



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 27 MAY 2014
(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 Christine Germain	Shire President
Cr Trish Witney	Deputy Shire President
Cr John Salerian	Councillor
Cr Larry Scott	Councillor
Cr Craig Wright	Councillor
Cr Noel Dew	Councillor
Cr Lina Look	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Steve Cleaver	Director Community Services
Mr Louis Fouché	Director Planning Services
Mr Andrew Bruce	Director Technical Services
Mr Laurie Tilbrook	Deputy CEO / Director Corporate Services
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Cr John Mason Councillor

There were no 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

Nil.

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Look, Cr Salerian and Cr Scott declared an interest affecting impartiality in Item 9.2.10 as members of the Waroona Agricultural Society.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.



8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 22 April 2014

COUNCIL RESOLUTION

MOVED: Cr Look

SECONDED: Cr Scott

OCM14/05/041

That the Minutes of the Ordinary Council Meeting held 22 April 2014 be confirmed as being a true and correct record of proceedings, subject to:

- 1. An amendment on Page 8 Condition 2(i) the word ‘YAC’ being changed to ‘Youth Centre’.**
- 2. An amendment under Disclosures of Members and Officers Interest, to include Cr Look’s disclosure of interest in Item 9.2.2 as a member of the Waroona Agricultural Society.**

CARRIED 7/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.



9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 DELEGATIONS REGISTER	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer/ No Interest
Responsible Officer / Officer's Interest	Steve Cleaver; Director Community Services No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 14 May 2014	File No.: Delegations Register
Previous Reference:	Nil
Policy Implications:	See detailed note
Statutory Implications:	Local Government Act 5.44
Strategic Implications:	Nil
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

To delete Building Act delegation to the Building Surveyor, Director Community Services and Manager Health and Building Services due to the Building Act Amendment Regulations 2012 (No 2).

BACKGROUND/INITIAL COMMENTS

In 2012 the Building Act was amended (refer attachment 9.2.1) to repair legal drafting issues to allow Local Governments to delegate its powers under the Building Act to the CEO who could then sub delegate to employees, Prior to this the Act did not allow for sub delegation. The Councils current delegation states:

Manager Environmental Health & Building Services and Building Surveyor

Through the Building Act 2011 delegate to the Manager Environmental Health & Building Services and Building Surveyor powers & duties as follows:

Grant or refuse building permits, demolitions permits, occupancy permits and building approval certificates.

Director Community Services

Through the Building Act 2011 to delegate to the Chief Executive Officer and Director Community Services powers & duties as follows:

- a. Grant or refuse building Permits, demolitions permits, occupancy permits and building approval certificates.*
- b. Issue building orders in relation to:
Stop work, demolish/remove a building, alter a building, not fit for human habitation or evacuate a building*

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”.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

As there is already a delegation to the CEO the requirement for a direct delegation to the Director Community Services, Manager of Health and Building Services and Building Surveyor is not required. Delegations to Building Surveyors can now be done in writing by the CEO to that position or officer negating unnecessary items to Council should there be changes of staff.

Appendices Attached:	Yes	Appendices Numbers: 9.2.1
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION**MOVED: Cr Witney****SECONDED: Cr Wright****OCM14/05/042**

That Council’s Building Act delegation to the Director Community Services, Manager Environmental Health and Building Services and Building Surveyor is rescinded.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2.2 HARD WASTE COLLECTION	
Reporting Officer / Officer's Interest:	Jason Robertson, Manager Health & Building Services / Nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 25 th November 2013	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	In Document
Statutory Implications:	In Document
Strategic Implications:	In Document
Financial Implications:	In Document
Voting Requirements	Simple majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Objective Number 1 and 3	

PROPOSAL

To consider having a hard waste pick up service every second year, in lieu of annually.

BACKGROUND

The Waste Management Advisory Committee meeting considered this matter at their December 2013 meeting, and is now for Council's consideration.

The Shire has committed to having an annual hard waste (verge) collection every year. For the current financial year (2013/2014) the Shire has undertaken a hard waste collection.

FINANCIAL IMPLICATIONS

There are cost implications for the Shire; \$46,700 is budgeted for the 2013/2014 financial year. This figure is comprised of \$5,670 for internal plant hire, \$10,530 labour overheads, \$8000 salaries and wages and \$22,500 for contracts.

If the collection is run every second year, the monies allocated annually can be costed towards other maintenance projects or capital projects in the off-year.

STATUTORY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Of the 6 objectives outlined in Waroona's *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number 1 and 3.



COMMUNITY CONSULTATION

No community consultation is required.

OFFICER'S COMMENTS

It is accepted a hard waste collection service is of benefit to the community. It is to be noted however that there are considerable financial implications for the Shire to run a hard waste collection annually.

Evidence to date shows that having a collection every second year will not impact adversely on the community. It is anticipated having a collection every second year will have a positive effect on Works & Services' maintenance & capital programming.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

WASTE MANAGEMENT ADVISORY COMMITTEE RESOLUTION (DECEMBER 2013)

MOVED: Cr Wright

SECONDED: Cr Salerian

That the Committee recommends to Council that the Shire have a hard waste collection every second year, commencing in the 2014/2015 financial year.

CARRIED 4/0

COUNCIL RESOLUTION

MOVED: Cr Wright

SECONDED: Cr Look

OCM14/05/043

That Council undertakes a hard waste collection every second year, commencing in the 2014/2015 financial year with the next collection to be held in 2015/16.

CARRIED 7/0

9.2.3 WASTE FEES AND CHARGES 2014/2015	
Reporting Officer / Officer's Interest:	Jason Robertson; Manager Health & Building Services
Responsible Officer / Officer's Interest	Steve Cleaver; Director Community Services
Proponent:	Shire of Waroona
Landowner:	Not Applicable
Date of Report: 24 April 2014	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	See detailed note
Statutory Implications:	Local Government Act 1995, Waste Avoidance and Resource Recovery Act 2007
Strategic Implications:	See detailed note
Financial Implications:	Additional \$60,000 in income
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

For Council to consider increasing the charges for disposal of liquid waste and the annual charge for refuse removal.

BACKGROUND/INITIAL COMMENTS

Liquid Waste Facility

Currently the Shire provides for sewage disposal at the Buller Road landfill site. The existing fee for service is \$0.075 inclusive of GST.

It was budgeted this current financial year for \$55,000 to be received for this service. At the time of this report the income received is \$52,000. It is considered prudent to increase the fee cost to \$0.09 inclusive of GST. This would equate to on current volumes have an increase in income of around \$10,000.00. It is considered necessary to allow for maintaining a much needed service to the community and prudent financial planning with due regard to Asset Management for the Landfill Site.

In 2011 Councils consultant engineer stated

"Ponds 6, 7 & 8 would only be constructed in about 5 years' time, depending on the solids buildup in the anaerobic pond.

In September 2010, the Tim's Thicket disposal rate was \$67/m³. This equates to 6.7c/L.

This equates to 12% increase in disposal rate since September 2007. Again I presume that the rates went up in about September 2008.

If a similar increase is passed on in September 2009, the \$75/m³ will be about \$83/m³ or 8.3c/L.

At these sort of numbers, you are getting close with your cost structure.

When you do the detailed amortisation, you should amortise items in accordance with their anticipated lifespan. Some items will last 20 years (fencing, drainage, disposal area, storage pond, biofilter) and other will last less (three liquid ponds). I



have previously estimated a conservative average of 10 years. This average is more likely to last about 12 to 15 years. This will reduce the amortisation rate to between 1.7c/L to 1.3c/L.

Of the previously mentioned \$30K operating expense, you should not spend all of this each year and will need to accrue some funds for when you construct the three “spare” ponds and also reline the ponds in the future. I guess to be safe you should aim to accrue \$10k/year and have an anticipated annual operating cost of \$20k; hence the total of \$30k/yr = 4c/L. I am presuming that the existing landfill site operator will manage the facility and the operating costs relate to a small portion of his time, some pumping equipment, consumables, monitoring and some labour to occasionally harvest the biomass from the biofilter.”

Municipal Solid Waste

GRV rated properties are currently charged a \$225 sanitary charge per property. Funds from this charge are used to fund the Cleanaway waste collection contract, Buller Road refuse site operations, public place litter bin collections, kerbside collections, reserve transfers for future waste sites and membership to the Rivers Regional Council. It is proposed to increase this annual fee by \$25 to \$250.

Similarly to the liquid waste fee it is considered necessary to ensure the Shire can, in the future, plan and implement sound Asset Management for the Buller Road refuse site for the benefit of the Waroona community. Increasing the charge from \$225 to \$250.00 would result in an estimated additional \$50,000, in income.

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”.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Fees and charges are advertised as part of the annual budget process.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Review of the Shire of Murray’s fees and charges are that landholders are charged \$324.00 for a refuse service. This is \$99.00 more than the Shire’s current charge and it is to be noted the refuse service from the Shire of Murray is a 120 litre bin. The Shire of Waroona has a service with a 240 litre bin.



Whilst it may be argued that landholders will view the increases simply as revenue raising, education is needed to clearly demonstrate waste disposal is currently seen as an essential service similar to water, power and sewerage charges and operate on a fee for service as opposed to Shire rates which are a tax.

The Shire has a responsibility in Asset Management towards the Buller Road refuse site. By allocating a portion of the monies derived from these services to Waste Reserve will ensure the Shire has as best possible met its obligations towards providing an ongoing efficient and fair cost for waste disposal to landholders. This includes future projects for consideration such as a weighbridge facility, upgrading heavy plant and future waste cell construction.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

WASTE MANAGEMENT ADVISORY COMMITTEE RESOLUTION

MOVED: Cr Dew

SECONDED: Cr Salerian

That the committee recommends to Council that:

- 1) The fee for sewage disposal be increased from \$0.075 per litre to \$0.09 per litre for the 2014/2015 financial year;
- 2) The fee for sanitary disposal for GRV properties be increased from \$225 per year to \$250 for the 2014/2015 financial year.

CARRIED 3/0

COUNCIL RESOLUTION

MOVED: Cr Dew

SECONDED: Cr Scott

OCM14/05/044

- 1) **That the fee for sewage disposal be increased from \$0.075 per litre to \$0.09 per litre in the 2014/2015 budget;**
- 2) **That the fee for sanitary disposal for GRV properties be increased from \$225 per year to \$250 in the 2014/2015 budget.**

CARRIED 7/0

DCS Comments: Resolution was amended as changes will take place on adoption of the new budget and not commencement of the financial year.



9.2.4 CALL FOR TENDERS: LANDFILL MANAGEMENT CONTRACT	
Reporting Officer / Officer's Interest:	Jason Robertson; Manager Health & Building Services
Responsible Officer / Officer's Interest	Steve Cleaver; Director Community Services
Proponent:	Shire of Waroona
Landowner:	Not Applicable
Date of Report: 24 April 2014	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	See detailed note
Statutory Implications:	Local Government Act 1995
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

For Council to consider preparing a Request For Tender in respect to the Landfill Management Contract for a 5 year period, and the West Australian Local Government Association (WALGA), to assist in the procurement process.

BACKGROUND/INITIAL COMMENTS

The current Landfill Management Contract is in place until September 2014.

The existing contract has been renewed on an annual basis. The current contractor has undertaken the responsibilities for close to 10 years. It is acknowledged the existing contractual service has proven to be a considered success.

In October 2013 the Shire sought to obtain 1 quotation for the provision of the service. The quotation received was submitted at \$73,800 (ex GST). Council Policy ordinarily requires 3 written quotations for the procurement of services between the thresholds of \$50,000 to \$99,999. The Policy does allow for in certain circumstances less than 3 quotations to be sought.

It is considered timely, for Council to look at engaging in a 3 year fixed term contract to allow for a degree of certainty for this service.

The Western Australian Local Government Association (WALGA) has been contacted to provide a quotation on engaging their services with the managing of the procurement process.

The services they can provide in relation to the Landfill Contract are as follows:

- Document Preparation
- Management of the Advertised Period
- Management of evaluation process and provision of an Evaluator
- Provide a recommendation Report
- Preparation of successful/unsuccessful correspondence
- Preparation of contract documents



A quotation was received for \$9,310 (ex GST) for WALGA to undertake the abovementioned tasks.

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”.

LEGAL ISSUES/IMPLICATIONS

Tenders are called in accordance with LG Act & Council Purchasing Policy.

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

In terms of operational efficiencies, it is considered prudent to undergo the process for securing a medium length of term contract to ensure the Shire is best placed for having effective management of its landfill facility.

By having WALGA undertake the procurement process, allows for the Shire to be confident a robust procurement process has been undertaken.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

WASTE ADVISORY MANAGEMENT COMMITTEE RESOLUTION

MOVED: Cr Dew

SECONDED: Cr Salerian

That the committee recommends to Council that:

- 1) The contract for Landfill Management be modified to a fixed 3 year term from September 2014;
- 2) An allocation of \$9,310 (ex GST) be provided in the 2014/2015 Annual Budget for the purposes of WALGA undertaking the full procurement process.

CARRIED 3/0



COUNCIL RESOLUTION

MOVED: Cr Scott

SECONDED: Cr Wright

OCM14/05/045

- 1) **That the contract for Landfill Management be modified to a fixed 5 year term from September 2014;**
- 2) **That an allocation of \$9,310 (ex GST) be provided in the 2014/2015 Annual Budget for the purposes of WALGA undertaking the full procurement process.**

CARRIED 7/0

The Council Resolution differs from the Committee recommendation as it accepted the officer recommendation to increase the contract period from 3 years to 5 years.

9.2.5 WAROONA LANDFILL AIR-SPACE REVIEW	
Reporting Officer / Officer's Interest:	Jason Robertson; Manager Health & Building Services
Responsible Officer / Officer's Interest	Steve Cleaver; Director Community Services
Proponent:	Shire of Waroona
Landowner:	Not Applicable
Date of Report: 24 April 2014	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	See detailed note
Statutory Implications:	Local Government Act 1995
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

For Council to acknowledge the landfill air-space review undertaken by the consultant and the recommendations for options for possible future on-site landfill expansion.

BACKGROUND/INITIAL COMMENTS

The Council commissioned IW Projects to undertake a desktop review of the available landfill related data and thereafter estimate the available remaining landfill airspace, as well as consider options for possible future on-site landfill expansion.

The consultant, Ian Watkins, has undertaken previous projects with the Shire, most notably the design of the liquid waste pond facility.

The desktop review of available landfill related information included the facility operating licence, kerbside waste and recycling collection contractor (Cleanaway) Monthly Activity Reports, and the landfill management contractor (AM Piconeri) Monthly Summary Reports.

A topographical survey of the existing landfill void and of the remaining undisturbed western portion of the site that could be potentially used for future landfill was also undertaken. The topographic survey was completed on 16 December 2013.

In brief, the report looked at the following main areas:

- 1) Existing landfill area; and
- 2) Future landfill area

With regard to the existing landfill area the report details the existing landfill void has a surface area of 30,400 m² (3.04 ha) and is partially filled with waste. Based on a maximum final landfill capping slope of 1 vertical in 5 horizontal, there is approximately 350,000 m³ of available airspace. **Appendix No. 2 – Area 1 Landfill – Top of Waste Surface** provides details of the potential final waste surface over this area of the landfill.



In respect of future landfill area options, the western portion of the site remains available for future landfilling.

The consultant's report details it will not be reasonable to develop this area into a single dome shaped landfill profile at a side batter of 1 in 5 as the maximum waste height would be in excess of RL 60 m AHD, which is well above the surrounding topography and deemed unacceptable from an aesthetic point of view.

The report also details any future landfill development in this area would need to consist of individual smaller landfills or a "creative" final landfill profile that had numerous valley lines to reduce the overall waste height while ensuring an ability to shed excess surface water run-off.

Appendix No. 1 – Maximum Landfill Area identifies the additional landfill area to the west of the existing landfill. This potential landfill has a surface area of 118,450 m² (11.8 ha).

At a conservative average landfill depth of 15 m, if as in Scenario 1 above (no Preston Beach development) the existing landfill reaches maximum capacity in 2046, to carry on landfilling on-site would consume approximately 825 m²/yr. This would result in increasing by 1% per year to account for population growth. At this rate, the additional landfill area will last a further 90 years.

For Scenario 2 above (with Preston Beach development), beyond 2040, 1,450 m² of landfill would be consumed annually. However, the airspace consumption would not continue to increase at 5% per year, as the population growth would trend back to a 1% per year increase once the Preston Beach development reached maximum capacity. At this rate the additional landfill area will last a further 60 years.

The consultant's report does highlight it is likely that the Department of Environment Regulation will require the Shire to line any future landfill development beyond the existing landfill footprint. There are significant financial implications with this, and should the constructed of cell 3 be undertaken, in all likelihood several million in Capital Expenditure.

If Cell 3 is constructed, it is fair to say the landfill site may well be in fact the largest Asset in the Shire. It is perceived in time the landfill asset value will exceed roads.

As such, it is imperative that adequate reserve transfers are undertaken. If low reserve transfers are undertaken it could easily result in a future council having to take out significant loans to fund future capital expenditure and/or "gift" the landfill site to a Regional Council which will result in the local community only getting a minor benefit.

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”.

LEGAL ISSUES/IMPLICATIONS

None applicable

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The consultant’s report on landfill waste quantities and future projections have been developed around best guess waste received data, numerous assumptions of waste conversion and compaction ratios as well as broad-based assumptions for future population growth.

It provides adequate information for Council to make informed decisions on the current air-space availability within the landfill and future options.

It highlights the need for the landfill to be included in key strategic documents, asset management plans and for significant contributions into Waste Reserve to fund future capital works.

Appendices Attached:	Yes	Appendices Numbers: 9.2.5
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: Cr Witney
SECONDED: Cr Dew
OCM14/05/046

That Council adopts the report entitled “Waroona Landfill Airspace Assessment” undertaken by IW Projects.

CARRIED 7/0



9.2.6 FENCING PROPERTY LOCAL LAW	
Reporting Officer / Officer's Interest:	Trevor Pitcher; No Interest
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 19 May 2014	File No.: 26/1
Previous Reference:	9.2.2 of 18 February 2014
Policy Implications:	Not Applicable
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

This report is provided to Council to consider making the following changes to the Shire of Waroona Local Laws. It is proposed that the necessary steps be taken to repeal to the *Local Laws Relating to Fencing and Tennis Court Floodlighting*, as it is seen as being no longer relevant or applicable and to replace them with the *Shire of Waroona Fencing Local Law 2014*.

The '**Purpose**' of this Local Law is to enable Council to regulate the fences within the Shire of Waroona.

The '**Effect**' of this Local Law is to control the construction and maintenance of fences. Breaches of the Local Law provisions are considered as offences and Infringement Penalty Notices may be issued.

This Local Law involve some new wording clarifications, following discussions with staff at the Councils of Murray. No changes have been included since Council's last consideration on 18 February 2014.

BACKGROUND/INITIAL COMMENTS

The review of Council's Local Laws was commenced a number of years ago, with some having been re-endorsed/retained without change.

The existing Shire of Waroona "*Local Laws Relating to Fencing and Tennis Court Floodlighting*" was made on 27th day of October 1998. It is now proposed that the old the *Local Laws Relating to Fencing and Tennis Court Floodlighting* be repealed and replaced by the new *Shire of Waroona Fencing Local Law 2014*.

As stated under 'Community Consultation' below, the proposed amended Local Law was advertised on 19 March 2014, with submissions closing on 24 April 2014. No submissions were received.

STRATEGIC PLANNING – STRATEGIC IMPLICATIONS

The new Local Law will assist strategic planning mechanisms by aligning with updated fencing methods including proposals such as estate fencing.



REFERRALS

Department of Local Government;
Waroon community – inviting of public submissions;
State wide public notification.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

Minor extra expenses have been incurred, due to advertising.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Section 3.5 of the Local Government Act 1995 [as amended] provides the power for Local Governments to make Local Laws to help perform their functions.

There are set Statutory steps applicable before any Local Law takes effect, including any amendment to a Local Law. Such steps have, and are now, being followed.

COMMUNITY CONSULTATION

When the review process commenced, submissions were originally sought for this amended Local Law in March-April 2014, with no correspondence received.

LEGAL ISSUES/IMPLICATIONS

Local Laws provide local governments with the power to manage and control issues and activities within their own district, for the good governance for the people in their district, as well as the activities of visitors to the district. Local Laws, once adopted and gazetted, they become legally enforceable laws.

There are no identified “National Competition Policy’ [NCP] effects/implications to apply by the adoption and enforcement of this amended Local Law. The new proposal follows that of a ‘model’ Local Law for Local Government Properties which is used by many Councils, but with their own additions. Therefore no NCP applies.

Following Council’s final adoption at this meeting of 20 May 2014, then the proposed new Local Law needs to be published in the Government Gazette. Then final local public notice is given by way of a 14 day advertisement. The new provisions would then apply after the expiry of that 14 day period.

The enforcement of the new changes should be delegated to the CEO, who should, in turn, sub-delegate the enforcement to the relevant Council staff.



OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution is needed on the attached proposed, amended, Local Law.

After the Council adopts this, it will be sent to the Minister for Local Government, who will, in turn, refer it to a 'Delegated Legislation' Committee for their assessment. This Committee will then ascertain the appropriateness of the proposal, whether any sections/parts should be disallowed, or whether there is any inconsistency with any State Legislation.

Appendices Attached: Yes	Appendices Numbers: 9.2.6
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

MOVED: Cr Witney

SECONDED: Cr Look

OCM14/05/047

1. That the proposed amended Fencing Local Law, as attached, be adopted;
2. That the proposed Infringement Penalties be adopted under sections 6.16 of the Local Government Act, and that these be advertised as Charges applicable from the date that this Local Law amendment becomes effective;
3. That the enforcement actions relating to this Local Law are delegated to the CEO.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2.7 LOCAL LAW – REPEAL OF LOCAL LAW	
Reporting Officer / Officer's Interest:	Trevor Pitcher; No Interest
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 19 May 2014	File No.: 26/1
Previous Reference:	9.2.3 of 18 February 2014
Policy Implications:	See detailed note
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

It is now proposed that the necessary steps be taken to repeal one (1) old Local Law, as it is seen as being out of date with current planning and building methodologies and to prepare a repeal Local Law to effect the repeal of the Local Laws Relating to Fencing and Tennis Court Floodlighting.

BACKGROUND/INITIAL COMMENTS

The review of Council's Local Laws was commenced a number of years ago, with some having been re-endorsed/retained without change, while some have needed to be repealed.

This existing Local Law was made in 1998, and seemed relevant at that time. Since then there have been significant changes to the built environment including new materials utilised for fencing and changes to legislation in Planning and Building Control. It is considered prudent to effect a new Local Law governing Fencing which is up to date with current industry practises and legislation.

It is now proposed that the necessary steps be taken to repeal one (1) old Local Law, as it is seen as being no longer relevant or applicable. This was reported to Council's meeting of 18 February 2014.

A "Repeal Local Law" is necessary to delete the old Local Law.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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



FINANCIAL ISSUES/IMPLICATIONS

Some extra advertising costs have been incurred.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Section 3.16 of the Local; Government Act 1995 requires that a Council, within a period of 8 years, reviews each local law “to determine whether or not it considers that it should be repealed or amended”.

LEGAL ISSUES/IMPLICATIONS

No legal issues or implications have been identified with regard to this proposed repeal.

COMMUNITY CONSULTATION

The proposed repeal was advertised with submissions closing on 24 April 2014. No submissions were received.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The final steps to repeal these items now need to be effected.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

MOVED: Cr Look

SECONDED: Cr Witney

OCM14/05/048

- 1. That Council’s existing Local Law applicable to “Fencing, Floodlighting” be repealed, and that the Local Law effecting such repeal be now adopted.**
- 2. That all the necessary steps be taken to finalise the repeal process relating to this matter**

CARRIED BY ABSOLUTE MAJORITY 7/0



9.2.8 LEASE OF COUNCIL PROPERTY – WAROONA CREATIVE ARTS CENTRE	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services; No Interest
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services; No Interest
Proponent:	Not Applicable at this time
Landowner:	Shire of Waroona
Date of Report: 17 March 2014	File No.: 88/3 & 44/14 And Legal Document No. 11
Previous Reference:	
Policy Implications:	None
Statutory Implications:	Section 5 of Strategic Community Plan
Financial Implications:	Minimal
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "Asset Management – Responsible Stewardship of Council Assets"	

PROPOSAL SUMMARY

For Council to adopt a Lease proposal to be entered into with the Waroona Creative Arts Centre Incorporated, with regard to the use of a Council property, being Lots 130 and 131 Eastcott and Henning Street, Waroona.

BACKGROUND/INITIAL COMMENTS

The Lease Agreement with the Waroona Creative Arts Centre group expires on 30th June 2014, and a new Lease document should be put into place.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 "Asset Management – sub-item 5.07 Responsible Stewardship of Council Assets".

FINANCIAL ISSUES/IMPLICATIONS

There are no significant financial implications emanating from this proposal.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

There are no statutory issues or environment implications emanating from this report.



LEGAL ISSUES/IMPLICATIONS

There are no legal issues or implication relating to this matter, merely a new legal agreement relating to tenancy issues for the Waroona Creative Arts Centre.

COMMUNITY CONSULTATION

No community consultations are seen as necessary on this matter.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution on the proposed Lease is now sought.

Appendices Attached:	Yes	Appendices Numbers: 9.2.8
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: Cr Wright

SECONDED: Cr Witney

OCM14/05/049

- 1. That the proposed Lease Agreement with the Waroona Creative Arts Centre Incorporated for the lease of Lots 130 and 131 Eastcott and Henning Street Waroona be adopted;**
- 2. That the Common Seal of Council be affixed to the Lease Agreement;**
- 3. That the Shire President and CEO be authorised to sign and complete all matters relating to this Lease Agreement.**

CARRIED 7/0

9.2.9 LEASE OF COUNCIL PROPERTY – WAROONA PLAYGROUP CENTRE	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services; No Interest
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services; No Interest
Proponent:	Not Applicable at this time
Landowner:	Shire of Waroona
Date of Report: 17 March 2014	File No.: 88/3 & 44/9 Legal Doc No. 19
Previous Reference:	
Policy Implications:	None
Statutory Implications:	Section 5 of Strategic Community Plan
Financial Implications:	Minimal
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "Asset Management – Responsible Stewardship of Council Assets"	

PROPOSAL SUMMARY

For Council to adopt a Lease proposal to be entered into with the Waroona Playgroup Incorporated, with regard to the use of a Council property, being Part Lot 40 (No. 10) Henning Street, Waroona.

BACKGROUND/INITIAL COMMENTS

The old Child Health Centre has been leased to the Waroona Playgroup since mid-1982, and while there was an old lease, this has since expired and a more current lease agreement document should be put into place.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 "Asset Management – sub-item 5.07 Responsible Stewardship of Council Assets".

FINANCIAL ISSUES/IMPLICATIONS

There are no significant financial implications emanating from this proposal.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

There are no statutory issues or environment implications emanating from this report.



LEGAL ISSUES/IMPLICATIONS

There are no legal issues or implication relating to this matter, merely a new legal agreement relating to tenancy issues for the Waroona Playgroup Centre.

COMMUNITY CONSULTATION

No community consultations are seen as necessary on this matter.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution on the proposed Lease is now sought.

Appendices Attached:	Yes	Appendices Numbers: 9.2.9
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: Cr Dew

SECONDED: Cr Look

OCM14/05/050

- 1. That the proposed Lease Agreement with the Waroona Playgroup Incorporated for the lease of Part Lot 40 (No. 10) Henning Street Waroona be adopted;**
- 2. That the Common Seal of Council be affixed to the Lease Agreement;**
- 3. That the Shire President and CEO be authorised to sign and complete all matters relating to this Lease Agreement.**

CARRIED 7/0

Crs Look, Scott and Salerian declared an interest affecting impartiality in Item 9.2.10 as they are members of the Waroona Agricultural Society.

9.2.10 LEASE OF COUNCIL PROPERTY – WAROONA SHOWGROUNDS – OFFICE BUILDING – AGRICULTURAL SOCIETY	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services; No Interest
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services; No Interest
Proponent:	Not Applicable at this time
Landowner:	Shire of Waroona
Date of Report: 17 March 2014	File No.: 88/3 & 154/1: Legal Doc No. 121
Previous Reference:	
Policy Implications:	None
Statutory Implications:	Section 5 of Strategic Community Plan
Financial Implications:	Minimal
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "Asset Management – Responsible Stewardship of Council Assets"	

PROPOSAL SUMMARY

For Council to adopt a proposed Lease to be entered into with the Waroona Agricultural Society Incorporated, with regard to the use of the "Office" building located on a Council controlled property, being Crown Reserve 8746, of Lot 316, Waroona.

BACKGROUND/INITIAL COMMENTS

A new Lease Agreement has been drawn up with regard to the Office building already erected on Council controlled land.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable, as the land use will remain the same.

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 "Asset Management – sub-item 5.07 Responsible Stewardship of Council Assets".

FINANCIAL ISSUES/IMPLICATIONS

There are no significant financial implications emanating from this proposal.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

There are no statutory issues or environment implications emanating from this report.

LEGAL ISSUES/IMPLICATIONS

There are no legal issues or implication relating to this matter, merely a new legal agreement relating to formalising maintenance responsibilities for the 'Office' building controlled by the Waroona Agricultural Society.

COMMUNITY CONSULTATION

No community consultations are seen as necessary on this matter.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution on the proposed lease is now sought.

Appendices Attached:	Yes	Appendices Numbers: 9.2.10
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: Cr Wright

SECONDED: Cr Scott

OCM14/05/051

- 1. That the proposed Lease Agreement with the Waroona Agricultural Society Incorporated for the lease of part of Crown Reserve 8746, of lot 316 Waroona, be adopted;**
- 2. That the Common Seal of Council be attached to the Agreement document;**
- 3. That the Shire President and CEO be authorised to sign and complete all matters relating to this agreement.**

CARRIED 7/0

9.3 DIRECTOR PLANNING SERVICES

9.3.1 LOTS 223 - SOUTH WESTERN HIGHWAY, WAROONA – APPLICATION FOR PLANNING CONSENT FOR MOBILE FISH VAN AND MARQUEE	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	West Oz Seafood P/L
Landowner:	Water Corporation & Shire of Waroona
Date of Report: 14 April 2014	File No. TP1634
Previous Reference:	TP1304
Policy Implications:	Local Planning Policy 1 – Community Consultation (LPP1)
Statutory Implications:	Planning and Development Act 2005 Peel Region Scheme (2003) Town Planning Scheme No. 7 (1996)
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025
Financial Implications:	Application fees (Planning Consent and Annual Stall Holder's fees).
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): –	
1 – Manage the Shire of Waroona's Future Growth.	
5 – Encourage a dynamic local economy.	

PROPOSAL SUMMARY

An application was received on 7 January 2013 proposing a mobile fish van and marquee selling fish products only on Lot 224 (No. 35) South Western Highway, Waroona. See proposed site plan and location plan **APPENDIX 9.3.1(A & B)**.

The applicant has an existing approval (TP1304) for a Mobile Food Van, which allows the applicant to trade between the hours of 8am and 6pm on Saturdays and Sundays. The applicant proposes to extend the days of operation to also allow the fish van to operate on Thursday's and Public Holidays between 6am and 6pm.

The proposed marquee is only to be used if the fish van was unavailable due to the following reasons:

- Servicing or repair; and
- Accidental damage to van or tow vehicle making it unavailable due to mechanical defect.

Council is required to determine the proposed planning consent under both the Shire of Waroona's Local Town Planning Scheme and the Peel Regional Scheme.

BACKGROUND/INITIAL COMMENTS

Lot 223 is owned by the Shire of Waroona, and Reserve 40242 is vested in the Shire of Waroona. See **APPENDIX 9.3.1B**.



Lot 224 (No. 35) is owned by the Water Corporation. The applicant has received written landowners consent from the Water Corporation.

The applicant has noted that the proposed marquee has been approved by the City of Mandurah as a Medium Risk Food Stall and would be operated with the use of operational freezers and refrigerators powered by a 2kva generator with a decibel rating of 53db.

Previous Approvals

A search of Council records indicates that there was a Planning Consent (TP1304) issued on 6 May 2010 for a mobile food van. See **APPENDIX 9.3.1(C)**. This approval remains valid, regardless of the outcome of the current Planning Consent application.

At the Shire of Waroona's Ordinary Council meeting held on April 22 April, the applicant received land owners consent from the Shire of Waroona for patrons to gain access to Lot 223 from Lot 223 South Western Highway and Reserve 40242, South Western Highway.

At its ordinary meeting held 22 April 2014 Council resolved, that in relation to the proposal for a Fish Van to operate from Lot 224 South Western (OCM 14/04/032):

- A. Grant landowner's consent for access for traffic to the Fish Van across Lot 223 and Reserve 40242 South Western Highway.
- B. Determine in accordance with Clause 4.2.5 (a) of the Shire of Waroona Town Planning Scheme No. 7 1996, that the use is consistent with the objectives of the Urban 3 – Service Commercial zone.

The determinations were based upon the proposed land use being consistent with the objectives of the Urban 3 - Service Commercial zone in accordance with the use not listed provisions in Clause 4.2.5 (a) of the Shire of Waroona's Town Planning Scheme.

Following Council resolution (OCM 14/04/032), the Shire of Waroona can determine the proposed planning consent for the fish van proposal.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Peel Region Scheme (PRS) 2003

Clause 21 of the PRS 'Resolution as to development in respect of zoned land requiring approval' refers:

- (1) The Commission may by resolution require development on land zoned under this Scheme to have the planning approval of the Commission before it is commenced or carried on.
- (2) The resolution may be made so as to apply to —
 - (a) all land, or a specified area of land, zoned under this Scheme; and



- (b) all development or classes of development or a specified development or class of development on land zoned under this Scheme.
- (3) Notice of the resolution is to be —
- (a) published in the Gazette; and
 - (b) served on each local government, as soon as practicable after the resolution is made.

Planning and Development Act 2005 –

Resolution 2014/02 - Resolution under Clause 21 of the PRS

Notice of resolution made under the Peel Regional Scheme regarding development on zoned land requiring planning approval.

Schedule 1 – Development on zoned land requiring planning approval:

3. Land abutting Regional Road Reservations.

- (b) Development with direct access or existing vehicular access to a regional road reservation.

Schedule 2 – Requirements for referral to advice agencies and forwarding to the WAPC:

2. An application for development in or abutting a primary regional roads reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

Delegation 2008/12 - Powers of Local Governments (PRS)

Resolution under section 16 of the Planning and Development Act 2005 (delegation):

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3.

Schedule 2 – Development on zoned land delegated to local governments:

- 2. On land abutting a primary regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of Main Roads Western Australia.



Schedule 3 – Terms of delegation to determine development on reserved and zoned land:

2. An application for development in or abutting a primary regional roads reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

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

Clause 6.1.1 of the TPS states that any development on land zoned or reserved under Town Planning Scheme No. 7 shall require approval unless specifically exempt under clause 6.1.2 of the Scheme.

Clause 4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme area in the various zones, such uses being determined by cross reference between the list of use classes of the zoning table and the list of zones.

As the use is not specifically mentioned in the Zoning Table, Council needs to determine whether the use is consistent with the zone objectives in terms of Clause 4.2.5.

“4.2.5 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may -

- (a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the “SA” procedures of clause 8.2 in considering an application for planning approval; or
- (c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”

Clause 4.7 Urban 3 - Service Commercial Zone states:

“4.7.1 Objectives and Policies

Council’s objective is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

Council’s Policies will therefore be to:

- ensure that development is functionally and visually appropriate to the location adjoining the Town Centre and abutting the South Western Highway;
- minimise access to the Highway from establishments by requiring, wherever possible, controlled access points;
- ensure adequate on-site car parking provision and setbacks from the



road frontages;

- require appropriate landscaping in the setback area abutting the Highway.”

Clause 4.7.5 Limited Highway Access states:

“Access from a lot to the South Western Highway shall be restricted to access points approved by the Council and in this respect Council, where it considers such to be desirable, will refer a proposal to Main Roads WA for advice and comment.”

Clause 8.2.3 states: “Where the Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out:

- (a) notice of the proposed development to be served on the owners and occupiers of the land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.”

Clause 8.2.4 states: “If notices have been given, after expiration of twenty-one days from the publication of the notice, the erection of the notice or the posting of the notice to the owners and occupiers, whichever is the latter, the Council shall consider and determine the application.”

Clause 2.4.3 states: “A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Consent, but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.”

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

Strategy 1 – Manage the Shire of Waroona’s future growth

The Shire of Waroona and its community is proud of the diversity it provides and wants to ensure that growth occurs, but that it occurs at a pace that ensures the attractions of the Shire of Waroona are safeguarded.

Strategy 5 – Encourage a dynamic local economy.

The Shire of Waroona has economic interest in the mining, forestry, agriculture and tourism sectors. The strategy specifically states that it is encouraged to seek



appropriate resources to assist with economic and tourism planning and development.

Local Planning Strategy (1999)

Within the Local Planning Strategy Lot 224 South Western Highway is located within the Town Precinct and is classed as 'mixed use'.

The objective of the 'mixed use' zone is to provide for a mix of residential and compatible serviced industries, including opportunities for live/work lots.

Considerations within the zone are:

- All development is to face and interact with road frontages in the zone;
- The front setback to contain a high percentage and standard of landscaping;
- Adequate on-site parking is to be provided for new developments;
- The Shire will seek to minimise the number of crossovers to the South Western Highway, including requiring the exclusive use of a secondary street or reciprocal rights of access, where possible.
- The Shire has the right to impose conditions relating to the hours of operation of business.

EXTERNAL REFERAL

As the lot abuts the South Western Highway the application was referred to Main Road WA (MRWA) for comment.

MRWA had no objection to the proposed development/use subject to the following condition:

'The existing access/ crossover to South Western Highway to be upgraded / sealed to the specification and satisfaction of Main Roads'.

Given the existing approval (TP1304) without the requirement to upgrade the access / crossover, the Shire's Technical Services Directorate then requested (2 April 2014) that MRWA reconsiders the condition. A response from MRWA was received on 4 April 2014 stating that the condition is no longer required.

The Department of Planning (DoP) confirmed that proposed development does require approval under the Peel Region Scheme, as the proposed development has vehicular access to the regional road reservation.

The DoP stated that the proposal will not be required to be referred to the WAPC, and that the Shire can determine the application under the PRS. The Shire received a PRS application from the applicant.

INTERNAL REFERAL

The Shire's Environmental Health Officer stated that the proposal must comply with the Health Act 1911 and the Food Act 2008.

The Shire's Building Surveyor stated that there are no concerns with the proposal.



The Shire's Senior Engineering Technical Officer stated that the proposal is to be referred to MRWA for comments.

FINANCIAL ISSUES / IMPLICATIONS

Annual Stall Holder's permit fees.

COMMUNITY CONSULTATION

Local Planning Policy 1 – Community Consultation (LPP1)

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected ratepayer aware of a development proposal and to allow them ample opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

Community Consultation was undertaken and the application was advertised for 21 days. This included letters to neighbours and a sign was placed on site.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Peel Region Scheme (PRS) 2003

In accordance with clause 21, and the Department of Planning's advice the applicant submitted a PRS application, which is to be determined by Council and forwarded to the Western Australia Planning Commission.

Planning and Development Act 2005 –

Resolution 2014/02 Resolution under Clause 21 of the PRS

In accordance with Schedule 1, of the Planning and Development Act 2005 – RES 2014/02, number 3 - Land Abutting Road reservations, (c), the applicant submitted a completed PRS application form.

In accordance with Schedule 2, of the Planning and Development Act 2005 – RES 2014/02, number 2, the proposal was referred to MRWA for advice and recommendation.

Delegation 2008/12 Powers of Local Governments (PRS)

In accordance with Schedule 1 and 2, of the Planning and Development Act 2005 – DEL 2008/12, the proposal was referred to MRWA for advice and recommendation.

In accordance with DEL 2008/12, the subject proposal is for development abutting a primary regional road reserve, therefore schedule 1 and 2 were followed, allowing Local Authority to delegation to determine the planning consent under the PRS.

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

Given that the application is for a "use not listed", the process in Clause 4.2.5 of the TPS was followed.



Following Council resolution (OCM 14/04/032) on 22 April 2014, Council determined that the proposed land use is consistent with the objectives of the Urban 3 - Service Commercial zone.

Following Council resolution (OCM 14/04/032), the Shire of Waroona can determine the proposed planning consent for the fish van proposal against the TPS.

Clause 4.7.1 of the Town Planning Scheme lists the objectives and Policies for the Urban 4 – Service Commercial zone and the proposed land use can be assessed against the objectives of the zone.

In essence Council's objective is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

The proposed development in principle is an extension to an existing approval granted by the Council April 2010. The applicant is proposing to operate additionally on a Thursday and public holidays, which is considered to be consistent with the objectives of the zone.

The proponent has sought access from existing crossovers from the South Western Highway; this is in accordance with Clause 4.7.5, which restricts new access points from the South Western Highway.

Shire of Waroona Strategic Community Plan (WSCP) 2012

In accordance with Strategy 1, the proposed fish van will provide an extra service to the local community.

In accordance with Strategy 5 of the WSCP the application is an extension to an existing service provided to the town.

Local Planning Strategy 1999 (LPS)

In accordance with the LPS, the 'Shire will seek to minimise the number of crossovers to the South Western Highway, including requiring the exclusive use of a secondary street or reciprocal rights of access, where possible'.

Lot 224 does not have access to the South Western Highway. The applicant has received landowner's consent from the Shire to gain access from Lot 223 (visitors centre) and Reserve 40242, South Western Highway. This is in line with the LPS objective of minimising new crossovers on the South Western Highway.

Community Consultation

When the Planning Consent is advertised, the Shire is required to follow the process prescribed in Clause 8.2 of the TPS and Local Planning Policy 1 – Community Consultation.

The proposed application was advertised to all potentially affected neighbours and a sign was placed on site for 21 days. No written submissions were received.



External Referral

In accordance with MRWA's comments no conditions have been placed on the proposal.

In accordance with the Department of Planning's advice, the applicant has completed the Peel Regional Scheme application forms.

Internal Comments

In accordance with the Shire's Environmental Health Officer's comments, the proposed fish van and marquee must comply with the Health Act 1911 and the Food Act 2008.

The Shire's Senior Engineering Technical Officer stated that the proposal is to be referred to MRWA for comments. MRWA has no issues with the proposal and the Shire's Technical Directorate had no further comments or concerns.

Officer's Final Comments

In accordance with Clause 4.7.1 and taking into consideration the objectives of the Scheme for the Urban 3 – Service Commercial zone, it is considered that the use is consistent with these objectives. The proposal is not considered to be incompatible with the objectives of Urban 3 zone as the proposal will provide an additional service to the locality.

With regards to the proposed access through land vested in the Shire, the proposed access in accordance with the LPS is from an existing access point, not creating an additional crossover on the South Western Highway. The applicant has indicated that they have approximately 15 customers per day and the majority of customers are also visiting the Visitor Centre. It is not considered that the proposal will drastically increase traffic to the car park.

The proposed marquee is to be used only if the fish van is unavailable due to service/repair or mechanical defect caused by accidental damage. A condition has been added limiting the use of the marquee to these situations. The condition also states that the Shire is to be informed prior to it being used.

Conclusion

The proposed development is principally an extension to the existing approval in place with the exception of the proposed marquee. It is not considered that the operation of the fish van on public holidays and an extra day a week will create a negative impact on the area and locality. Furthermore the proposed land use is consistent with the objectives of the zone and Council has granted landowner's consent to access the lot from land owned and vested in the Shire of Waroona.

Appendices Attached:	Yes	Appendices Numbers: 9.3.1A, B & C
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VOTING REQUIREMENTS

Simple Majority



COUNCIL RESOLUTION**MOVED: Cr Look****SECONDED: Cr Witney****OCM14/05/052**

- A.** That in relation to the application for the Planning Consent in terms of the Shire of Waroona Town Planning Scheme No. 7 of 1996 and the Peel Region Scheme 1993, for a Fish Van and Marquee to operate from Lot 224 South Western Highway, Council resolves to approve the application subject to the following conditions:
- 1.** The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval from the Shire of Waroona.
 - 2.** The proposed marquee is only to be used if the fish van is unavailable due to service and repair or due to mechanical defect caused by accidental damage. The Shire of Waroona is to be informed prior to the marquee being used for the sale of fish products on the subject lot.
 - 3.** The placement of the mobile fish van and marquee shall be in accordance with the approved site plan (dated 27 May 2014), and this shall not be altered or modified without the prior written approval from the Shire of Waroona.
 - 4.** Customer parking shall be limited to the gravel park associated with the Waroona Visitor Centre. The gravel access way within the subject Lot 223 shall be kept clear at all times.
 - 5.** Times of operation for the mobile fish van and marquee shall be limited to Thursdays, weekends and Public Holidays between the hours of 8.00 am and 6.00 pm.
 - 6.** The proposal approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the proposal has not substantially commenced before the expiry of that period.

ADVICE TO APPLICANT:

- a.** The operator is required to have the relevant public liability insurance.
- b.** Compliance is required with the Health Act 1911 and the Food Act 2008.

CARRIED 7/0

9.3.2 PROPOSED RENAMING OF WESTERN SECTION OF OLD BUNBURY ROAD, LAKE CLIFTON	
Reporting Officer / Officer's Interest:	Chris Dunlop, Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché, Director Planning and Development Services / Nil
Proponent:	Shire of Waroona
Landowner:	Crown Land
Date of Report:	14 May 2014 File No.: 132/4
Previous Reference:	N/A
Policy Implications:	Geographic Names Committee - Policies and Standards for Geographical Naming in Western Australia Local Planning Policy 2.0 - Lake Clifton / Heron Structure Plan Local Planning Policy 16.0 Geographic Names
Statutory Implications:	Land Administration Act 1997 AS/NZS 4819:2011 Rural and urban addressing
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012
Financial Implications:	Cost of road signs (Approximately \$500).
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): 6 Achieve Civic Leadership	

PROPOSAL SUMMARY

The Waroona Police Station raised the issue that having two (2) sections of road, named Old Bunbury Road, is confusing for Emergency Services as well as motorists.

Council is requested to propose a new road name(s) to the Geographic Names Committee for the Western Section of Old Bunbury Road, Lake Clifton.

An information plan is attached at **APPENDIX 9.3.2A**.

BACKGROUND / INITIAL COMMENTS

The Old Bunbury Road, with a length of approximately 25.6km, links the South Western Highway to the Old Coast Road. 7.8km of the road is located within the Shire of Waroona with the remaining 17.8km in the Shire of Murray. The Forrest Highway, which opened in September 2009, dissects the Old Bunbury Road. A 7 km section of the road is located to the Western side of the Highway and a 18.6 km section is located to its Eastern side.

Three notable species of trees are found in the Lake Clifton area:

- Acacia saligna (Orange Wattle)
- Agonis flexuosa (Peppermint Tree); and
- Eucalyptus rudis (River / Swamp Gum).

There are 15 affected landowners, including the Western Australian Planning Commission, with lots fronting the Old Bunbury Road.



At its meeting of 18 February 2014 (**OCM 14/02/006**) Council resolved to advertise for public comment three proposed road names, namely:

- Wonnil;
- Kularda; and
- Thrombolite.

During the consultation period a submission was received from the Lake Clifton – Herron Progress and Sporting Association (LCHPSA) requesting consideration of the alternative name Lake Clifton Road.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Land Administration Act 1997

The GNC's policies and standards are provided for under the Land Administration Act 1997, Part 2 – General administration.

AS/NZS 4819:2011 Rural and urban addressing

Section 4.2.4 of this standard states that a named road shall include only one section navigable by vehicles. Unconnected navigable sections, such as where separated by an unbridged stream, pedestrian segment, railing, etc. shall be assigned separate road names.

Section 4.6.1 states that road names are intended to be enduring, and should only be changed where there are sound reasons.

Section 4.6.2 recognises that a road extent is sometimes broken into two or more segments by road redesign or redevelopment so that it is no longer continuous. In this case some of the resultant segments shall be renamed to comply with Clause 4.2.4

PLANNING – STRATEGIC IMPLICATIONS

Geographic Names Committee - Policies and Standards for Geographical Naming in Western Australia

Section 2.2.3 states that all Western Australian rural and urban addressing, allocated and recorded by Landgate, is undertaken in accordance with AS/NZS 4819:2011: Rural and urban addressing.

Section 3.2.4 states that suffixes for roads, localities and topographic feature names shall not be used, e.g., Babakin North West Road, Dead Horse Hill West Road, Wyening West Road. The use of directional or other similar devices as suffixes, to uniquely define a name, can lead to confusion and unnecessary duplication and therefore will not be approved for use.

Section 3.6 states that preference shall be given to the names with extensive usage on official maps, to names in government records and names which have been proven to be of direct historical and/or local significance. Where long-established forms on maps and in records conflict with extensive, preferred local usage, the matter shall be referred to the GNC for resolution.



Names which have geographical significance or are names of early explorers, discoverers, settlers, naturalists, surveyors etc. are generally acceptable. They will be deemed appropriate, where they are relevant to the history of Western Australia, its discovery and the location in which they are to be applied.

The changing of long established place names shall not be accepted. Consideration may be given where it is necessary to avoid ambiguity or duplication. Such decisions shall be at the GNC's discretion.

Clause 3.16.2 Suggested guidelines for undertaking public consultation.

Section 4 states that the GNC is committed to the promotion, preservation and restoration of Indigenous culture within Western Australia. This is acknowledged by a preference being given to Indigenous names where possible. The use of Indigenous names is encouraged and the collection and compilation of recorded Indigenous topographic names is supported.

Section 8.2.2 - Contiguous navigable roads

A named road shall include only one section navigable by vehicles. If a road has been separated to become two unconnected navigable sections of road, then these shall be assigned separate road names.

Section 8.5 - Road naming amendments

Road names are intended to be enduring. The renaming of any road is discouraged unless there are good reasons for a change of name.

Renaming shall be necessary when a road is made into a cul-de-sac, resulting in two or more separated sections of road. Such separations can cause difficulties for emergency services and the delivery of other services to the area. The renaming of a portion of separated road may also be used to solve address numbering problems.

Where a change to the name of a road is proposed, the new name selected shall conform to all the necessary naming policies and standards.

For local roads the change of name must have the majority support from the affected land owners and residents.

The requirements of emergency services for clear unambiguous road naming shall also be a consideration.

Proposals normally require the support of local government, but the Minister for Lands is the final authority in all such matters.

Local Planning Policy 2.0 - Lake Clifton / Heron Structure Plan

Old Bunbury Road is identified as a key existing local road in the Structure Plan.

Local Planning Policy 16.0 Geographic Names

The assignment of geographic names is determined by the Geographic Names Committee (GNC), which is a branch of the Department of Lands. In administering



this responsibility the GNC has regard to an extensive set of criteria. With regard to road names, these may be summarised as follows-

1. Name duplication within local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
2. Names of living individuals shall not be used.
3. Names characterised as follows are to be avoided: incongruous; given/first names; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminatory names; company names; or, commercialised names.
4. Preferred sources of names include: Aboriginal names; Pioneers of the State or area; War Casualty lists; or thematic names e.g. fauna, ships etc.

Policy statement 1 of LPP16 relates to new roads being created by subdivision.

Policy statement 2 of LPP16 relates to existing unnamed roads.

LPP16 does not deal directly with the issue of renaming existing roads.

Whilst ultimate responsibility for the naming of roads rests with the GNC, their officers undertake consultation with Local Authorities as part of the process of assigning names. To assist this process a Local Authority can develop policies to guide their advice to the GNC.

Council's reserved road names list is found at Appendix 2 of LPP16. The names Wonil and Kularda appear in this list.

REFERRALS

The proposal was referred to Landgate's Geographic Names Commission (GNC) for comment. GNC stated that, as the proposed road name change is an issue of public safety/emergency response concerns, it is supportive of the proposed change. GNC however stated that, in line with their Policies and Standards, a directional name, i.e. Old Bunbury Road West or West Old Bunbury Road, would not be approved.

GNC offered the following advice on the proposed road names:

Wonnil Rise

As the Aboriginal language is not a written language, there is often a variation in spelling. A search on the Noongar word for Peppermint Tree found a few different spellings, these being Wanil, Wannung, Wonil. However, it was noted, that Landgate's Geonoma data set does contain the name Wonnil. There is one example of Wonnil being used within the State

Kularda Rise



Although Kularda appears suitable no reference to Kularda was found on the internet, so more evidence of its accuracy may be required. There are two examples of Kularda being used within the State.

Lake Clifton Road

While this name does not meet the GNC standards, the name is considered to be worthy of special consideration.

INTERNAL REFERRALS

Upon referral to the Shire's Technical Services Directorate, the Senior Engineering Technical Officer stated that he had no concerns with the proposed road renaming. The Manager Works and Services stated that the existing road signs could be replaced for approximately \$500.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

The Shire of Waroona is committed to serving its residents to the highest level of professionalism whilst maintaining an approachable manner reflective of a small community.

FINANCIAL ISSUES/IMPLICATIONS

Council will become responsible for the installation of any new road name signs (excluding those required on the Forrest Highway and the Old Coast Road) associated with the name change. Council will remain responsible for the maintenance of the road and road name signs, in the future.

COMMUNITY CONSULTATION

Community consultation, in accordance with the Policies and Standards of the Geographic Names Committee, has been carried out. The as proposed by **OCM 14/02/006** where advertised in the local newspaper and comments were sought directly from affected land owners.

A number of submissions were received during the consultation period, with the following numbers of submissions made in support of the respective proposed road names:

Kularda – 2
Wonnil – 0
Thrombolite – 1

In addition to these responses two submissions were received objecting to any road name change.

During the consultation period a submission was also received from the LCHPSA requesting that Council and GNC consider the name Lake Clifton Road as an alternative to the advertised road names. In support of their request the LCHPSA provided the results of their own community consultation undertaken via email to the



LCHPSA members and in local businesses. The survey results of the LCHPSA consultation were:

Lake Clifton Road – 34
Thrombolite (as an alternative) – 1
No Name Change - 3

In addition to the submission from the LCHPSA an additional submission was received from an affected landowner in support of the name Lake Clifton Road.

A table of submissions is attached at **APPENDIX 9.3.2B**.

The submission from the LCHPSA requesting the road be named Lake Clifton Road is attached at **APPENDIX 9.3.2C**.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Below is a summary of the consultation outcomes and potential reasons for selection of each proposed road name:

Kularda

During the consultation period two submissions were received in support of this name. The name is in accordance with GNC policy and the Shire's Local Planning Policy 16 – Geographic Names (LPP16).

Wonnil

No submissions in support of this name were received during the consultation period. While this name is in accordance with LPP16 and GNC Policy, the potential for ambiguity regarding its spelling and the lack of community support shown during consultation lead to this name being considered less desirable than others proposed.

Thrombolite

One submission in support of this name was received during the consultation period. The name is in accordance with GNC Policy.

Lake Clifton Road

The support shown for this name via the LCHPSA submission and the results of their community consultation greatly outnumber the responses received by the Shire during its consultation. The LCHPSA, as a community representation entity recognised by the Shire, can be seen to be acting in the interests of the residents of the locality.

While this name does not comply with GNC policy by way of consisting of two words, the GNC has advised that in this instance the name is worthy of special consideration.

In terms of legibility and clarity of destination and location Lake Clifton Road is a well suited name that provides direction to any traveller.



For these reasons it is recommended that Lake Clifton Road be supported by Council, by way of a request to GNC, as the new name of the subject section of Old Bunbury Road.

Conclusion

In line with AS/NZS 4819:2011 and the GNC's Policies and Standards the proposed road name change is considered to be necessary. The proposed renaming will assist in alleviating the confusion of emergency services and motorists, caused by the two sections of road.

The above assessment of the community consultation undertaken and the request received from the LCHPSA indicates that the community generally supports the name Lake Clifton Road. It is therefore recommended that Council resolve to request the Geographic Names Committee that the subject section of Old Coast Road be renamed to Lake Clifton Road.

Appendices Attached:	Yes	Appendices Number/s:	9.3.2A, B & C
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: Cr Wright

SECONDED: Cr Salerian

OCM14/05/053

That in relation to the Waroona Police Station's request for the renaming of the Western section of Old Bunbury Road, Council resolves to:

- 1. Provide a written request to the Geographic Names Committee that the section of Old Bunbury Road located west of the Forrest Highway be renamed to Lake Clifton Road for the following reasons:**
 - a) The name Lake Clifton Road has a significant historical connection to the locality.**
 - b) The name Lake Clifton Road will provide greater legibility and navigability to the locality in terms of clarity of the destination of the road.**
 - c) In accordance with AS/NZS4819:2011 a road name change is considered to be necessary.**
 - d) The name Lake Clifton Road is supported by the Lake Clifton – Herron Progress and Sporting Association, which represents the Lake Clifton and Herron communities.**

CARRIED 7/0



9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.4.1 ACCOUNTS FOR PAYMENT	
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: 12 /5/14	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers: 9.4.1
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<u>COUNCIL RESOLUTION</u>		
MOVED: Cr Dew		
SECONDED: Cr Scott		
OCM14/05/054		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7697 - 7724	\$28,506.32
Trust (Cheque/EFTs) Cheque 11032	EFT 18227	\$210,959.61
Electronic Transfers Municipal Fund	EFT 18226 to 18394	\$398,360.95
Direct Wages	01/4/2014 – 30/4/2014 inclusive	\$261,761.00
GRAND TOTAL:		<u>\$899,587.88</u>
and attached at Appendix 9.4.1 be endorsed.		
CARRIED 7/0		



9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2013 TO 30 APRIL 2014	
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: 15/5/2014	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached: Yes	Appendices Numbers: 9.4.2
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COUNCIL RESOLUTION

MOVED: Cr Look

SECONDED: Cr Wright

OCM14/05/055

That the Monthly Statements of Financial Activity for the period 1 July 2013 to 30 April 2014 at Appendix 9.4.2 be received and noted.

CARRIED 7/0

9.4.3 STRATEGIC COMMUNITY PLAN – REVISION	
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: 17 March 2014	File No.: 111/1 & 11/1
Previous Reference:	9.4.10 of 25 June '13;
Policy Implications:	None
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

For Council to adopt a revised "Strategic Community 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 Strategic Community Business Plan [SCP] is a statutory requirement, and is part of the Integrated Planning and Reporting obligations. It must be reviewed not less than every 4 years, with at least a 'desk top' review every 2nd year. The last SCP was adopted in 2012, and therefore is now due.

The revised SCP has also been prepared in conjunction with the latest version of the Corporate Business Plan [CBP], and the Long Term Financial Plan [LTFP]. All 3 plans are now appropriately linked and integrated. These now better meet 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 latter 2 plans will go before Council's June meeting.

PLANNING – STRATEGIC IMPLICATIONS

None applicable, as the new plan generally follows the previous plan.

REFERRALS

None applicable.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

The revised Strategic Community Plan is more practical and, in conjunction with the new CBP, better reflects what functions and actions that the organisation actually carries out, and the need for these to continue to be provided [EG: Food outlet Inspections; Animal Control; Community Development/Events/Youth Services;



Asset Renewal/Replacements, etc]. Greater details will be included in both the CPB document and the LTFP document.

FINANCIAL ISSUES/IMPLICATIONS

A Strategic Community Plan does not normally deal with specific financial issues. The relevant financial implications are detailed in Corporate Business Plan which includes all the projected for the next 4-5 years. The new projections are now based on the figures of the 2013/14 Budget, as well as the latest information to hand, and also the recent estimations of proposed new projects for the next few years.

The CBP proposed covers a 5 year period, and it has also been structured to cater for the later years as well, as it has been compiled in conjunction with the Long Term Financial Plan. The reduction in Grants by both the State and Federal Governments to Councils is currently being assessed.

Detailed sheets of the main areas of Capital emphasis will be included as attachments to the CBP document.

POLICY ISSUES/IMPLICATIONS

There are no policy issues or implications emanating from the new plan.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Review of a Strategic Community Plan is a statutory requirement, at not less than every 2nd year.

LEGAL ISSUES/IMPLICATIONS

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

COMMUNITY CONSULTATION

Consultations are proposed to occur over the next month.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

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

Appendices Attached:	Yes	Appendices Numbers: 9.4.3
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

MOVED: Cr Witney

SECONDED: Cr Dew

OCM14/05/056

1. That the revised draft Strategic Community Plan as presented, be adopted;
2. That the draft Strategic Community Plan be advertised, with submissions to close on 11 June 2014;
3. That any submissions and the draft Strategic Community Plan, with any proposed amendments, be placed before Council's meeting of 24 June 2014.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.4.4 BUDGET AMENDMENT - PURCHASE OF NEW VEHICLE FOR DIRECTOR TECHNICAL SERVICES	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy Chief Executive Officer/Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 20/05/2014	File No.: 96/1 & 1/8
Previous Reference:	Not Applicable
Policy Implications:	Not Applicable
Statutory Implications:	<i>Local Government Act 1995</i>
Strategic Implications:	<i>Strategic Community Plan Number 6</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

To transfer funds from the Plant Replacement Reserve to fund the purchase of a new vehicle for the full time Director of Technical Services as per contract of employment.

BACKGROUND/INITIAL COMMENTS

Council will be employing as at the 1 July 2014 a full time Director of Technical Services (DTS) and as per the employment contract this position offers the use of a vehicle for both work and personal purposes. Within the financial year that the previous vehicle used by the DTS was sold, there were funds place into the Plant Replacement Reserve to purchase a new vehicle once this position was filled on a full time basis.

PLANNING – STRATEGIC IMPLICATIONS

N/A

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Of the 6 objective areas outlined in Waroona's *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number 6 – Active civic leadership & excellence in management.

FINANCIAL ISSUES/IMPLICATIONS

A budget amendment will need to be approved to transfer funds from the Plant Replacement Reserve to the Municipal fund so that the purchase of a new vehicle for the DTS can be completed before 1 July 2014



POLICY ISSUES/IMPLICATIONS

N/A

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Under the Local Government Act 1995 a resolution must be passed by absolute majority to approve an amendment to the Budget.

LEGAL ISSUES/IMPLICATIONS

N/A

COMMUNITY CONSULTATION

N/A

OFFICER'S FINAL COMMENTS/CONCLUSIONS

As the full time Director Technical Service will commence work at the beginning of 2014/15 financial year this vehicle needs to be purchase prior to this date which would be included in the 2013/14 financial year. It is requested that Council approve the budget amendment to transfer approximately \$38,500 from the Plant Replacement Reserve to the Municipal account to fund this purchase.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION**MOVED: Cr Scott****SECONDED: Cr Witney****OCM14/05/057**

- 1. That Council approve that the amount up to \$38,500 be transferred from the Plant Replacement Reserve to the Reserve Transfer account 135850;**
- 2. That the 2013/14 budget be amended to include the expense to purchase a new vehicle for the full time Director of Technical Service account 135540 for up to \$38,500**

CARRIED BY ABSOLUTE MAJORITY 7/0

9.4.5 APPLICATION OF THE SHIRE OF WAROONA COMMON SEAL TO LOCAL GOVT MASTER LENDING AGREEMENT	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy Chief Executive Officer/Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 20/05/2014	File No.: 92/1 & Loan File
Previous Reference:	Not Applicable
Policy Implications:	Not Applicable
Statutory Implications:	Not Applicable
Strategic Implications:	<i>See heading below</i>
Financial Implications:	Not Applicable
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

For Council to approve the Shire of Waroona’s common seal to be place on the Western Australian Treasury Corporation’s new Local Government Master Lending Agreement.

BACKGROUND/INITIAL COMMENTS

The Western Australian Treasury Corporation is implementing a Local Government Master Lending Agreement (LGMLA) which incorporates the recent introductions of the Commonwealths Government’s Personal Property Securities Act 2009 (PPSA) and improves the efficiency of the lending process to all Local Governments. The LGMLA combines all existing and future loans together under the one agreement and eliminates the need for individual agreements to be executed under seal each time a new loan is established with WA Treasury Corporation.

PLANNING – STRATEGIC IMPLICATIONS

N/A

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Of the 6 objective areas outlined in Waroona’s *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number 6 – Active civic leadership & excellence in management.

FINANCIAL ISSUES/IMPLICATIONS

N/A



POLICY ISSUES/IMPLICATIONS

N/A

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

N/A

LEGAL ISSUES/IMPLICATIONS

N/A

COMMUNITY CONSULTATION

N/A

OFFICER'S FINAL COMMENTS/CONCLUSIONS

It is recommended that Council agree to affix the common seal onto the proposed Local Government Master Lending Agreement once the draft has been finalised. This new agreement will fast track the Shire's applications processing time for any future loan that Council agree to enter into.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**MOVED: Cr Witney****SECONDED: Cr Wright****OCM14/05/058**

The Shire of Waroona hereby resolves:

- i) That the Shire of Waroona enters into a Master Lending Agreement with Western Australian Treasury.**
- ii) To approve the affixation of the Common Seal of the Shire of Waroona to the said Master Lending Agreement in the presence of the President and the Chief Executive Officer each of whom shall sign the document to attest the affixation of the Common Seal thereto; and**
- iii) That the Chief Executive Officer of the Shire of Waroona is authorised to sign schedule documents under the Master Lending Agreement and or to give instructions thereunder on behalf of the Shire of Waroona.**

CARRIED 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.

12.1 ELECTED MEMBERS**12.1.1 TREVOR PITCHER - THANK YOU (File: 54/1)**

Cr Witney wished to record a vote of thanks to be conveyed to Trevor Pitcher from all the staff at Waroona Community Resource Centre for his assistance while employed at Shire of Waroona.

12.1.2 QUAMBIE PARK BOARD – COUNCILLOR REPRESENTATIVE (File 35/1)

Cr Witney tendered her resignation as Councillor representative on the Quambie Park Board Inc. effective immediately, as she was not able to attend the meetings when required. No nominations for the position were forthcoming at the meeting so nominations for a replacement representative will be sought at the June Ordinary Council meeting.

12.1.3 SENIOR STAFF APPOINTMENT, REMUNERATION AND PERFORMANCE REVIEW COMMITTEE – APPOINTMENT OF A PROXY MEMBER (File 35/1)**COUNCIL RESOLUTION****MOVED: Cr Scott****SECONDED: Cr Witney****OCM14/05/059**

That Cr Noel Dew is appointed as a proxy member of the Senior Staff Appointment, Remuneration and Performance Review Committee.

CARRIED BY ABSOLUTE MAJORITY 7/0**12.2 OFFICERS**

Nil.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.30 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 24 JUNE 2014 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

