAD PAVEMENT STABILISATION WORKS

Reporting Officer / Officer's Interest:	Murry Bracknell Manager of Works and Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 20/10/2017	File No.: 2017/04
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

This report will be forwarded as a late item, as Tenders close on Friday 20 October after the agenda has been sent out.



9.2 DIRECTOR DEVELOPMENT SERVICES

9.2.1 INITIATION OF DRAFT DISABILITY ACCESS AND INCLUSION PLAN 2017 - 2022	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long – Manager Development Services; Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 11 October 2017	File No.: 175/1
Previous Reference:	OCM12/11/132 of 27 November 2012
Policy Implications:	Council Policy 1.41 – Legislative Compliance
Statutory Implications:	Disability Services Act 1993
Strategic Implications:	<i>Nil</i>
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
<i>No.4 Society: A Strong Sense of Community, addressing Social issues, and Effective Community Wellbeing</i>	
<i>No.5 Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving built/acquired assets, & Infrastructure; Financial Proficiency & Sustainability</i>	
<i>No. 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

Council is requested to consider the draft Shire of Waroona Disability Access and Inclusion Plan 2017-2022 for public consultation. A copy of the plan is at **APPENDIX 9.2.1**.

BACKGROUND / INITIAL COMMENTS

It is a legislative requirement of the *Disability Services Act 1993* that all local government authorities develop and implement a Disability Access and Inclusion Plan (DAIP) which is subsequently reviewed and amended at a minimum of every five years.

The Shire's current DAIP was adopted by council on 27 November 2012 (OCM12/11/132) and is due to expire at the end of 2017.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

The draft DAIP has been formulated in consultation with internal departments and the Disability Services Commission.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue areas are as follows:

- No.4 Society: A Strong Sense of Community, addressing Social issues, and Effective Community Wellbeing,



- No.5 Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving built/acquired assets, & Infrastructure; Financial Proficiency & Sustainability, and
- No. 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management

FINANCIAL ISSUES/IMPLICATIONS

Initiatives included in the DAIP do not automatically get included in the relevant year's budget and will need to be considered as part of the annual budget preparation.

POLICY ISSUES/IMPLICATIONS

Council Policy 1.41 – Legislative Compliance states *“The organisation shall have in place suitable processes and procedures to ensure that legislative requirements are both complied with, and that these are completed within the relevant timeframes.”*

STATUTORY ISSUES

Disability Services Act 1993

Part 5 of the Act requires that all public authorities, including local governments, have a DAIP in place and review their DAIP every 5 years.

LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

Should Council initiate the draft DAIP, community consultation will be undertaken prior to the final consideration of the DAIP by Council.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The adoption and implementation of a DAIP is a legislative requirements of the *Disability Services Act 1993*. In order to maintain its legislative compliance the Shire is required to review and maintain the DAIP.

Strategies identified under the outcomes of the draft DAIP form part of the day to day operation of the Shire, as well as planning for improvements to processes and facilities the Shire is responsible for.

Appendices Attached:	Yes	Appendices Numbers: 9.2.1
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That Council endorse:

- A. The initiation of the draft Disability Access and Inclusion Plan 2017 - 2022 at APPENDIX 9.2.1 for public consultation purposes.**
- B. The advertising of the plan for a period of 21 days.**

9.2.2 LOT 316 PARNELL STREET, WAROONA (RESERVE 8746) - APPLICATION FOR PLANNING CONSENT FOR MEN'S SHED	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long – Manager Development Services; Nil
Proponent:	Waroona Community Men's Shed Inc.
Landowner:	Crown Reserve Vested to Shire of Waroona
Date of Report: 13/10/2017	File No.: TP2000
Previous Reference:	9.2.3 of 22/09/2015
Policy Implications:	Shire of Waroona Local Planning Policy 1 – Community Consultation Council Policy 2.5 – Renewal of Council Leases Council Policy 5.12 – Contractors Risk and Insurance Council Policy 5.13 – Occupational Health and Safety Council Policy 5.15 - Crossovers
Statutory Implications:	Planning and Development Act 2005 Shire of Waroona Local Planning Scheme No. 7
Strategic Implications:	Shire of Waroona Community Strategic Plan 2014/15 – 2023/24 Shire of Waroona Local Planning Strategy 2009 Shire of Waroona Town Centre Strategy 2003
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

PROPOSAL SUMMARY

An application for planning consent has been received for the construction of a shed on Lot 316 Parnell Street, Waroona (Reserve 8746). The location and elevation plans can be seen at **APPENDIX 9.2.2A**.

The proposed shed is 42m by 21m (882m²) with a maximum height of 6.42m and is to be clad in Colorbond. The proposed shed is to be located adjacent to the existing Youth Centre. This location provides a 6m setback from the existing kerb line of the adjacent information parking bay which has been constructed within Lot 316 Parnell Street and 17.6m from the western lot boundary.

Council is requested to consider granting landowner consent as well as determining the application.

BACKGROUND / INITIAL COMMENTS

Council previously approved a similar structure for construction for the Community Men's Shed organisation in September 2015 (**OCM15/09/099**). The approval previously issued lapsed on 6 October 2017. In order to facilitate the construction of the Men's Shed a new planning consent is required.



The design of the building has been altered from the previous application to remove concrete walls from the eastern and western elevations and the addition of an internal mezzanine level. The dimensions of the building have also been changed from 30.45m by 25.15m (765.58m²) to 42m by 21m (882m²). The location of the shed has changed with the shed now proposed to be 6m from the boundary adjacent to the South Western Highway rather than 10.65m.

PLANNING – STRATEGIC IMPLICATIONS

Shire of Waroona Local Planning Strategy 2009 (LPS)

The subject lot is designated as Open Space, Recreation, Conservation and Forestry under the LPS.

Waroona Town Centre Strategy 2003 (Strategy)

The location of the proposed shed is identified as a combination of formalised parking, landscaping and accommodation for the Waroona marketplace by the Strategy.

REFERRALS

The Director Technical Services raised the following issues:

Conditions to be imposed to ensure the formal provision of access and car parking to be contained in the lease.

Conflict or use when the sportsground precinct is used for other events to be contained in the lease.

Manager Development Services:

The Manager Development Services requested standard Building and Environmental Health conditions to be imposed on the development.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

The proposed facility would be constructed on land under the control of Council, as such a lease agreement would need to be negotiated to provide security of tenure to the Men's Shed organisation. Any lease agreement would be subject to the separate approval of Council.

Application fees have previously been paid for the approval of the proposed men's shed. However, as the previous application lapsed and was not acted upon the fee has been extended to cover the current application.

POLICY ISSUES/IMPLICATIONS

Council Policy 2.5 – Renewal of Council Leases

The CEO (or in his absence the Deputy CEO) be granted delegated authority to renew lease agreements between the Council and community organisations/groups based on the following criteria;

- Any changes within the lease are considered to be minor in nature and do not affect the intent of the lease
- The annual lease is \$100.00 or less
- Shire President to endorse and the common seal be affixed in accordance with Council Policy 1.26

Council Policy 5.12 – Contractors Risk and Insurance

The Contractor shall be solely responsible for the services and shall bear the sole risk for any loss or damage whether to any person or property caused by or resulting from, directly or indirectly, any act or omission of the Contractor or any default or negligence by the Contractor irrespective of any negligence, default or breach of statutory duty on the part of the Council.

The Contractor shall indemnify and keep indemnified the Council from and against any loss or damage and against claims, demands, proceedings, costs, charges and expenses whatsoever arising out of any act or omission of the Contractor or any default by the Contractor irrespective of any negligence, default or breach of statutory duty on the part of the Council.

The Contractor shall, at the contractors own expense, procure and maintain and shall ensure that all Sub-Contractors procure and maintain the following insurances, such insurance shall be specifically endorsed so that it is deemed primary to any insurance effected by or on behalf of the Council and shall contain a cross liability clause which shall treat each of the insured parties as if a separate policy had been issued to each of them;

Public liability insurance for an amount of not less than \$20 million for any one accident or occurrence in the name of the Council and the Contractor.

Third party property damage insurance of not less than \$20 million in respect of any motor vehicles, plant or equipment used in the performance of the contracted services.

Council Policy 5.13 – Occupational Health and Safety

The Shire of Waroona is committed to promote and secure the safety and health of persons in the workplace, through a high standard of quality management practice

The Shire of Waroona will ensure that the occupation safety and health needs of employees is not compromised, while striving to reduce lost time injuries through a general and ongoing awareness by all towards hazard identification and accident prevention within the workplace.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

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

The subject land is zoned Urban 2 – Community and Civic under the TPS. The objective of the Urban 2 zone is:

“...to encourage the establishment of civic and community use facilities in this area adjoining the Town Centre, and ensure that the amenity and streetscapes of the zone are satisfactorily enhanced.”

The Men’s Shed is considered to be a ‘Club Premises’ which is a ‘D’ use in the Urban 2 zone.

A minimum 6m setback is required from street frontages in the Urban 2 zone by Clause 4.6.2 of the TPS.

LEGAL ISSUES/IMPLICATIONS

Reserve 8746 (Lot 316) is vested with the Shire of Waroona for the purposes of Recreation and an Agricultural Hall Site.

The use of the building will also be subject to a lease agreement.

COMMUNITY CONSULTATION

Local Planning Policy 1 – Community Consultation (LPP1)

LPP1 states that where a use is classified as ‘D’ by the TPS and has no impact or non-compliance no consultation is required. In this regard it is noted that the proposal does not include any non-compliance in relation to statutory requirements requiring consultation in terms of the policy.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Location and amenity

As substantial sections of the building will also be visible from Parnell Street (southern elevation) as well as from the internal access road (northern elevation) a condition is proposed requiring the applicant to submit amended elevation plans and a schedule of building materials and colour schemes to be used on the external facades of the building to ensure that the development compliments the amenity of the locality.

Land Use

The proposed use is considered to be a Club Premises for the purposes of the TPS. A Club Premises may be permitted at the discretion of Council.

Parking and storage

Due to the location and nature of the site, being the Shire's showgrounds, the provision of parking is not considered to be an issue. The lease will detail any parking requirements.

Drainage

The applicant will be required to provide a drainage management plan demonstrating the on site management of runoff.

Other Matters

Standard Building and Environmental Health conditions and requirements apply (building permit, sewer, noise attenuation etc.).

It is also expected that a lease agreement will be entered into between the Shire and the proponents prior to the commencement of any works in order to address the management and use of the premises.

Conclusion

The Planning Consent is recommended for approval subject to the conditions and with the inclusion of appropriate advice notes as per the Officer's Recommendation.

Appendices Attached:	Yes	Appendices Numbers:	9.2.2A
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VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That in relation to the proposed Men's Shed on Lot 316 (Reserve 8746), Parnell Street, Waroona, Council resolves to:

- A. Grant landowner's consent for the proposed Shed on Lot 316 (Reserve 8746), Parnell Street, Waroona.**
- B. Advise Waroona Community Men's Shed Inc. that a lease agreement with the Shire will be required to be entered into prior to the commencement of any works on site.**
- C. Approve the application for planning consent subject to the following conditions:**
 - 1. The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval from the Shire of Waroona.**

- 2. The proponent shall submit a comprehensive drainage management plan. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted by the applicant and approved by the Shire of Waroona prior to the issue of a building licence.**
- 3. All stormwater and drainage run-off shall be contained on site to the specification and satisfaction of the Shire of Waroona. Without the prior written approval of the Shire of Waroona no stormwater is to be discharged into or on the road reserve, or connected to a Council stormwater legal point of discharge.**
- 4. Prior to the commencement of the use, the applicant shall submit amended elevation plans and a schedule of building materials and colour schemes to be used on the external facades of buildings and structures for the approval of the Shire of Waroona. The approved schedule is to be implemented in full and thereafter maintained to the satisfaction of the Shire of Waroona.**
- 5. Building materials are to be of a standard and colour scheme complementing and blending in with the amenity of the area and the existing development on site to the satisfaction of the Shire of Waroona.**

ADVICE TO APPLICANT:

- a) The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2015.**
- b) In relation to conditions 4 and 5, the schedule of materials and colours of external finishes is required to ensure that the development compliments the amenity of the locality.**
- c) The applicant is advised that sewer infrastructure on the premises is to comply with the provisions of the Health Act 1911.**
- d) All activities on site are to comply with the Environmental Protection (Noise) Regulations 1997. The emission of excess noise may require noise attenuation measures to be installed in workshop areas.**

9.2.3 APPLICATION OF COMMON SEAL – SECTION 70A OF THE TRANSFER OF LAND ACT 1893 NOTIFICATION FOR THE SUBDIVISION OF LOT 1209 SOUTHERN ESTUARY ROAD, LAKE CLIFTON	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; Nil
Proponent:	RIT McEwen
Landowner:	Ronald Archibald Armstrong
Date of Report: 16 October 2017	File No.: SD150415
Previous Reference:	Nil
Policy Implications:	Shire of Waroona Policy 1.26 – application of common seal State Planning Policy 3.7 – Planning in Bushfire Prone Areas
Statutory Implications:	<i>Transfer of land Act 1893</i> <i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i>
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

PROPOSAL SUMMARY

Council is requested to authorise the application of the Shire of Waroona Common seal in the execution of documents relating to the registration of a notification under section 70A of the Transfer of Land Act 1893, notifying prospective purchasers of the fire management plan applicable to lots created under subdivision SD150415.

BACKGROUND / INITIAL COMMENTS

On 1 August 2014, the Shire received a subdivision application referral from the Western Australian Planning Commission (WAPC) for the subdivision of Lot 1209 Southern Estuary Road, Lake Clifton. A fire management plan was attached to the application as required by the State Planning Framework.

On 3 October 2014, the Director Planning and Development Services responded to the WAPC under delegated authority recommending approval of the application subject to conditions, including a condition requiring a notification under section 70A of the Transfer of Land Act 1893, advising of the requirements of the fire management plan.

On 4 March 2015, the Western Australian Planning Commission approved the application. Condition 7 of the approval requires the registration of a notification under section 70A in relation to the bushfire management plan.

PLANNING – STRATEGIC IMPLICATIONS

Nil.



REFERRALS

The Manager of Works and Services has advised that the requirements of the conditions of subdivision have been satisfied from a Technical Services perspective.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 3 Land Use: Responsible Land Use Planning, and Protecting Rural Land

FINANCIAL ISSUES/IMPLICATIONS

The required fee for the clearance of the subdivision of \$645 has been paid to the Shire.

POLICY ISSUES/IMPLICATIONS

Shire of Waroona Policy 1.26 – Application of Common Seal

Policy 1.26 requires the application of the common seal to be witnessed by the Shire President / Deputy Shire President and Chief Executive Officer / Deputy Chief Executive Officer.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 sets out the requirements for the formulation and implementation of bushfire management plans.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Transfer of Land Act 1893

Section 70A of the Act states:

- (1) *Where, in relation to land under the operation of this Act —*
- (a) *the local government of the district in which the land is situated; or*
 - (b) *a public authority,*

considers it desirable that proprietors or prospective proprietors of the land be made aware of a factor affecting the use or enjoyment of the land or part of the land, the local government or the public authority may, on payment of the prescribed fee, cause a notification of the factor to be prepared in an approved form and lodged with the Registrar.

Local Government Act 1995

Section 9.49A of the Act states:

- (1) *A document is duly executed by a local government if —*
- (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*

- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

Planning and Development Act 2005

The Planning and Development Act 2005 provides the head of power for the assessment and approval of applications for subdivision.

LEGAL ISSUES/IMPLICATIONS

See statutory issues.

COMMUNITY CONSULTATION

Community consultation is not required for this item.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The execution of the Section 70A documentation is required for the clearance of the subdivision conditions by the Shire. The notification is considered a necessary inclusion on the titles to be created to ensure all prospective purchasers are aware of the fire management plan applicable to the lots.

It is therefore recommended that Council authorise the application of the Shire of Waroona common seal in order to execute the documents.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That in relation to the documentation for the registration of a notification under section 70A of the Transfer of Land Act 1893 for the subdivision of Lot 1209 Southern Estuary Road, Lake Clifton and pursuant to section 9.49A of the Local Government Act 1995, Council resolves to authorise:

- 1. The application of the Shire of Waroona Common Seal and:**
- 2. The execution of the required documents by the Shire President and Chief Executive Officer.**



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 Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 16/10/17	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
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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<u>OFFICER RECOMMENDATION</u>		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8717 - 8741	\$23,093.81
Trust (Cheque/EFTs)	EFT 26068 Chq: 11140-11144	\$2,765.24
Electronic Transfers Municipal Fund	EFT 25885 to 26080	\$600,257.12
Direct Wages	01/9/17 – 30/9/17 inclusive	\$176,754.40
Direct Debits	01/9/17 – 30/9/17	\$1,743.53
GRAND TOTAL:		<u>\$804,614.10</u>
and attached at Appendix 9.3.1 be endorsed.		

9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 30 SEPTEMBER 2017	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Corporate Services / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 16/10/17	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
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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OFFICER RECOMMENDATION

That the Monthly Statements of Financial Activity for the period 1 July 2017 to 30 September 2017 be received and noted.

9.3.3 SHIRE OFFICE CLOSURE FOR THE CHRISTMAS PERIOD	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Corporate Services; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy Chief Executive Officer/Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 10/10/2017	File No.: 44/2
Previous Reference:	Not Applicable
Policy Implications:	Not Applicable
Statutory Implications:	Not Applicable
Strategic Implications:	Not Applicable
Financial Implications:	Not Applicable
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

To seeks Council's endorsement for the closure of the Administration office during the Christmas and New Year holiday period from close of business Friday 22 December 2017 and reopen Tuesday 2 January 2018

BACKGROUND / INITIAL COMMENTS

It is proposed that Council consider the closure of the Administration office from Friday 22 December 2017 and reopen Tuesday 2 January 2018.

During this period there is minimal requirement of customer service and administration needs to the community. It has been discussed with a number of staff that believe there is little or no benefit of the Administration office being open during this period, as majority of enquires in previous years have been of a non-urgent nature, or enquires of the refuse site and pick up information which will be advertised widely leading up to the holiday period. It would be a welcomed gesture from Council to acknowledge the efforts of the team by agreeing to close the office during this time.

The following time line shows that there are 2 non-public holiday days that the office will be closed for;

25 December 2017 Monday	-	Public Holiday (Christmas Day)
26 December 2017 Tuesday	-	Public Holiday (Boxing Day)
27 December 2017 Wednesday	-	Public Officers Holiday (Due 2/3 January)
28 December 2017 Thursday	-	Propose to Close
29 December 2017 Friday	-	Propose to Close
1 January 2018 Monday	-	Public Holiday (New Years Day)

If Council accepts this proposal it can be assured that emergency contact details for each department will be advertised leading up to this period as well as a plan of action in the instance that something unforeseen were to occur. The closure will be

communicated to the community well in advance through newsletter/paper, posters, messages on hold, and the Shire's website.

The Works Depot will be closed throughout this period though a skeleton crew will be maintained and the Rangers provided by the Shire of Murray will be rostered on as normal. This time of the year is also a quiet time of the year for Library services and it is recommended that they shut down for the same period.

All staff members who want to take advantage of this close down period will need to have accrued leave which will cover the 2 non-public holiday days. If an employee has no accrued leave this time off will be leave without pay.

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

In previous years other Local Governments were consulted and 90% close their administration office between Christmas and New Years

Some of the central reasons that the majority of Council's take this action is; it is a gesture from Council as well as Executive officers to recognise the efforts of staff from the year past, this time of the year is quiet due to members of the public away on holidays and it is a good time for staff to have a break and spend time with family.

It is proposed that Council endorse the closing of the Administration office during the Christmas and New Year’s break.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

<u>OFFICER RECOMMENDATION</u>	
<p>That Council endorses the closure of the Shire Administration office including Licensing and the Library from Friday 22 December 2017 and reopens on Tuesday 2 January 2018 which includes the 3 public holiday, 1 officer public holiday (due 2 January 2018) and 2 standard working days;</p>	
<p>25 December 2017 Monday 26 December 2017 Tuesday 27 December 2017 Wednesday 28 December 2017 Thursday 29 December 2017 Friday</p>	<p>- Christmas Day Public Holiday - Boxing Day Public Holiday - Govt Officer Public Holiday - Propose to Close - Propose to Close</p>
<p>1 January 2018 Monday</p>	<p>- New Year’s Day Public Holiday</p>



9.3.4 ANNUAL AUDIT 2016/2017	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 16 October 2017	File No.: 15/1
Previous Reference:	Nil
Policy Implications:	N/A
Statutory Implications:	Local Government Act 1995 and Audit Regulations
Strategic Implications:	Nil
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

The Council's annual audit for 2016/17 has now been finalised by the Council's auditor Mr Tim Partridge from AMD Bunbury.

The auditor has advised that the accounts have been presented to a very high standard with no areas of concern in relation to statutory compliance.

Details of management issues, suggestions etc are contained within a separate report and are addressed on an ongoing basis. Staff are pleased to advise that no issues requiring Council's attention were identified during the audit.

A copy of the 2016/17 Annual Accounts together with the audit report will either be enclosed with your agenda papers or tabled at the meeting.

Following adoption of the official audit report the document and Annual Financial Statements will be presented to the Electors.

It is also a requirement that a copy of the audit report and Financial Statements be forwarded to the Dept of Local Government.

BACKGROUND/INITIAL COMMENTS

The Council is required to prepare its annual accounts by September 30 each year. This is followed by formal acceptance of the Audit report and subsequent incorporation of the audit report into the Annual Report which is to be presented to the Electors.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable



REFERRALS

None Applicable

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

None Applicable

POLICY ISSUES/IMPLICATIONS

None Applicable

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

In accordance with section 6.4 of the Local Government Act 1995 the Council is required by the 30th September each year to submit its accounts to the auditor.

LEGAL ISSUES/IMPLICATIONS

Non Applicable

COMMUNITY CONSULTATION

In accordance with Statutory requirements of both the Local Government Act 1995 and Audit Regulations.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A full set of the audited Annual Financial Statements will be included within the “Annual Report” which is to be presented to Electors at the Annual meeting of Electors proposed to be held on Tuesday 19 December 2017 (following the December Ordinary Council meeting).

The Councils Finance and Audit Committee are also required to meet with the Auditor on an annual basis. This is expected to take place immediately prior to the December Ordinary Council meeting.

Councillors are reminded that State Government legislation (Local Government Amendment Auditing Act 2017) has passed the passage of Parliament.

This Legislation provides for the Office of the Auditor General to carry out future Local Government Audits. Although there will be transition phase it is expected that all Local Governments will be audited by the Auditor General by the financial year 2020/21 regardless of existing contracts.

The Council’s existing audit contract with Mr Tim Partridge (AMD Bunbury) expires on 30th June 2021. It is possible that Mr Partridge could be contracted by the Auditor General however it is unclear if he would perform Shire of Waroona audits.



In addition to Financial Audits an additional audit category being a “Performance Audit” has been introduced. This audit may examine the economy, efficiency and effectiveness of any aspect of a Council’s operations.

Appendices Attached:	Yes	Appendices Numbers:	9.3.4
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VOTING REQUIREMENTS

Simple Majority

OFFICERS RECOMMENDATION

- 1. That the Annual Financial Statements for the books of account for the Shire of Waroona, for the 2016/2017 financial year, as appended be received.**
- 2. That the Audit Report for the books of account for the Shire of Waroona, for the 2016/17 financial year, as appended be received.**
- 3. That the Council records its appreciation to the Manager Corporate Services and all Finance staff on the excellent presentation of the Council’s accounts.**

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 ANNUAL ELECTORS MEETING / DECEMBER & JANUARY COUNCIL MEETING	
Reporting Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley – Chief Executive Officer / Nil
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 5 October 2017	File No.: 35/1
Previous Reference:	OCM15/10/120 October 2015 and OCM16/10/114 October 2016
Policy Implications:	Council Policy 1.13
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

To set the date and time for the December 2017 Council Meeting, the 2017 Annual Electors Meeting and consider the need for a January 2018 Council meeting.

BACKGROUND/INITIAL COMMENTS

The December 2017 Council meeting is scheduled for Tuesday 26 December and it is recommended that the meeting be held one week prior to the scheduled day on Tuesday 19 December 2017 commencing at 4.00pm

It is suggested that the Annual Electors Meeting be held at 6.00pm on the same day as the December Council meeting Tuesday 19 December 2017

The January Council meeting is scheduled for Tuesday 23 January 2018. Council generally does not hold a January meeting and it is recommend that this occurs again. If urgent business arises during this period a Special Council meeting can be held.

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

Council Policy 1.13 Annual Electors Meeting – Minutes – Resolutions

This policy states that the Annual Electors Meeting is to be held where practical during the second week of December. As timing permits the Ordinary Council Meeting is to be held during the third week of December, therefore it is recommended that the Annual Electors Meeting will be scheduled for 6.00pm following the closure of that meeting.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Following the precedent set in prior years it is recommend that the Ordinary Council Meeting for December be brought forward from the 4th Tuesday to the week prior, and the Annual Electors Meeting be scheduled for the same day at 6.00pm. Additional it is recommended that there be no January Council Meeting held in 2018.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council give public notice of the following schedule for coming meetings;

- 1. That the December 2017 Council Meeting be held on Tuesday 19 December 2017 commencing at 4.00pm**
- 2. That the 2016/17 Annual Electors Meeting be held on Tuesday 19 December 2017 commencing at 6.00pm**
- 3. No January 2018 Ordinary Council Meeting be held**

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

12.2 OFFICERS

13. CLOSURE OF MEETING