



# **MINUTES**

**ORDINARY COUNCIL MEETING**

**TUESDAY 24 SEPTEMBER 2013**

**(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 Trish Witney	Councillor
Cr Christine Germain	Councillor
Cr Lina Look	Councillor
Cr John Mason	Councillor
Cr John Salerian	Councillor
Mr Steve Cleaver	A/Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO / Director Corporate Services
Mr Louis Fouché	Director Planning Services
Mr Jason Robertson	Manager Environmental Health & Building Services
Mr John Crothers	Coordinator Corporate Planning
Mr Greg Delahunty	Town Planner
Mrs Annette Mason	Admin Officer

**APOLOGIES**

Mr Ian Curley	Chief Executive Officer
Cr Craig Wright	Councillor

There was 1 member 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**

**OCM13/9/084**

**MOVED: Cr Germain**

**SECONDED: Cr Salerian**

**That Cr Mason be granted Leave of Absence for the period 20-30 October 2013 inclusive and 15-29 November 2013 inclusive, and Cr Dew be granted Leave of Absence for the period 26 September to 4 October 2013 inclusive.**

**CARRIED 7/0**

**6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

Nil.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 27 AUGUST 2013**

**COUNCIL RESOLUTION**

**OCM13/9/085**

**MOVED: Cr Witney**

**SECONDED: Cr Look**

**That the Minutes of the Ordinary Council Meeting held 27 August 2013 be confirmed as being a true and correct record of proceedings.**

**CARRIED 7/0**

**9.0 REPORTS OF OFFICERS AND COMMITTEES**

**9.1 DIRECTOR TECHNICAL SERVICES**

Nil.

## 9.2 DIRECTOR COMMUNITY SERVICES

<b>9.2.1 LATE ITEM – AIR-CONDITIONING TO DOCTORS SURGERY (COMMUNITY RESOURCE CENTRE)</b>	
Reporting Officer / Officer's Interest:	Jason Robertson – Manager Environmental Health and Building/Nil
Responsible Officer / Officer's Interest	Steve Cleaver – Acting Chief Executive Officer/Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 23 September 2013	File No. 1/7
Previous Reference:	N/A
Policy Implications:	Policy 3.3
Statutory Implications:	Local Government Act 1995
Strategic Implications:	In document
Financial Implications:	In document
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Strategy 6: Achieve Active Civic Leadership &amp; Good Governance &amp; Excellence In Management</b>	

### **PROPOSAL SUMMARY**

Council is requested to consider an out of budget expenditure by way of transfer of funds from the Building Asset Maintenance Reserve to facilitate the installation of a new air-conditioning unit to replace the existing within the doctor's surgery.

### **BACKGROUND/INITIAL COMMENTS**

The Shire received notification from the administration at the Community Resource Centre that the air-conditioning unit within the doctor's surgery was not fully operational. The maintenance contractor undertook an inspection and found the unit had some mechanical issues needing to be addressed. As it currently stands, the unit is only able to be operated in fan mode for air-circulation. The contractor advised it is more economical to replace the unit and provided a quotation for the works. A copy of the quotation is attached as **APPENDIX 9.2.1**.

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

A core function of local government is Asset Management, with accountabilities for reporting under the Integrated Planning & Reporting Framework. Routine building maintenance is a key element, and the responsibility of ensuring all building components are functional and fit for their intended purpose.

### **FINANCIAL ISSUES/IMPLICATIONS**

There is no current budget for building capital expenditure for the Health/Resource Centre. If the quotation is accepted this will result in an out of budget expense. The implications for this are the current figure of \$51,000 held in the Building Asset Maintenance Reserve will be reduced by \$6,280.00(ex GST).



**POLICY ISSUES/IMPLICATIONS**

Policy 3.3 of the Shire of Waroona policy manual requires expenditure of this value to have an additional quote however as the matter is urgent and the services have previously been provided by this contractor the Chief Executive Officer may waive this requirement.

**STATUTORY ISSUES /IMPLICATIONS**

Under the Local Government Act 1995, an absolute majority of Council is required for an out of budget expenditure.

**LEGAL ISSUES/IMPLICATIONS**

The Shire has a responsibility to ensure it complies with the requirements of the Occupational Health and Safety Act of 1984 and Regulations 1996 WA.

**COMMUNITY CONSULTATION**

N/A

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The diagnostic check was comprehensive, with the contractor advising the circuit breaker had tripped. After further testing they found that the compressor was seized which had caused the breaker to trip. This unit is on R22 refrigerant which is being phased out by 2015 and prices are increasing dramatically. The quotation provides for a new cassette on R410A refrigerant with a 5 year warranty.

Having the works undertaken will ensure the Shire fulfils all its statutory obligations, and it is prudent to have these works completed as soon as is practical.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.1</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM13/9/086**

**MOVED: Cr Witney**

**SECONDED: Cr Look**

- 1) **That the quote of \$6280 from Western Australian Mechanical for a replacement air-conditioning unit in the doctors surgery be accepted and that out of budget expenditure of \$6280 be approved to fund this work.**
- 2) **That Council approve the transfer of \$6280 from the Building Asset Maintenance Reserve to account 1055 to fund this expenditure.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**



### 9.3 DIRECTOR PLANNING & DEVELOPMENT SERVICES

<b>9.3.1 PROPOSED SUBDIVISION – LOTS 961 AND 962 STACEY RISE, LAKE CLIFTON</b>	
Reporting Officer / Officer's Interest:	Greg Delahunty, Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché, Director Planning and Development Services / Nil
Proponent:	Complex Land Solutions
Landowner:	PPS Developments Pty Ltd and Jaitan Pty Ltd
Date of Report: 13 September 2013	File No.: SD148577
Previous Reference:	SD133761
Policy Implications:	Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment; State Planning Policy 2.5 - Agricultural and Rural Land Use Planning; Inner Peel Region Structure Plan (1997) Coastal and Lakeland's Planning Strategy (1999) Development Control Policy 1.1 - Subdivision of Land General Principles; Development Control Policy 3.4 - Subdivision of Rural Land; Shire of Waroona Local Planning Strategy 2009 Shire of Waroona Town Planning Policy 2.0 – Lake Clifton / Herron Structure Plan
Statutory Implications:	Soil and Land Conservation Act 1945 Planning and Development Act 2005 Town Planning Regulations 1967 Peel Region Scheme; Shire of Waroona Town Planning Scheme No.7
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012
Financial Implications:	Officer Time (Budgeted)
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 1 "Manage Future Growth"</b>	

#### **PROPOSAL SUMMARY**

Council is requested to consider a Western Australian Planning Commission (WAPC) referral regarding the 12 lot subdivision of Lots 961 and 962 Stacey Rise, Lake Clifton. See site location plan at **APPENDIX 9.3.1A** and proposed plan of subdivision at **APPENDIX 9.3.1B**.

This application proposes the following:

<b>Lot</b>	<b>961</b>	<b>962</b>	<b>Total</b>
<b>Lot Size (Ha)</b>	4	20.09	24.09
<b>No. Lots Proposed</b>	2	10	12
<b>Smallest proposed Lot (Ha)</b>	2	2	2
<b>Average Lot Size (Ha)</b>	2	2.009	2.0045



All proposed lots will get access from Stacey Rise, with proposed lots 9 and 12 sharing a 6m wide reciprocal access way easement over a battle axe leg. No technical reports have been submitted in support of the application.

### **BACKGROUND**

Lots 961 and 962 contain an abundance of mature native vegetation. A ridge line runs along the lots with the topography sloping from West to East. Access to both lots is currently obtained from Stacey Rise. There is a 40m x 50m (2,000m<sup>2</sup>) building envelope existing on each lot; however both lots are currently devoid of development.

An existing conservation covenant, pursuant to Section 30B of the Soil and Land Conservation Act 1945, identifies a significant amount of land over both lots to be retained and protected as native vegetation. See conservation covenant at **APPENDIX 9.3.1C**.

#### **Previous Approvals**

On 12 May 2008 the WAPC granted conditional subdivisional approval (SD133761) for the 12 lot subdivision of lot 47 Southern Estuary Road, Lake Clifton. The subdivision created 10 2Ha and two (2) larger lots. Lots 961 and 962 remained the larger two (2) lots in order maintain the average lot size above the minimum 3ha required by the Lake Clifton Herron Structure Plan. (An average lot size of 3.6 Ha was maintained over the subdivision). See approved plan of subdivision at **APPENDIX 9.3.1D**.

Condition 10 of subdivision approval 133761 required that a conservation covenant with the Department of Environment and Conservation be placed on the Certificate of Title of proposed lot 12 (now identified as lot 962). The intent of this covenant was to protect native flora and fauna. This conservation covenant allowed for one 2,000m<sup>2</sup> building envelope to be located on lot 12. The Department of Planning (DoP) has confirmed that the requirement to apply this covenant was waived at the clearance of subdivision conditions stage.

As part of the clearance of conditions for subdivision 133761 Council required the applicant to prepare a Fire Management Plan, to the satisfaction of Department Fire and Emergency Services (DFES), in accordance with the provision (iii) of the R Res 7 Code in Schedule II of the Town Planning Scheme (TPS).

### **FINANCIAL IMPLICATIONS**

Assessment of the application is accommodated in existing budgeted officer time.

### **STATUTORY IMPLICATIONS**

#### **Soil and Land Conservation Act 1945**

Section 30B, dealing with the registration and form of covenant or agreement, states that, in accordance with this section, the owner of any land covenants with the Commissioner by instrument in writing to set that land aside for the protection and management of vegetation. The Commissioner may deliver a memorial of the instrument, in a form approved by the relevant land registration officer, to the



relevant land registration officer who shall thereupon register the memorial and accordingly endorse or note the appropriate register or record in respect of the land to which the instrument relates.

### Town Planning Regulations 1967

Regulation 12A deals with Local Planning Strategies

- 1) If a Scheme envisages the zoning or classification of land, the local government shall —
  - (a) Prepare the Scheme Report under regulation 12 in the form of a Local Planning Strategy; and
  - (b) Forward the Local Planning Strategy to the Commission.
- 2) Without limiting the operation of sub regulation (1), a local government may —
  - (a) Prepare a Local Planning Strategy in respect of a Scheme approved by the Minister for which a Local Planning Strategy has not been prepared at any time it thinks fit; and
  - (b) Forward the Local Planning Strategy to the Commission.
- 3) A Local Planning Strategy shall —
  - (a) Set out the long-term planning directions for the local government;
  - (b) Apply State and regional planning policies; and
  - (c) Provide the rationale for the zones and other provisions of the Scheme.

### Peel Region Scheme (PRS) 2003

The subject lot is zoned Rural under the PRS. Clause 5 (b) of the PRS states that it is the purpose of the PRS to provide for the zoning of land for living, working and rural land uses.

Clause 12 (e) deals with the Rural zoning under the PRS;

“Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

### Town Planning Scheme No. 7 (TPS) 1996

The subject lot is located within the ‘Rural 6 – Rural Residential’ zone with a Rural Residential Code of R Res 7, under the Shire of Waroona Town Planning Scheme No. 7.

Clause 4.15 of the Scheme relates specifically to the ‘Rural 6’ zone, and the application for subdivision can be assessed using the relevant provisions of this clause.

Within the Rural 6 Zone Council’s objective is to select and appropriately zone areas wherein subdivision and development of small holdings will be permitted to provide for such uses as rural-residential and hobby farms, and also to make provision for



retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Council's objectives will therefore be to:

- Recommend that subdivision in the Rural Residential zone should comply with the provisions of Clause 4.15 and the requirements set out against the particular localities within the zone in Schedule 2 and further, to require development within the zone to comply with the same;
- Give due consideration to the Peel Regional Plan and the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment.

Clause 4.15.11 of the TPS states where an application is made for subdivision within the Rural Residential Zone, Council recommend to the Commission that the subdivider be required to enter into an agreement with Council to ensure that prospective purchasers of the lots created are advised of the special provisions of the Scheme which relate to the use, development and management of the land.

R Res 7 Code (i) states that development shall be consistent with the objective of maintaining and enhancing the visual amenity of the land and maintaining use, development and management of the land which is compatible with the natural environment.

R Res 7 Code (ii) states that subdivision of the land shall be generally in accordance with the Subdivision and Development Guide Plan which forms part of the Scheme, or any variation approved by the Commission.

R Res 7 Code (iii) states that Council shall adopt a Bush Fires Management Plan for the subject land which shall be prepared in consultation with the Bush Fires Service of Western Australia. Council may amend the plan where it considers this to be necessary. All owners of affected lots shall manage their properties in accordance with the plan. Development which would conflict with, or impede bushfire management in accordance with the plan shall not be permitted or undertaken.

R Res 7 Code (iv) states that within the Conservation Area shown on the Subdivision and Development Guide Plan, no clearing of native vegetation shall be permitted or undertaken, excepting where the clearing occurs within a building envelope or is necessary for the provision of a road pavement, driveway access, essential services, firebreaks required by law or to remove vegetation which is dead, diseased or dangerous. No livestock shall be permitted within the Conservation Area.

R Res 7 Code (v) states that the subdivider is to undertake a revegetation program on areas designated on a guideline plan for "replanting" and maintain such area in accordance with 4.15.6(e).

R Res 7 Code (vi) states that a maximum of 2000m<sup>2</sup> building and development envelope area shall be permitted but this area may be split between a residential building site and an area for keeping of animals or domestic gardening subject to specific Council approval.

## **STRATEGIC IMPLICATIONS**

### **Shire of Waroona Community Strategic Plan 2012**

Council's diligent assessment of subdivision application is an integral part of managing future growth within the Shire.

## **STRATEGIC PLANNING IMPLICATIONS**

### **WAPC Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment**

The objectives of this Policy are to:

- Improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey coastal plain catchment.
- Ensure that changes to land use within the catchment to the Peel-Harvey estuarine system are controlled so as to avoid and minimise environmental damage.
- Balance environmental protection with the economic viability of the primary sector.
- Increase high water-using vegetation cover within the Peel-Harvey coastal plain catchment.
- Reflect the environmental objectives in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.
- Prevent land uses likely to result in excessive nutrient export into the drainage system.

Section 5.4 of this policy states that the retention and rehabilitation of existing remnant vegetation is to be encouraged.

### **State Planning Policy 2.5 - Agricultural and Rural Land Use Planning**

This Policy applies to all rural land in Western Australia. The policy focuses on the identification and appropriate zoning of highly productive agricultural land throughout the state.

Section 5.3.1 dealing with general Scheme provisions for rural settlement states that land identified in the local planning strategy as being suitable for closer settlement in rural areas should be zoned "Rural-Residential" for a residential use in a rural environment.

In areas zoned "Rural-Residential" town planning scheme provisions should provide for—

- a) the requirement for a subdivisional guide plan;
- b) the identification of clearing, land management controls and environmental repair requirements including the retention of areas of remnant vegetation or regeneration of degraded areas;

In areas zoned "Rural-Residential" the following town planning scheme provisions should apply in addition to those listed in 5.3.1.

- (a) The lot size should range from 1 ha to 4 ha depending on local conditions.



### Inner Peel Region Structure Plan (1997)

The Inner Peel Region Structure Plan is a Western Australian Planning Commission policy detailing broad land uses for an area including the subject lots.

The structure plan designates the subject lots as 'Greenbelt – Rural Living'.

Greenbelts are non-urban areas where future urbanisation should never be allowed to occur. The essential difference between greenbelts and other undeveloped rural areas is that their undeveloped or non-urban status is intended to be permanent and will be actively promoted and protected as the appropriate end use of the land.

### Coastal and Lakeland's Planning Strategy (1999)

The Coastal and Lakeland's Planning Strategy pertains to the coastal area between the Dawesville Channel and the Leschenault Inlet, and extends inland to the Harvey Estuary, and further south, to approximately five kilometres east of Old Coast Road. This Strategy identifies the subject lots as 'Possible Future Rural Residential – Subject to Environmental Assessment and Additional Reserves'.

The Strategy outlines possible extension of the rural-residential zoning of land at the head of Harvey Estuary is proposed subject to environmental assessment and reservation of land in accordance with System 6 recommendations. A maximum overall site density of one dwelling per three hectares is suggested here as the land is outside the Lake Clifton catchment area.

### Development Control Policy 1.1 - Subdivision of Land - General Principles (DCP 1.1)

This Policy sets out the general principles used by the WAPC in determining applications for the subdivision of land. The objectives of this Policy are:

- To ensure that the subdivision of land is consistent with Statement of Planning Policy No. 1 State Planning Framework (SPP No. 1) and relevant WAPC policies and plans.
- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.
- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.
- To facilitate development which achieves appropriate community standards of health, safety and amenity.
- To ensure constructed vehicle access from the gazetted public road system to each new lot.
- To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.
- To secure public utility services to each new lot appropriate for intended use of the lot.

DCP 1.1 aims to achieve consistency with long-term planning goals. SPP No. 1 together with any applicable region scheme and the relevant local government town planning scheme, including any local planning strategy (pursuant to the Model



Scheme Text as set out in the Town Planning Amendment Regulations 1999), provide the planning policy direction which guides the WAPC in determining subdivision applications.

3.2.1 Subdivision applications should be submitted with such detail as is necessary to enable the WAPC to make a determination on the application.

3.3.4 The WAPC will have regard to any adopted structure plan and developer contribution arrangement when considering subdivision applications submitted within an area covered by the structure plan or developer contribution arrangement.

3.8.1 The WAPC considers that all new lots should be physically capable of development for their intended purpose. Prospective purchasers of such lots should be reasonably assured that the lot is suitable in physical terms for development, and that there is a degree of assurance that the lot will so remain.

#### Development Control Policy 3.4 - Subdivision of Rural Land

This policy sets out the principles which will be used by the WAPC in determining applications for the subdivision of rural land.

It is WAPC policy that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural smallholdings) and more intensive agricultural uses should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

When approving lots for rural-residential development (1-4 ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical or reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply.

#### Local Planning Strategy (LPS) 2009

The subject land is located within the Lake Clifton Precinct under the LPS and identified as Rural Residential. The objective of the Rural Residential classification is to provide areas that will offer lifestyle blocks with good amenity and in locations where environmental impacts can be minimised.

The subject lots are located outside of the Lake Clifton Catchment Area but within the Peel-Harvey Catchment area. Within the Peel-Harvey Catchment Area a minimum lot size of 2 Ha can be achieved while maintaining an average lot size of 3 Ha.

#### Shire of Waroona Town Planning Policy 2.0 – Lake Clifton / Herron Structure Plan

The subject lots are subject to the Lake Clifton / Herron Structure Plan adopted by Council as a Local Planning Policy 28 February 2006. The subject lots are located within Precinct D of the Structure plan.

This structure plan specifies a minimum lot size of 2ha with an average lot size of 3ha for the subject lots.



## **COMMUNITY CONSULTATION**

As the Shire only provides comment to the WAPC on subdivision applications, community consultation is not required.

## **OFFICER'S COMMENTS**

### Town Planning Scheme No. 7 (TPS) 1996

Schedule II of the TPS states Council shall adopt a Bush Fires Management Plan for the subject land which shall be prepared in consultation with the Bush Fires Service of Western Australia. As part of the subdivision lot 47 Southern Estuary Road (SD133761), Council required the landowner to prepare a Fire Management Plan (FMP). The preparation and DFES endorsement of this FMP ensured compliance with TPS provision. This FMP included lots 961 and 962 in their current configuration. The applicant has not submitted an amended FMP in support of the proposed subdivision. The subdivision application is therefore considered premature as the endorsed FMP has not been amended meaning that resultant development will conflict with and could be inconsistent with the bushfire management strategies of the approved plan.

R Res 7 Code (iv) states that a Conservation Area should be shown on the Subdivision and Development Guide Plan. Although the aforementioned guide plan cannot be located, it is noted that a conservation covenant, identifying land to be retained and protected as native vegetation, exists over lot 961 and 962. Further to this a condition of approval on the subdivision of lot 47 Southern Estuary Road required that a further Conservation Covenant, pursuant to section 129BA of the Transfer of Lands Act 1893, be placed on the Certificate of Title of proposed lot 12 (now lot 962). The intent of this covenant was to protect native flora and fauna. This covenant allowed for one 2,000m<sup>2</sup> building envelope to be located on lot 12. Although the requirement for the latest conservation covenant was waived, the existing covenant remains. It is clear that the land has environmental value that could be compromised should the proposed subdivision be approved.

### Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment

Should the proposed subdivision be approved it is likely that each new lot would require a 2,000m<sup>2</sup> building envelope. Building envelopes and driveways plus firebreaks, both internal and strategic, would necessitate the requirement to clear an abundance of the existing native vegetation onsite. The potential clearing of vegetation is inconsistent with section 5.4 of this policy.

### State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

With regards to the appropriateness of this proposal within the rural context and setting, it is noted that the proposal:

- Is non-compliant with the LPS; and
- Will potentially result in clearing of vegetation.

### Coastal and Lakeland's Planning Strategy (1999)

The subdivision proposes an overall site density of one dwelling per 2ha. This is inconsistent with the recommended one dwelling per 3ha as outlined in the Strategy.



### Development Control Policy 1.1 - Subdivision of Land - General Principles

Impacts on matters such as bushfire management, loss of vegetation, traffic, drainage / erosion, land suitability and capability are required to be comprehensively assessed as part of a subdivision application. The applicant has not provided any technical reports addressing these issues in support of the subdivision application. Within the specific location of the application, these matters are considered necessary to be dealt with.

Further to this the proposal is inconsistent the Lake Clifton / Herron Structure Plan adopted by the WAPC 2 December 2009.

Given the above, the application is not consistent with WAPC Development Control Policy 1.1.

### Development Control Policy 3.4 - Subdivision of Rural Land

The proposal is inconsistent with this policy as the subdivision is not consistent with the LPS. Policy 3.4 states that subdivision of Rural Land should be properly planned through the preparation of regional and local planning strategies. The fact that the proposal does not comply with Council's LPS is not consistent with DC Policy 3.4.

### Local Planning Strategy (LPS) 2009

The average lot size of 2 Ha falls below the average lot size of 3 Ha required in the LPS.

### Shire of Waroona Town Planning Policy 2.0 – Lake Clifton / Herron Structure Plan

The average lot size of 2 Ha falls below the average lot size of 3 Ha required in the structure plan.

### Due Process

The strategic planning documents considered in this assessment serve to guide Council and subsequently development within the Shire. It is from these strategic documents that statutory documents and processes, such as the Town Planning Scheme and rezoning applications are derived. These planning instruments are duly advertised and adopted to inform the general public and guide orderly development. Approving the proposed subdivision of lot 961 and 962 serves to undermine the integrity of the LPS, the TPS and due planning process.

### Precedent

Should this subdivision be approved, an undesirable precedent will be set indicating that departures from the LPS and other strategic planning documents may be appropriate. In similar situations, where applicants have sought a departure from such documents, Council has determined that this departure is unacceptable. Departing from the provisions of the strategic documents in this instance will be inconsistent with previous Council decisions and may set an undesirable precedent.

Conclusion

The proposed subdivision is inconsistent with a plethora of Council and WAPC endorsed strategic planning documents. For this reason due diligence of proper and orderly planning has not been followed. The potential loss of vegetation is further considered to be unacceptable. For these reasons and those detailed in the report above, it is recommended that Council recommends refusal of the application to the WAPC for the reasons outlined below.

**VOTING REQUIREMENTS**

Simple Majority

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.1A, 9.3.1B, 9.3.1C, 9.3.1D</b>
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**COUNCIL RESOLUTION****OCM13/9/087****MOVED: Cr Germain****SECONDED: Cr Scott**

**That Council, in respect to application SD148577 for the subdivision of Lots 961 and 962 Stacey Rise, Lake Clifton, respond to the Western Australian Planning Commission recommending refusal of the application, for the following reasons:**

- 1. The proposed subdivision is inconsistent with three (3) Hectare average lot size requirement in the Lake Clifton / Herron Structure Plan adopted by Council on 28 February 2006 and endorsed by the Western Australian Planning Commission on 2 December 2009.**
- 2. The proposed subdivision is inconsistent with three (3) Hectare average lot size required in Council's Local Planning Strategy.**
- 3. The proposed subdivision will facilitate a density of development inconsistent with the one (1) dwelling per three (3) Hectares outlined in the Coastal and Lakeland's Planning Strategy.**
- 4. The proposed subdivision is inconsistent with the Western Australian Planning Commissions' Development Control Policy 1.1 - Subdivision of Land - General Principles.**
- 5. The proposal will result in the potential loss of vegetation in an area that has previously been identified as having native vegetation conservation values.**
- 6. An amendment to the approved Fire Management Plan is required prior to the further development of the lot.**
- 7. Departure from relevant approved Strategic Planning Documents will set an undesirable precedent.**

**CARRIED 6/1**

**For the Motion: Cr's Germain, Scott, Witney, Mason, Look & Dew  
Against the Motion: Cr Salerian**

Mr Delahunty left the meeting, the time being 4.21 pm.



**9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.4.1 ACCOUNTS FOR PAYMENT</b>	
Reporting Officer / Officer's Interest:	Joe Dineley – Senior Finance Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 10/09/2013	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> Yes	<b>Appendices Numbers:</b> 9.4.1
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**COUNCIL RESOLUTION**

OCM13/9/088

MOVED: Cr Witney

SECONDED: Cr Salerian

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7433 - 7461	\$27,247.79
Trust (Cheque/EFTs)	EFT 16773, 16904 & 16978 Chq 11024	\$2,682.00
Electronic Transfers Municipal Fund	EFT 16775 - 16982	\$445,250.78
Direct Wages	01/08/2013 – 31/08/2013 inclusive	\$167,707.80
<b>GRAND TOTAL:</b>		<b><u>\$642,888.37</u></b>

and attached at Appendix 9.4.1 be endorsed.

**CARRIED 7/0**

<b>9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2013 TO 31 AUGUST 2013</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook - Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 18/9/2013	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> Yes	<b>Appendices Numbers:</b> 9.4.2
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**COUNCIL RESOLUTION****OCM13/9/089****MOVED: Cr Look****SECONDED: Cr Germain**

**That the Monthly Statements of Financial Activity for the period 1 July 2013 to 31 August 2013 at Appendix 9.4.2 be received and noted.**

**CARRIED 7/0**

<b>9.4.3 CORPORATE BUSINESS PLAN – 4 YEAR FINANCIAL PLAN - REVISION</b>	
Reporting Officer / Officer's Interest:	John Crothers [CCP]; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 18 September 2013	File No.: 111/1 & 11/1
Previous Reference:	9.4.10 of 25 June 2013
Policy Implications:	None
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	

### **PROPOSAL SUMMARY**

For Council to adopt a revised, more formalised ‘statutory’ compliant, version of a 4 year Financial Plan, known as a “Corporate Business Plan”, which is a part of the new Integrated Strategic Planning and Reporting processes, with the whole of the plans being termed a “Plan for the Future” [LG Act term].

### **BACKGROUND/INITIAL COMMENTS**

Production of a 4 year Corporate Business Plan is a new statutory requirement, and is part of the Integrated Planning and Reporting obligations.

A simplified version of the financial projections was put before Council on 25 June 2013. The figures have been further refined and summarised into a new Financial Model, which meets the requirements of the Department of Local Government [DLG], which includes the new Regulations, as well as other items the DLG would like addressed, which are referred to as ‘Advisory Standards’ . The DLG requested that a copy of ALL of Council’s IPR items be received by them by 6 September 2013. They have been advised that a number of items required changing, including some due to the State Government’s withdrawal of the individual Council component of the Royalties for Regions grants, and therefore revised plans are to be considered by Council at its meeting of 24 September 2013. Such plans will be sent after that.

Following discussions with a number of ‘experts’ on the requirements on some of the new items, 2 separate ‘final’ scenarios have been developed.

The version included as an appendix to this report, has lower Asset Renewal/Replacement Values, as well as lower associated Depreciations, which then translate into lower figures elsewhere in the plan, including lower Rate increases than that of the other version. The 2<sup>nd</sup> scenario had higher figures for all of these.

### **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”.

It should be accepted that over the next 6 months the Strategic Community Plan needs to be changed so that it is more practical, and better reflects what functions and actions that the organisation actually carries out, and that need to continue to be carried out [EG: Food outlet Inspections; Animal Control; Community Development/Youth Services; Asset Renewal/Replacements, etc].

The major implications emanating from the proposed changes to the CBP of this report which differ to those in the report of 25 June 2013 relate to the percentages used for calculating the annual renewal figures for Assets, mainly Roads and Buildings. Lower levels now seem appropriate for both types of assets.

Renewal and Replacement of Assets remain the most pressing issues. Following on from detailed investigations of each Class of Assets, certain minimum levels of expenditure have been identified.

The proposed changes involve the recalculation of the assessed “Fair Value” of the different classes of assets. Previously staff had used 2% of Building values, and 1.75% is now recommended as the revised “Asset Renewal” goal, as such assets could last longer if timely adequate renewal/remedial maintenance is carried out as well as timely replacement of relevant components, when they are due. The revised level is still between the DLG ‘approved’ level of 1.67% to 2.5%.

The percentages for Road Asset Renewals should be revised down to those similar to adjoining Councils, with a 1.5% proposal for the 4<sup>th</sup> year. A level of 2%-2.5% is desirable, but unaffordable at present. The 1.5% is lower, but still within acceptable levels. A level of at least 2% could occur by the 10<sup>th</sup> year.

Further changes can be expected to occur for all Asset Classes over the next 4 years, as various items are further refined.

The “Executive Summary” for each of the Asset Management Plans have had to be revised accordingly.

The new expected level of capital expenditures for each Class of Assets, by the 4<sup>th</sup> year, are now expected to be as follows:-

▪ Buildings [either spent, or transferred to Reserve]	\$ 185,000
▪ Furniture & Equipment	\$ 44,320
▪ Roads [inclusive of Grants]	\$1,450,000
▪ Plant/Equip Replacements [\$347,988 after Trade-Ins]	\$ 864,800
▪ Footpaths [Inclusive of 50% Grant]	\$ 150,000
▪ Drainage	\$ 242,000
▪ Parks & Recreation	\$ 65,000
▪ Other Infrastructure	\$ 0



Further details are included in both the CPB document and the LTFP document. The above levels are considered to be adequate for all except for Roads.

While these will be at the lower end of Asset Replacement costs for the first 9 years, action is planned for these to 'catch up' after that. The 4-10 year allocations are all considered adequate and realistic assumptions, and will meet the identified needs for the most important roads.

### **FINANCIAL ISSUES/IMPLICATIONS**

The new projections are now based on the figures of the 2013/14 Budget.

The main multiple-year financial implication is the disappointing State Government's action of the withdrawal of the 'local' CLGF allocation of the Royalties for Regions grants, and therefore there is less allocated to Capital works than otherwise may have been the case.

The other main financial implication is less allocated to Capital works [due to the reduced percentages] for the 2013/14 year, as per the adopted budget, and then revisions for the following 3 years.

This CBP has also been structured to cater for the following 6 years as well.

Detailed sheets of the 7 main areas of Capital emphasis are included as attachments to the CBP document.

A copy of a broad spreadsheet is supplied, similar to that of the June 2013 summary, to more clearly explain what the net costs are to Council for the projects proposed, in broad/general terms, for the next 10 years.

No new Loans have been included in the CBP document, but the repayment details are included.

Various movements to and from the Reserve Accounts have been necessary to fund the various Capital Works in the listed respective years. Details of these are included as a separate attachment to the CBP document, as well as to the LTFP document.

The CBP document should be read in conjunction with the LTFP.

### **POLICY ISSUES/IMPLICATIONS**

There are no policy issues or implications emanating from this report.

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

Production of a 4 year Community Business Plan is a statutory requirement.

### **LEGAL ISSUES/IMPLICATIONS**

There are no legal issues or implication relating to this matter, merely compliance with the Statutory requirements.



**COMMUNITY CONSULTATION**

No consultations were seen as being needed at this time, as the Annual Budget for the 2013/14 has already been adopted. Such consultations are now expected to occur in 2014 when the proposals for years 2, 3, and 4 will be reviewed, in conjunction with the review and revision of the Strategic Community Plan.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

A Council resolution on this revised plan is seen as being necessary.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.4.3</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM13/9/090**

**MOVED: Cr Witney**

**SECONDED: Cr Germain**

1. That the revised Corporate Business Plan as presented, for the 4 year period of 2013/14 to 2016/17, be adopted;
2. That the State Government be advised of Council's disappointment of the discontinuance of the CLGF allocations to individual Councils;
3. That the Strategic Community Plan be reviewed & presented to Council by no later than March 2014, & for public consultation to then occur in the month after Council's consideration of the new draft plan;
4. That Council commits to continuous improvements of its Corporate Business Plan, & other Integrated Planning issues.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

<b>9.4.4 LONG TERM FINANCIAL PLAN – 10 YEAR PLAN [REVISION]</b>	
Reporting Officer / Officer's Interest:	John Crothers/Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook/Nil
Proponent:	NA
Landowner:	NA
Date of Report: 15 September 2013	File No.: 111/1 and 11/1
Previous Reference:	25 June 2013 Report [9.4.9]
Policy Implications:	See body of report for details.
Statutory Implications:	See body of report for details.
Strategic Implications:	A 10 Year LTFP sets directions, with emphasis on meeting certain goals, & progressing Sustainability
Financial Implications:	The LTFP, & the associated Ratios, set broad Goals, which involve many financial issues, for a Council to aspire to meet.
	This Plan is a further extension of the 4 year, CBP. Variations of minimum amounts on each Class Of Asset each year is now proposed
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

### **PROPOSAL**

To adopt a revised "Plan for the Future" via a number segments, including a 'Long Term Financial Plan [LTFP], which is a broad 10 year Financial Plan.

### **BACKGROUND**

The new statutory requirements are basically trying to get Councils to view things in multiple year terms, and not just a 'single Budget' approach, where often planned programs have not been followed. Every year new issues arise, be these should not necessarily be given precedence over the 'Long Term' items. If such issues are given preference, that interferes with the integrity of Long Term Planning, and the higher goals may not be achieved as planned.

The initial emphasis should be on viewing specific Asset proposals over a 4 year period, as well as broad longer year terms, which is the main objective of a LTFP.

The requirements expect Councils to consider and cater for existing Assets and for them to be given high priority before consideration of the establishment of new 'extra' Assets [replacement of older Assets is viewed as good management], as well as contemplation of the On-Going effects of new 'extra' Assets [via a "Whole-Of-Life" approach] of such new Assets.

A crucial consideration is that what is proposed and adopted is affordable, but Councils will be expected to meet minimum Ratio levels, and this can be achieved by the 10<sup>th</sup> year of the revised LTFP.

### **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable



**REFERRALS**

None Applicable

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

New Regulations now apply relating to a new Integrated Planning & Reporting Frameworks (IP&RF), as well as the standards outlined in the DLG's IP&RF 'Advisory Standards' and "*all activities / services*" delivered by Council connect to the "*community's vision aspirations and objectives*" (p.4). Of the 6 objectives outlined in Waroona's *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number [6], "Active Leadership, Good Governance, & Excellence in Management".

**FINANCIAL IMPLICATIONS**

The DLG are advocating longer term approaches, and moving away from the old 'single year' focus. They are suggesting that Councils consider budgeting for a surplus each year, with those funds to then be carried forward to help fund one or particular projects in a future year.

The main proposals of all LTFP are 'Capital' related, and give directions for what could occur for the next 10 years. High expenditures on each Class of Asset are expected, as revealed by the respective Asset Management Plans. Good Management requires that those Assets which are the sole responsibility of a Council, and that are not otherwise leased out, should be given priority, and therefore financial allocations, over other items.

There are a number of statutory supporting attachments required, being as follows :-

- ✓ Statement of Comprehensive Income – By Nature & Type [N/T]
- ✓ Statement of Cash Flows [SCF] - Indicative working document, broad projections
- ✓ Rate Setting Statement [RSS] – Indicative working document, broad projections
- ✓ Statement of Financial Position [SFP] (Balance Sheet) – Shows projected results from the RSS
- ✓ Statement of (possible) Changes in Equity - - Indicative working document, broad projections

Further supporting information attachments are also expected, as follows:

- New Capital Works Projects, only broad figures are included in the LTFP, specific items of actual projects are included in the 4 Year CBP.
- Cash Reserves – Projected movements during the 10 year period, the movements allow 'evening out' of the finances between the years.
- Loan Borrowing Items [of which there are no new borrowings currently being proposed], and Repayment details

- Depreciation & changes due to Re-Valuations of Fixed Assets & Infrastructure
- Variable Assumptions underpinning this Plan
- Key Performance Indicators [KPIs], being the Ratios

All of the above are included as part of the financial sheets at the back of the LTFP, with explanations included in earlier sections.

As stated in the Corporate Business Plan report and its plan, as well as the revised LTFP document, due to this Council's very limited finances, it is not possible to maintain and renew/replace all assets as needed over the next 9 years. By the 10<sup>th</sup> year Council will just make the required level.

Changes have had to be made for some of the assumptions and calculations.

The proposed changes involve the recalculation of the assessed "Fair Value" of the different classes of assets. Previously staff had used 2% of Building values, and 1.75% is now recommended as the revised "Asset Renewal" goal, as such assets could last longer if timely adequate renewal/remedial maintenance is carried out as well as timely replacement of relevant components, when they are due. The revised level is still between the DLG 'approved' level of 1.67% to 2.5%.

The percentages for Road Asset Renewals should be revised down to those similar to adjoining Councils, with a 1.5% proposal for the 4<sup>th</sup> year. A level of 2%-2.5% is desirable, but unaffordable at present. The 1.5% is lower, but still within acceptable levels. A level of at least 2% could occur by the 10<sup>th</sup> year.

Further changes can be expected to occur for all Asset Classes over the next 4 years, as various items are further refined.

### **POLICY ISSUES/IMPLICATIONS**

There are no policy issues or implications emanating from this report.

### **STATUTORY IMPLICATIONS**

It is a new statutory requirement that a 10 year Long Term Financial Plan must be adopted, with a number of issues expected to be addressed.

### **LEGAL ISSUES/IMPLICATIONS**

There are no legal issues or implication relating to this matter, merely compliance with the Statutory requirements.

### **COMMUNITY CONSULTATION**

No consultations were seen as being needed at this time, as the Annual Budget for the 2013/14 has already been adopted. Such consultations are now expected to occur in 2014 when the proposals for the various years will be reviewed, in conjunction with the review and revision of the Strategic Community Plan.



**OFFICER'S FINAL COMMENTS**

A crucial consideration is that what is proposed and adopted is affordable and that has been the major consideration in compiling this new Plan. Movement away from the old ways of doing things is expected.

As usual, the main items needing to be renewed, and requiring funding, are Buildings & Roads. There are also other items needing to be done, being – Drainage; Parks/Recreation; Footpaths; as well as replacement of Plant and Equipment. Investigations have revealed that each class of Asset should be allocated minimum levels of funds, and that is the basis for the various proposals. Every effort has been made to allocate funds to every class of Asset, with the main new/extras being for Drainage [to alleviate problem areas] and for Footpaths [to 'link up' various areas, including the outlying subdivisions]. The overall goal is for the 3 Asset 'Ratios/KPIs' to be at high levels, and in excess of the targets set by the DLG. This will occur most years, and will do so on average over the 10 years projected.

A further important goal is for the 4 Financial 'Ratios/KPIs' to be in excess of the minimums set by the DLG. The latest, revised, version model/scenario of the LTFP has Council achieving all these levels by the 10<sup>th</sup> year of the plan.

The achievement of the abovementioned goals will mean that Council will be seen as sustainable in the medium to longer term.

As can be expected, Council will need to increase its Rates, as well as its various Fees and Charges, for each year of the next 10 years.

At this point, no new Loan Borrowings have been included in any of the calculations.

Further explanations of various specific issues will be made at the meeting.

<b>Appendices attached</b>	<b>Yes</b>	<b>Appendices Numbers 9.4.4</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM13/9/091**

**MOVED: Cr Mason**

**SECONDED: Cr Germain**

- 1. That the revised 10 year Long Term Financial Plan, as presented, be adopted;**
- 2. That Council commits to continuous improvements of its Long Term Financial Plan.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**



**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**

12.1.1 Emergency Ready Guide

Cr Germain raised the issue of developing an Emergency Ready Guide booklet for the Shire of Waroona.

**COUNCIL RESOLUTION**

**OCM13/9/092**

**MOVED: Cr Germain**

**SECONDED: Cr Scott**

**That the Manager Environmental Health & Building Services to investigate the production of an Emergency Ready Guide for the Shire of Waroona.**

**CARRIED 7/0**

**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 22 OCTOBER 2013 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE

