



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 25 SEPTEMBER 2018

(Held at the Shire of Waroona Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.00 pm and welcomed Councillors and Staff present.

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

Cr Mike Walmsley	Shire President
Cr Larry Scott	Deputy Shire President
Cr John Mason	Councillor
Cr Noel Dew	Councillor
Cr Craig Wright	Councillor
Cr Laurie Snell	Councillor
Cr Naomi Purcell	Councillor
Cr John Salerian	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO/ Director Corporate Services
Mr Leonard Long	Executive Manager Development Services
Mr Patrick Steinbacher	Director Technical Services
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

There were two members of the public present 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**COUNCIL RESOLUTION**

SCM18/09/078

MOVED: CR SALERIAN

SECONDED: CR WRIGHT

That Leave of Absence be granted to Cr Laurie Snell for the period 7 October to 23 October 2018 inclusive.

CARRIED 8/0



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.)

Cr Scott declared an interest affecting impartiality in Item 9.3.3 as a member of the Waroona Lions Club which is involved with all those events.

Cr Purcell declared an interest affecting impartiality in Item 9.3.3 as a member of the Just Cruizin Street Machiners who hosts the All Australian Car Day.

Cr Walmsley declared an interest affecting impartiality in Item 9.3.3 as a member of the Waroona Agricultural Society.

Cr Snell declared an interest affecting impartiality in Item 9.3.3 as a member of the Waroona Agricultural Society and Waroona Poultry Club.

Cr Salerian declared an interest affecting impartiality in Item 9.3.3 as a member of the Waroona Agricultural Society.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES**8.1 SPECIAL COUNCIL MEETING – 10 August 2018****COUNCIL RESOLUTION****OCM18/09/079****MOVED: CR MASON****SECONDED: CR PURCELL**

That the Minutes of the Special Council Meeting held 10 August 2018 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

9.1.1 AMENDMENT TO THE FEES AND CHARGES – 2018/19 ANNUAL BUDGET	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 21/08/2018	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): 5.04 Effect Responsible Stewardship of Council owned/controlled Assets	

PROPOSAL SUMMARY

Due to an oversight an item was omitted from the fees & charges section of the 2018/19 annual budget. Council is therefore requested to approve an amendment to the fees and charges so as to include the item into the budget at this point in time.

BACKGROUND/INITIAL COMMENTS

Council currently charges a waste levy to those properties that have a 240 litre bin service which is made of up costs to collect the 240 litre rubbish and recycling bins each year plus a cost which reflects the cost to operate the Buller Road Waste facility.

The total waste levy is \$290, made up of \$184 which is the waste facility component while the remaining \$106 covers the cost of the 240 litre domestic waste and recycling collection. In a new initiative for 2018/19 the Technical Services department proposed the inclusion to the fees and charges of a levy comprising only the \$184 component of the waste costs.

This fee was proposed so that commercial properties that satisfy their waste collection via bulk bin collections supplied via the Shire's waste collection contractor and do not require a 240 litre service will be charged only the \$184 waste facility levy without the \$106 240 litre bin collection component. It will only apply in a small number of instances and there is no impact on the already adopted domestic waste charge for 2018/19 of \$290.

As this is a new initiative it was unfortunately inadvertently overlooked during the budget preparation process and officers wish to seek Council approval to include the levy in a revised fees and charges section of the 2018/19 budget.

As is the case with all fees and charges, should the proposal meet with Council approval, the intent of the inclusion will proceed to advertising.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

5.04 Effect Responsible Stewardship of Council owned/controlled Assets

FINANCIAL ISSUES/IMPLICATIONS

The proposed standalone Buller Road Waste Facility levy is \$184 per annum. Including the levy in the fees and charges allows the Shire to apply the levy in some circumstances where it is not currently being paid, and also to remove the bin cost component in other situations which is a more equitable outcome. Actual financial implications will be relatively minor overall.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Nil

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

Absolute Majority

COUNCIL RESOLUTION**OCM18/09/080****MOVED: CR SCOTT****SECONDED: CR DEW**

That Council approve an amendment to the 2018/19 fees and charges in order to include the \$184 Buller Road Waste Facility component of the total waste levy as a standalone levy which can be applied to those properties that do not require a 240 litre rubbish and recycling collection service but that receive a bulk bin service through the Shire of Waroona's waste collection services.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2 DIRECTOR STRATEGIC DEVELOPMENT

9.2.1 RDA PEEL REQUEST FOR CONTRIBUTION – PEEL BRIGHT MINDS	
Reporting Officer / Officer's Interest:	Brad Vitale, Community Development Officer; No interest
Responsible Officer / Officer's Interest	Louis Fouché, Director Strategic Development; No Interest
Proponent:	Regional Development Australia
Landowner:	N/A
Date of Report: 18/07/2018	File No.: 48/1
Previous Reference:	Nil
Policy Implications:	Policy 3.2 Budget Preparation
Statutory Implications:	See heading
Strategic Implications:	See heading
Financial Implications:	See heading
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan 2016/17 – 2025/26</i>): Theme 4 – Society / Community Wellbeing, “Maintain strong sense of community; effective community wellbeing”.	

PROPOSAL SUMMARY

Council is requested by Regional Development Australia (RDA) Peel to financially support the Peel Bright Minds initiative for a period of 3 years commencing from the 2018/19 financial year.

BACKGROUND / INITIAL COMMENTS

In the next 10 to 15 years, almost 5 million Australian jobs – around 40% of the workforce – face the high probability of being replaced by computers and other technology.

In response to future workforce challenges, Peel Bright Minds was initiated by RDA Peel, with support from Peel Development Commission, Peel-Harvey Catchment Council and the Inspiring Australia Regional Hubs Program.

Peel Bright Minds recognises that the Transform Peel initiative will fundamentally change the makeup of the regional workforce. One of the key objectives of Peel Bright Minds is to provide people with the skills that employers will demand, and that can be the focus of targeted workforce development to satisfy the needs identified in the Transform Peel Workforce Skills Analysis Report. These include readiness in terms of work ethic, attitudes, willingness to learn and communication, as well as basic skills and understanding in science, technology, engineering, mathematics and information communication technology.

Internationally it has been recognised that high-quality Science, Technology, Engineering and Mathematics (STEM) education is critically important for our current and future productivity, as well as for informed personal decision making and effective community, national and global citizenship.

STEM is an approach to learning and development that integrates the areas of science, technology, engineering and mathematics. Through STEM, students develop key skills including problem solving, creativity, critical analysis, teamwork, independent thinking, initiative, communication and digital literacy.



At a regional level, it was identified that in addition to STEM, there was a requirement to add the following elements to STEM:

Entrepreneurship – to recognise the need for individuals to create their own jobs, which will require entrepreneurial skills and attributes;

Arts – to recognise that combining arts education with STEM education can provide vital skills such as critical reasoning, problem solving, time management, communication and presentation skills.

Peel Bright Minds has the vision to create a community that:

- Is curious and inspired to engage in lifelong learning;
- Has positive perceptions and increased knowledge of ESTEAM;
- Actively engages with and further develops opportunities in ESTEAM;
- Is well prepared to regularly upskill, reskill and change jobs in the future workforce; and
- Uses their knowledge to benefit the region's natural environment, community and economy.

Peel Bright Minds has the vision to create a region that:

- Is characterised by organisations that embrace evidence based decision making; and
- Is an attractive place for relevant and high quality scientific research to be conducted, and for innovative industries and businesses to establish, and employ local people.

Peel Bright Minds will work with the community and partner organisations to communicate, coordinate and promote regional activities and events to:

- Promote ESTEAM and connect the community, especially young people, to activities and opportunities in the region, including citizen science opportunities;
- Encourage an aspirant culture among people of all backgrounds, ages and abilities in the Peel, celebrating the unique regional strengths through science and the arts; and
- Facilitate collaboration among regional stakeholders, especially ESTEAM champions and researchers.

In January 2018, Peel Bright Minds employed a part time Program Coordinator to:

- Plan, coordinate and execute events, forums and meetings;
- Conduct an environmental scan of ESTEAM activities, stakeholders and participants in the Peel region;
- Maintain currency, accuracy and relevance of the Peel Bright Minds website and social media;
- Establish and maintain partnership with members, stakeholder and the ESTEAM community;
- Establish and create an effective client relationship management database;
- Prepare, submit and manage grant and sponsorship applications;
- Promote the Peel Bright Minds vision and represent the group at meetings and events;
- Compile progress and administrative reports as required by the Peel Bright Minds Steering Group; and
- Arrange meetings of the Peel Bright Minds Steering Group and record and distribute records of meetings.

PLANNING – STRATEGIC IMPLICATIONS

See Strategic Community Plan Implications.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan theme is Theme 4 – Society / Community Wellbeing, “Maintain strong sense of community; effective community wellbeing”, particularly the following strategies:

- 4.01 Pursue a social environment that is accessible and inclusive for all ages and abilities;
- 4.04 Plan for future uses of facilities by different group in various parts of the Shire; and
- 4.10 Work in partnership with government and non-government organisations to achieve real and long lasting improvements in safety and wellbeing.

FINANCIAL ISSUES / IMPLICATIONS

RDA Peel is requesting financial support from the five local governments in the Peel region to continue the Peel Bright Minds initiative beyond the 2017/18 financial year. Each Peel local government’s contribution has been based on a per capita share of the Peel region’s population.

The Shire is requested to provide financial support as follows:

- \$2,000 in 2018/19
- \$2,000 in 2019/20
- \$2,000 in 2020/21

Regional Development Australia has provided the budget for each year of the initiative below to demonstrate how the Shire’s contribution will be spent.

Expenses		
Program Manager wages (3 days a week)	\$927.30	\$48,219.60
Superannuation on wages	\$115.91	\$6,027.40
Insurances		In kind RDA
Total staff costs	\$1,043.21	\$54,247.00
Rent		In kind RDA
Communication costs		In kind RDA
Vehicle costs	10,000 @ 65c	\$6,500.00
Events & awards		\$5,000.00
Marketing & advertising		\$5,000.00
TOTAL		\$70,747.00
RDA cash contribution		\$20,000.00
Funds required		\$50,747.00

Sufficient funding for the 2018/19 financial year is available in Account 125120 - Peel Regional Leaders Forum.



POLICY ISSUES / IMPLICATIONS

Policy 3.2 Budget Preparation

Where practicable, the Annual Budget meeting is held in the second week of August. Should the Officer Recommendation be adopted, the financial support to Peel Bright Minds needs to be included in the budgets of the next three financial years.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Local Government Act 1995

Part 6, Division 2, s. 6.2 “Local government to prepare annual budget”

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government; and
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government; ...”

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

LEGAL ISSUES / IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Nil.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

To date, Peel Bright Minds has:

- Formally launched at a stakeholder event attended by approximately 50 people at Make Place in Mandurah;
- Progressed on conducting an ‘ESTEAM Environmental Scan’ to identify the current status, gaps and opportunities, and expected benefits around strengthening regional engagement in ESTEAM and citizen science;



- Organised science engagement activities delivered at a stall at Mandurah Crab Fest;
- Established an online presence with a website and Facebook page, and delivered communications relating to ESTEAM and citizen science on these platforms and via newsletters; and
- Prepared implementation plans and commenced preparation to deliver a series of Science Café events, an interactive arts activity at Stretch Festival, Innovators' Tea Party, ESTEAM Awards, industry tours, and initiate an ESTEAM Champions network for teachers.

Past activities have generally occurred in Mandurah, with limited engagement with the Waroona community. Peel Bright Minds has opportunities for promotion and engagement at local events such as Waroona Youth Fest and meeting local schools and youth organisations.

The requested contribution will provide the following activities to be conducted in the shire:

- Community engagement via stalls at a minimum of one community festival / event per annum;
- Delivery of at least one Science Café event (or similar event depending on community interest) per annum;
- The opportunity for community groups, schools and initiatives to participate in whole of region activities such as ESTEAM awards, ESTEAM Champion Teachers' network, STEM speed networking, industry tours and others as appropriate to the needs and interests of the community;
- Ongoing targeted promotion of potential external programs and grant opportunities to schools and community groups; and
- Ongoing targeted advocacy for external programs and initiatives relevant to local needs to establish themselves in the local area.

Should Council contribute to the Peel Bright Minds initiative, RDA Peel offers the following to the Shire of Waroona:

- Logo used in promotional material where possible;
- Logo placement at projects or events;
- Key staff and Councillors invited to attend projects or events;
- Media coverage where relevant in releases; and
- Event naming rights where applicable at events in the Shire.

Appendices Attached:	Yes	Appendices Numbers: 9.2.1
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VOTING REQUIREMENTS

Absolute Majority.



COUNCIL RESOLUTION

OCM18/09/081

MOVED: CR PURCELL

SECONDED: CR SNELL

In relation to the request for financial support by Regional Development Australia (Peel) for the Peel Bright Minds initiative, Council:

- 1. Agrees to contribute funding to the initiative, allocating future funding to the amount of \$2,000 per annum in 2018/19, 2019/20 and 2020/21, on the condition that the contributed amount is allocated to activities delivered locally in the Waroona shire;**
- 2. Fund the \$2,000 contribution in the 2018/19 financial year from Account 125120 Peel Regional Leaders Forum.**
- 3. Authorises the CEO to sign agreements / contracts regarding the initiative.**

CARRIED BY ABSOLUTE MAJORITY 8/0

9.3 EXECUTIVE MANAGER PLANNING & BUILDING SERVICES

9.3.1 RECONSIDERATION OF CONDITION OF APPROVAL – EXTRACTIVE INDUSTRY, LOT 1001 LAKE CLIFTON ROAD, LAKE CLIFTON	
Reporting Officer / Officer's Interest:	Sarah Park; Environmental Planner / Nil
Responsible Officer / Officer's Interest	Leonard Long; Executive Manager Planning and Building Services / Nil
Proponent:	Cougar Sand Supplies
Landowner:	Parisi Holdings Pty Ltd, Peto Pty Ltd, Gary Thomas Foale, Sandra Michelle Foale, Shane Lambert & Tony John Lambert.
Date of Report: 10/09/2018	File No.: TP2044
Previous Reference: TP1157 (EI24)	OCM08/119 of 24/06/2008 OCM18/06/055 of 26/06/2018
Policy Implications:	Local Planning Policy 15 – Extractive Industry
Statutory Implications:	State Administrative Tribunal Act 2004 (WA); Planning and Development Act 2005; Planning and Development (Local Planning Schemes) Regulations 2015
Strategic Implications:	Shire of Waroona Local Planning Strategy 2009; Shire of Waroona Strategic Community Plan 2016/17-2025/26;
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land	

PROPOSAL SUMMARY

Council received an invitation from the State Administrative Tribunal to reconsider a condition imposed through its decision of 26 June 2018 item OCM18/06/055 for TP2044 – Renewal of Extractive Industry at Lot 1001, Lake Clifton Road, Lake Clifton. The condition to be reconsidered relates to the approval period of 5 years.

Should Council resolve to approve the application subject to the modified condition, Council is also requested to initiate an amendment to Local Planning Policy 15 – Extractive Industries (LPP15) by amending the approval period for Planning Consents from 5 years to 10 years.

BACKGROUND / INITIAL COMMENTS

Following Council's decision of 26 August 2018 to approve (subject to conditions) item OCM18/06/055 for TP2044 – Renewal of Extractive Industry at Lot 1001, Lake Clifton Road, Lake Clifton, the applicant appealed condition 13 through the State Administrative Tribunal. The applicant is seeking an approval period for 20 years in lieu of the approved 5 years.

'13. The Planning Consent shall expire after a period of five (5) years from the date of this approval.'

At a Directions Hearing on 24 August 2018, Shire Officers presented reasons why the applicants request for 20 years could not be supported at an officer level. Subsequently the matter was discussed between all parties and the Presiding Member Judge Parry, suggested a compromise of 10 years, which has been accepted by the applicant.



The matter has been adjourned pending the invitation to Council to reconsider the original decision.

Currently the period for which an ‘Extractive Industry’ can be approved is contained in Local Planning Policy 15 – Extractive Industries adopted by Council in 2003, which states:

4. Planning consent for extractive industry and extractive industry licences shall be issued for a maximum period of five years.’

From an officer level the amendment from 5 years to 10 years for the Planning Consent is considered appropriate and in line with current planning practices. Current planning legislation around ‘future planning’ through the use of local development plans are limited to 10 years suggesting that ‘future planning’ at a lower level could change after 10 years.

Officers are of the opinion that the amendment from 5 years to 10 years would not negatively impact the objectives of the current Local Planning Policy 15 – Extractive Industries, and will still provide Council with a sufficient control mechanisms to ensure the future development of areas is not compromised by the approval of ‘Extractive Industries’.

Should Council resolve to amend condition 13 by approving the ‘Extractive Industry’ Planning Consent for 10 years in lieu of its original approval of 5 years, Council is requested to approve the initiation of the amendment of Local Planning Policy 15 – Extractive Industries to reflect the same.

PLANNING – STRATEGIC IMPLICATIONS

Local Planning Strategy 2009 (LPS) – no implications identified.

INTERNAL REFERRALS

Nil

EXTERNAL REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

Shire of Waroona Strategic Community Plan 2016/17-2025/26

This item relates to Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

FINANCIAL ISSUES/IMPLICATIONS

- The planning consent application fee of \$739 will be paid on renewal at 10 years in lieu of 5 years.
- Cost of Advertising the Policy is within the budget (incorporated into Council’s existing advertising expenses associated with the Sea to Scarp publication).

POLICY ISSUES / IMPLICATIONS

Statement 4 of the Local Planning Policy 15 – Extractive Industries is proposed to be amended as follows:

4. *Planning consent for extractive industry and extractive industry licences shall be issued for a maximum period of **five** years'; to*
4. *Planning consent for extractive industry shall be issued for a maximum period of ~~five (5) years~~ ten (10) years, and for an extractive industry licence five (5) years.*

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

The invitation to reconsider the original decision and the assessment of the application has been undertaken in accordance with:

- *State Administrative Tribunal Act 2004 (WA)*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

LEGAL ISSUES / IMPLICATIONS

Should Council resolve not to reconsider the original decision as requested by the State Administrative Tribunal, the matter will be subject to a further directions hearing scheduled for 19 October 2018.

If the matter goes to a full hearing the Shire may be required to appoint an independent Town Planner / Attorney to represent Council at the State Administrative Tribunal.

COMMUNITY CONSULTATION

Should Council reconsider its original decision and subsequently initiate the amendment of Local Planning Policy 15 – Extractive Industries, the required community consultation will be undertaken in terms of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Amending Condition 13 to permit Planning Consent approval of the extractive industry for 10 years in lieu of the currently approved 5 years is not expected to result in negative environmental impacts.

The change to Local Planning Policy 15 – Extractive Industries is not expected to result in substantial alterations to the policies implementation, rather increase the level of certainty of future operations for proponents of extractive industries.

It is therefore recommended that Council rescind its original decision of its Ordinary Council Meeting of 26 June 2018 (OCM18/06/055) and approve the application for planning consent with the amendment of Condition 13, and subsequently initiate the draft Local Planning Policy 15 – Extractive Industries for advertising.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority required for the Rescission Motion and amendment of Policy, Simple Majority required for the issue of a new decision.

To move a motion to rescind the resolution of June 2018 OCM18/06/055 support from at least one third of Councillors is required.

COUNCIL RESOLUTION

OCM18/09/082

MOVED: CR SNELL

SECONDED: CR SCOTT

SUPPORTED: CR DEW

1. That in relation to its decision OCM 18/06/055 for planning consent application (TP2044) Extractive Industry at Lot 1001 Lake Clifton Road, Lake Clifton, Council resolves to:
 - A. Rescind condition 13 of Part A of the previous decision of Council relating to the approval of the application for planning consent, which states:

“The Planning Consent shall expire after a period of five (5) years from the date of this approval.”
 - B. Replace condition 13 of Part A of the previous resolution with a condition that states:

“The Planning Consent shall expire after a period of ten (10) years from the date of this approval.”

CARRIED BY ABSOLUTE MAJORITY 8/0

COUNCIL RESOLUTION

OCM18/09/083

MOVED: CR MASON

SECONDED: CR SNELL

1. Pursuant to Clause 4 of Schedule 2 to the *Planning and Development (Local Planning Scheme) Regulations 2015*, initiate the following amendment to Policy Statement 4 of Local Planning Policy 15.0 – Extractive Industries for advertising:

“4. Planning consent for extractive industry shall be issued for a maximum period of ten (10) years, and for an extractive industry licence five (5) years.”
2. Subject to no objections being received during the required advertising period adopt Local Planning Policy 15 – Extractive Industries. The date of the adoption shall be the date of the first Ordinary Council Meeting following the closing of the advertising period.

CARRIED 8/0



9.3.2 REQUEST FOR CHANGE IN RESERVE PURPOSE – RESERVE 23414	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long, Executive Manager Planning and Building Services; Nil
Proponent:	Shire of Waroona
Landowner:	Crown Land Vested to Shire of Waroona
Date of Report: 10/9/2018	File No.: 87/1
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	<i>Land Administration Act 1997</i>
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</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>	

PROPOSAL SUMMARY

Council is requested to support an application to the Minister for Lands to change the purpose of Reserve 23414, being reserved for 'Kindergarten' and to vest the changed reserve to the Shire.

A location plan is at **APPENDIX 9.3.2A**.

BACKGROUND / INITIAL COMMENTS

Reserve 23414 is a crown reserve for the purposes of a 'Kindergarten' without a current vesting order. The Waroona War Memorial is located on the reserve, which is not consistent with the reserve purpose. The Shire maintains the site in terms of landscaping and general maintenance.

In order to formalise the use of the reserve for the 'Waroona War Memorial' it is required to change the reserve purpose from its current purpose 'Kindergarten' to 'Public Open Space' and to vest the reserve to the Shire.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving built/acquired assets, & Infrastructure; Financial Proficiency & Sustainability.



FINANCIAL ISSUES/IMPLICATIONS

Nil.

POLICY ISSUES/IMPLICATIONS

Nil.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The request is in terms of Section 51 of the *Land Administration Act 1997*.

LEGAL ISSUES/IMPLICATIONS

See statutory issues.

COMMUNITY CONSULTATION

Nil.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The change of a reserve purpose and granting of a reserve vesting can only be undertaken with authorisation from the Minister for Lands.

In order to protect the Waroona War Memorial it is recommended that Council request the reserve purpose be changed and the vesting of Reserve 23414 be granted to the Shire.

Appendices Attached:	Yes	Appendices Numbers:	9.3.2
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM18/09/084

MOVED: CR PURCELL

SECONDED: CR DEW

That Council resolves to:

- 1. Request the Minister for lands to change the purpose of Reserve 23414 from 'Kindergarten' to 'Public Open Space', and to vest Reserve 23414 with the Shire of Waroona.**

CARRIED 8/0



Cr Scott declared an interest affecting impartiality in Item 9.3.3 as a member of the Waroona Lions Club which is involved with all those events.

Cr Purcell declared an interest affecting impartiality in Item 9.3.3 as a member of the Just Cruizin Street Machiners who hold the All Australian Car Day.

Cr Walmsley declared an interest affecting impartiality in Item 9.3.3 as a member of the Waroona Agricultural Society.

Cr Snell declared an interest affecting impartiality in Item 9.3.3 as a member of the Waroona Agricultural Society and Waroona Poultry Club.

Cr Salerian declared an interest affecting impartiality in Item 9.3.3 as a member of the Waroona Agricultural Society.

9.3.3 AMENDMENT OF COUNCIL POLICY 3.28 – EXEMPTION OF FOOD STALL LICENCE FEES.	
Reporting Officer / Officer's Interest	Leonard Long; Executive Manager Planning & Building Services / Nil Interest
Proponent:	Requested by Councillor Walmsley,
Landowner:	N/A
Date of Report: 12/9/2018	File No.: 12/2
Previous Reference:	OCM March 2017 – Item 9.4.1
Policy Implications:	Policy 3.28 – Exemption of Food Stall Licence Fees Policy 3.1.7 – Fees and Charges
Statutory Implications:	Local Government Act 1995 Food Act 2008
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>Theme 4: Society and community wellbeing; and</i> <i>Theme 5: Assets, Resources, Financial Management & Sustainability.</i>	

PROPOSAL SUMMARY

Council is requested to consider amending Council Policy 3.28 – Exemption of Food Stall Licence Fees, to provide clarity on which events and which stallholders are to be exempt from Council's prescribed fee of \$27 for the registration of a food stall (daily rate) when attending events hosted in the Shire of Waroona.

BACKGROUND / INITIAL COMMENTS

Councillor Walmsley has requested that this matter be brought to the Council for consideration, specifically, in relation to food stallholders attending the Lions Markets held at the Showgrounds.

Currently, Council Policy 3.28 - Exemption of Food Stall Licence Fees states –

That it be a Council policy that all food stallholders, excepting those which are local 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.

This policy is not applicable to other functions and, currently, all food stall holders attending the Lions markets and any other event should be paying the stallholders fee.

The request from the Lions Club is to exempt all food stall holder fees for vendors at the monthly Lions markets. The request is based on the expense to vendors affecting the viability of the markets.

Should Council be receptive to the Lions Club request, officer's request that clarity be provided around all other categories of events.

Council is requested to consider whether the daily fee exemption for food stallholders should or should not be applied to events organised by –

Local not for profit events – eg Waroona Show, Lions Markets

Non-local not for profit events – eg Coolup Dressage event

Local or non-local for profit events – eg Grapest Run, Lake Clifton Tavern Markets

And, whether or not the daily fee exemption for food stallholder should be applied to stallholders who are –

Local not for profit groups and organisation,
Non-local for profit groups and organisations,
Local for profit businesses and individuals,
Non-local for profit businesses and individuals.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue areas are:

- Number 5 “Assets, Resources, Financial Management and Sustainability“.
- Number 4: “Society and community wellbeing”.

FINANCIAL ISSUES/IMPLICATIONS

Should Council resolve to amend Council Policy 3.28 - Exemption of Food Stall Licence Fees, based on the income received during the 2017/18 financial year, Council may reduce its annual income by approximately \$600.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The fee and the exemption of such a fee is in terms of the *Local Government Act 1995*.



LEGAL ISSUES/IMPLICATIONS

In terms of the *Food Act 2008*, prior to operating any food business, such business is required to give notice to the Shire regardless of a fee imposed or not. As such should Council resolve to amend the policy any food stall holder selling to the public would still be required to complete the necessary registration form and obtain approval prior to the event.

COMMUNITY CONSULTATION

Nil

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council resolves to amend Policy 3.28 Exemption of Food Stall Licence Fees and gives its clear direction as to the type or events and types of food stallholders that will be eligible for fee exemptions, and that a suitable policy be developed for consideration at the next meeting.

COUNCIL RESOLUTION

OCM18/09/085

MOVED: CR SNELL

SECONDED: CR MASON

That the matter lie on the table for further consideration by Councillors prior to the October 2018 Ordinary Council meeting.

CARRIED 8/0

9.4 DEPUTY CHIEF EXECUTIVE OFFICER / DIRECTOR CORPORATE SERVICES

9.4.1 PAYMENT LISTING FOR THE MONTHS OF JULY & AUGUST 2018	
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: 20/8/18	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the months of July and August 2018.

BACKGROUND / INITIAL COMMENTS

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

Nil



POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 13

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

All payments made from Council's Municipal and Trust account were completed in accordance with the adopted budget.

That Council receive the payment listing for the period as per the appendices.

Appendices Attached:	Yes	Appendices Numbers:	9.4.1
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**OCM18/09/086****MOVED: CR MASON****SECONDED: CR DEW****That Vouchers numbered:**

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8964 - 8982	\$34,414.61
Trust (Cheque/EFTs)	Chq: 11181-11184 EFT 28181 - 28282	\$73,664.43
Electronic Transfers Municipal Fund	EFT 28136 to 28281	\$656,085.59
Direct Wages	01/07/18 – 31/07/18 inclusive	\$166,948.20
Direct Debits	01/07/18 – 31/07/18	\$38,699.63
GRAND TOTAL:		<u>\$969,812.46</u>

AND:**That Vouchers numbered:**

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8983 - 9002	\$25,179.18
Trust (Cheque/EFTs)	Chq: 11185-11187 EFT 28283 - 28445	\$5,174.95
Electronic Transfers Municipal Fund	EFT 28284 to 28444	\$232,616.72
Direct Wages	01/08/18 – 31/08/18 inclusive	\$252,051.61
Direct Debits	01/08/18 – 31/08/18	\$56,551.62
GRAND TOTAL:		<u>\$571,574.08</u>

and attached at Appendix 9.4.1 be endorsed.**CARRIED 8/0**

9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2018 TO 31 JULY 2018 AND 1 JULY 2018 TO 31 AUGUST 2018	
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: 16/09/2018	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

BACKGROUND / INITIAL COMMENTS

The monthly financial report recognises the financial position of Council at the reporting date and contains the following information;

- a) Annual budget estimates taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act 1995;
- b) Budget estimates to the end of the month to which the statement relates;
- c) Actual amounts of expenditure, revenue and income to the end of the month to which the statements relate;
- d) The material variance between the comparable amounts referred to in the paragraphs (b) and (c); and
- e) The net current assets at the end of the month to which the statement relates.

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions
- Note 11 – Significant Capital Projects
- Note 12 – Trust

- Note 13 - Borrowings

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

Nil

POLICY ISSUES/IMPLICATIONS

Accounting policies - Policy 3.1.1 to Policy 3.1.7

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 34

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

That Council receive the monthly statement of financial activity for the period as per the appendices.

Appendices Attached:	Yes	Appendices Numbers:	9.4.2
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM18/09/087

MOVED: CR DEW

SECONDED: CR SNELL

That Council receive the Monthly Statement of Financial Activity for the period 1 July 2018 to 31 July 2018 and 1 July 2018 to 31 August 2018 as presented.

CARRIED 8/0



9.5 CHIEF EXECUTIVE OFFICER

Nil

10. CONFIDENTIAL REPORTS

Nil.

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

Nil.

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

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.09 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 23 OCTOBER 2018 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

