



**Date: 21 August 2014**

**To: Shire President  
All Councillors**

**Copy: Directors  
Staff**

## **ORDINARY COUNCIL MEETING NOTICE AND AGENDA**

**An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 26 August 2014 at 4.00pm to consider and resolve the matters set out in the attached Agenda.**

A handwritten signature in cursive script, appearing to read 'Ian Curley', is written over a light grey rectangular background.

**Ian Curley  
CHIEF EXECUTIVE OFFICER**

## **PUBLIC QUESTION TIME**

**AND**

## **PUBLIC STATEMENT TIME**

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

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# **AGENDA**

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**
3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

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

7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
  - 8.1 **ORDINARY COUNCIL MEETING – 22 July 2014**

**OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting held 22 July 2014 be confirmed as being a true and correct record of proceedings.**

- 8.2 **SPECIAL COUNCIL MEETING – 18 August 2014**

**OFFICER RECOMMENDATION**

**That the Minutes of the Special Council Meeting held 18 August 2014 be confirmed as being a true and correct record of proceedings.**



## 9.0 REPORTS OF OFFICERS AND COMMITTEES

### 9.1 DIRECTOR TECHNICAL SERVICES

<b>9.1.1 TENDER – RFT 2014/03 – SUPPLY &amp; DELIVERY OF GRAVEL BASECOURSE MATERIAL</b>	
Reporting Officer / Officer's Interest:	Murry Bracknell Manager of Works and Services / No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 20/08/2014	File No.: 2014/03
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 “Assets, Resources, Financial Management &amp; Sustainability”</b>	

### **PROPOSAL SUMMARY**

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2014/03 – Supply and Delivery of Gravel Base course Material.

### **BACKGROUND/INITIAL COMMENTS**

Council's 2014/15 budget includes an allocation for the purchase of gravel for use in the construction program. As the total cost of the gravel will exceed \$100,000, a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 26<sup>th</sup> July 2014. The closing date of the tender 11<sup>th</sup> August 2014.

The Scope of Works contained in the specification called for the submission of prices the supply and delivery of gravel to the various road works sites subject to the 2014/15 construction season and to the Shire Depot.

Tenderers were also instructed to describe the method in which they intended to determine volumes delivered, however the specification reserved the shire's right to reject any method and implement another.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- Tendered Price 50%
- Relevant Experience 15%
- Tenderer's Resources 15%
- Demonstrated Understanding 10%
- Value Adding Proposal 10%



The specification sets out how the tenderers were to address the second and third criteria.

The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the tendered price which included allowance for the buy local policy.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”; 5.03.04 “Roads and Bridges – Maintenance”

### **FINANCIAL ISSUES/IMPLICATIONS**

The purchase of the gravel is allowed for in the 2014/15 budget. Funding sources include Roads to Recovery, Regional Road Group and Council’s own funds.

### **POLICY ISSUES/IMPLICATIONS**

Nil

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

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 ‘Purchase of Budget Items’.

### **LEGAL ISSUES/IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Two submissions were received, Charles Hull Contracting and B&J Catalano. Following the evaluation of the submissions the aggregate scores are as follows:

Charles Hull Contracting: 560

B&J Catalano: 520

The per cubic metre rate is as anticipated and the same as received in the 2014/03 tender process which was won by Charles Hull Contracting.

It is concerning that gravel prices remain high, as evident from this tender and the previous two tenders let to supply gravel. As gravel is a substantial cost component involved with road works, a high gravel cost severely limits the extents to which roads can be renewed. In light of this, officers have employed cement stabilisation of existing materials in road re-construction works to reduce the import of gravel. These innovations have been in an effort to maintain the condition of council roads and the levels of service to the community. With costs expected to continue to raise officers shall be actively examining alternative gravel sources and/or construction methods so that costs can be brought down and value for money maximised.

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council award Tender RFT 2014/03 Supply and Delivery of Gravel Basecourse Material to Charles Hull Contracting based on the price of \$33.00 (ex GST) per cubic metre.**



<b>9.1.2 TENDER – RFT 2014/04 – SUPPLY OF BITUMEN SEALS AND ASPHALT</b>	
Reporting Officer / Officer's Interest:	Murry Bracknell Manager of Works and Services / No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 20/08/2014	File No.: 2014/04
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 "<u>Assets, Resources, Financial Management &amp; Sustainability</u>"</b>	

**PROPOSAL SUMMARY**

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2014/04 – Supply of Bitumen Seals and Asphalt.

**BACKGROUND/INITIAL COMMENTS**

Council's 2014/15 budget includes an allocation for the procurement of services for primer seals, second coats and reseals for the construction program. As the total cost of the services will exceed \$100,000 a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 26<sup>th</sup> July 2014. The closing date of the tender 11<sup>th</sup> August 2014.

The Scope of Works contained in the specification called for the submission of prices the supply and spray bitumen (for primer seals), Supply, spray and cover (second coats and reseals) for various roads subject to the 2014/15 construction season.

Tenderers were also instructed to describe the method in which they intended to determine volumes delivered, however the specification reserved the shire's right to reject any method and implement another.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- Tendered Price 50%
- Relevant Experience 25%
- Tenderer's Resources 25%

The specification sets out how the tenderers were to address the second and third criteria.

The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the



qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the tendered price which included allowance for the buy local policy.

**PLANNING – STRATEGIC IMPLICATIONS**

Nil

**REFERRALS**

Nil

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”; 5.03.04 “Roads and Bridges – Maintenance”

**FINANCIAL ISSUES/IMPLICATIONS**

The procurement of contractors to carry out the 2014/15 construction program has been allocated in the 2014/15 budget. Funding sources include Roads to Recovery, Regional Road Group and Council’s own funds.

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 ‘Purchase of Budget Items’.

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Four submissions were received, Malatesta, Fulton Hogan, Colas and Roads2000. Following the evaluation of the submissions the aggregate scores are as follows:

Malatesta:	488
Fulton Hogan:	603
Colas:	590
Roads2000:	443

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION**  
**That Council award Tender RFT 2014/04 Supply Of Bitumen Seals And Asphalt to Fulton Hogan based on the following schedule of prices:**

<b>SUPPLY AND SPRAY BITUMEN (FOR PRIMERSEALS)</b>	
<b>ITEM</b>	<b>GST Exclusive</b>
BITUMEN APPLICATION (Primer seals) Price /m <sup>2</sup> - litre/m <sup>2</sup> (based on <b>1.4 L / m<sup>2</sup></b> at 15°) Including: a) Seal design b) Bitumen and application of bitumen	<i>Rate/m<sup>2</sup></i>  <b>\$ 1.96</b>
Variation rate /L	<b>\$ 1.23</b>
<b>MOB/DEMOB</b>	<i>Lump Sum</i>
Price for mob/demob (total cost per visit)	<b>\$ 250.00</b>
<b>SUPPLY, SPRAY AND COVER (SECOND COATS AND RESEALS)</b>	
<b>ITEM</b>	<b>GST Exclusive</b>
BITUMEN, AGGREGATE & APPLICATION Price /m <sup>2</sup> - litre/m <sup>2</sup> (based on <b>1.8 L / m<sup>2</sup></b> at 15°) Including: a) Seal design b) Bitumen c) Pre-coating of aggregate d) Preparation – sweep & water e) Application of bitumen and aggregate f) Rolling g) Traffic Management	<i>Rate/m<sup>2</sup></i>  <b>\$4.15</b>
Variation rate /L	<b>\$1.20</b>
<b>SWEEPING</b>	<i>Lump Sum</i>
Price for sweeping (1 to 4 weeks after seal)	<b>\$2500.00</b>
<b>MOB/DEMOB</b>	<i>Lump Sum</i>
Price for mob/demob (total cost assuming all works completed in one visit)	<b>\$0</b>



<b>9.1.3 TENDER – RFT 2014/05 – PROVIDE TREE MAINTENANCE AND REMOVAL SERVICES</b>	
Reporting Officer / Officer's Interest:	Murry Bracknell Manager of Works and Services / No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 20/08/2014	File No.: 2014/05
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management &amp; Sustainability</u>"</b>	

**PROPOSAL SUMMARY**

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2014/05 – Provide Tree Maintenance and Removal Services.

**BACKGROUND/INITIAL COMMENTS**

Council’s 2014/15 budget includes an allocation for tree maintenance and removal as part of the works programme. As the total cost of the services will exceed \$100,000 a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 26<sup>th</sup> July 2014. The closing date of the tender 11<sup>th</sup> August 2014.

The Scope of Works contained in the specification called for the submission of prices for tree maintenance and removal services for western power tree pruning and general street tree pruning for the 2014/15 work programme.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- Tendered Price 50%
- Relevant Experience 10%
- Key Personnel skills and experience 10%
- Respondents Resources 10%
- Demonstrated Understanding 10%
- Value Adding Proposal 10%

The specification sets out how the tenderers were to address the second and third criteria.

The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the



qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the tendered price which included allowance for the buy local policy.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”; 5.03.04 “Roads and Bridges – Maintenance”

### **FINANCIAL ISSUES/IMPLICATIONS**

The procurement of contractors to carry out tree maintenance and removal as part of the works programme been allocated in the 2014/15 budget.

### **POLICY ISSUES/IMPLICATIONS**

Nil

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

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 ‘Purchase of Budget Items’.

### **LEGAL ISSUES/IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

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

Six submissions were received, Pete’s Treeworx, Ausmic Environmental Industries, Wagerup Civil, Tree Care WA, WA Treeworks and Howletts Tree Services. Following the evaluation of the submissions the aggregate scores are as follows:

Petes Treeworx:	585
Ausmic Environmental Industries:	313
Wagerup Civil:	502
Tree Care WA:	523
WA Treeworks:	515
Howletts Tree Services:	533

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council award Tender RFT 2014/05 Provide Tree Maintenance And Removal Services to Pete’s Treeworx based on the following schedule of prices:**

<b>Normal Hourly Rates</b>	
<b><i>Street Tree Pruning - Crew</i></b>	
1.a Labourer/ Pruner	\$50.00
1.b Leading Hand/ Supervisor	\$55.00
<b><i>Western Power Pruning - Crew</i></b>	
1.c Labourer/ Pruner	\$60.00
1.d Leading Hand/ Supervisor	\$65.00
<b>1.2 Traffic Management</b>	
1.2.a Traffic Management Crew - Two traffic controllers, vehicle and signs	\$104.00
1.2.b Addition Traffic Controllers	\$37.00
	\$60.00
<b>After Hours Rates</b>	
<b><i>Street Tree Pruning - Crew</i></b>	
1.a Labourer/ Pruner	\$60.00
1.b Leading Hand/ Supervisor	\$70.00
<b><i>Western Power Pruning - Crew</i></b>	
1.c Labourer/ Pruner	\$70.00
1.d Leading Hand/ Supervisor	\$80.00
<b>Emergency Call Out Charge</b>	\$60.00
<b>3. Equipment</b>	
3.a Chipper	\$30.00
3.b Stump Grinder	\$25.00
3.c Cherry Picker	\$25.00
3.d Self Propelled articulated boom lift	\$40.00
3.e Work Ute	\$20.00
3.f Truck	\$40.00



<b>9.1.4 TENDER – RFT 2014/06 – PROVISION OF GOODS AND SERVICES FOR MINOR ELECTRICAL WORK</b>	
Reporting Officer / Officer's Interest:	Murry Bracknell Manager of Works and Services / No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 20/08/2014	File No.: 2014/06
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 "Assets, Resources, Financial Management &amp; Sustainability"</b>	

**PROPOSAL SUMMARY**

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2014/06 – Provision of Goods and Services for Minor Electrical Work.

**BACKGROUND/INITIAL COMMENTS**

Council’s 2014/15 budget includes an allocation for minor electrical work. As the total cost of the electrical work is anticipated to exceed \$100,000, a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 26<sup>th</sup> July 2014. The closing date of the tender 11<sup>th</sup> August 2014.

The Scope of Works contained in the specification called for the submission of prices the provisions of goods and services for minor electrical work based on the 2013/14 works from which it has been estimated that 390 hours of labour and \$29,000 of materials will be required in 2014/15. There are no guarantees as to the quantity of materials or services required for the 2014/15 financial year.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- Tendered Price 50%
- Relevant Experience 10%
- Key Personnel Skills and Experience 10%
- Respondents Resources 10%
- Demonstrated Understanding 10%
- Value Adding Proposal 10%

The specification sets out how the tenderers were to address the second and third criteria.



The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the tendered price which included allowance for the buy local policy.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”

### **FINANCIAL ISSUES/IMPLICATIONS**

The use of contractors for minor electrical services is allowed for in the 2014/15 budget. Cost received are as per anticipated.

### **POLICY ISSUES/IMPLICATIONS**

Nil

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

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 ‘Purchase of Budget Items’.

### **LEGAL ISSUES/IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

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

One submission was received, Curtis Electrical Contracting Pty Ltd.

The hourly rate is as anticipated. The percentage mark up on materials is at 15% or POA on larger items. This is a standard mark up.

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION**

**That Council award Tender RFT 2014/06 Provision Of Goods And Services For Minor Electrical Work to Curtis Electrical Contracting Pty Ltd based on the following schedule of prices:**

<b>Normal Hourly Labour Rates</b>	<b>Hourly Rate</b>
1.a Tradesman Labour	\$95.00
1.b Apprentice Labour	\$55.00
1.c Other Labour	
<b>After Hours Labour Rates</b>	
2.a Tradesman Labour	\$95.00
2.b Apprentice Labour	\$55.00
2.c Other Labour	
Call Out Fee	\$200.00
<b>Plant &amp; Equipment</b>	
Trenching charged per meter	\$6.00
Cable Locator	\$25.00
Any hire equipment at cost + 10%	POA
Percentage Mark-up on Materials (\$29,000)	15.00%

## 9.2 DIRECTOR COMMUNITY SERVICES

<b>9.2.1 REQUEST FOR CHRISTMAS PAGEANT</b>	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services; No Interest
Responsible Officer / Officer's Interest	Ian Curley ;Chief Executive Officer/ No Interest
Proponent:	Mrs Deb Clancy
Landowner:	Not Applicable
Date of Report: 19 August 2014	File No.: 161/1
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	No funds included in current budget
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

### **PROPOSAL SUMMARY**

To consider a request for a Christmas pageant

### **BACKGROUND/INITIAL COMMENTS**

A letter was received on 13 August 2014 from Mrs Deb Clancy requesting consideration for an annual Christmas pageant. Mrs Clancy advised that the neighbouring towns had similar events and a pageant would unite the town. **(Appendix 9.2.1)**

Discussions with the Shire of Murray and the Shire of Harvey were subsequently carried out to determine what involvement and costs were associated with running such an event.

#### Shire of Murray

Date: Wednesday 10 December 5-9 pm.

Co-ordination by the Shire's Events Officer  
Involve Community  
Not closing highway due to high costs  
Includes Carols by Candlelight  
Stalls  
Craft for Kids/ Kids entertainment  
Under 5000 people  
Funding Application above \$10,000.

#### Shire of Harvey

Date: Friday 12 December 6- 9 pm

Harvey Gala night  
Co-ordinated by Harvey LEOs (Young Lions)  
Has not run since 2008  
Float parade, market, dance school, P & C's



Some entertainment  
 Budget submission \$1870, Event cost \$4500  
 No Carols in Harvey but held in Yarloop and Brunswick

Shire of Waroona

Emergency Services Dinner: November/December  
 Volunteer breakfast: 6 December  
 Carols by Candlelight: 7 December  
 Just Cruizin: Christmas lights tour: December  
 Australia Day celebrations: 26 January  
 Summer Events series where a number of events are supported by Community Development Officers and/or financial contributions.

**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**

The Shires commitment to the Waroona Agricultural Show and Vintage Machinery Show as well as other events is significant. The Shire could support a concept of a similar nature but at a smaller scale than the Harvey Gala night should it be organised by a community group for financial year 15/16.

As the 2014/2015 budget has already been set the Shire could only support an event this financial year which was at no cost to the Shire. Mrs Clancy could however facilitate an event in conjunction with the Christmas Carols.

An event of this nature was previously run by the Community Marketing Group in conjunction with local businesses who stayed open for late night trading, however it was discontinued around 2004/2005. At the time there were a number of anti-social activities occurring on the night of the event that were beyond the control of the organisers. The event was not financially supported by Council.

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

Simple Majority

**OFFICER RECOMMENDATION**

**That Mrs Deb Clancy be advised that the Shire is unable to support a Christmas event in 2014 however would consider providing assistance to a community group or organisation wishing to organise and run a Christmas event in future years.**



<b>9.2.2 KENNEL LICENCE: LOT 27 ROBERTS ROAD, HAMEL</b>	
Reporting Officer / Officer's Interest:	Gordon Houston, Relief Environmental Health Officer/ Nil
Responsible Officer / Officer's Interest	Jason Robertson, Manager Health & Building Services/Nil
Proponent:	Shire of Waroona
Landowner:	Lynette Miller
Date of Report: 15/8/14	File No. 45/2
Previous Reference:	N/A
Policy Implications:	Policy 2.21 Breaches of Dog Act
Statutory Implications:	In Document
Strategic Implications:	In Document
Financial Implications:	In Document
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER:</b> 6.05 High Legislative Compliance	

### **PROPOSAL SUMMARY**

Mrs L Miller of Lot 27 Roberts Road, Hamel is seeking a licence to operate a kennel establishment at that address.

### **BACKGROUND/INITIAL COMMENTS**

This premises has had kennels constructed on it for some time, however, for various reasons, the proprietor of the establishment has not previously applied for a formal licence. The use of the premises for the purpose of kennels has approval under the terms of the Town Planning Scheme and the existing buildings form part of that approval.

This includes approval of the kennel structures, one of which is slightly less than the requisite distance from the residence on the property.

The applicant is seeking approval to house 60 adult Pugs and the kennel has sufficient capacity to cater for that number of those sized animals.

While there are some town planning conditions which the proprietor is still attending to, under the terms of the Dog Act 1976 (as amended) and the Shire of Waroona Dogs Local Law, there is no legal impediment preventing consideration of the application and approval of the license.

A copy of the Schedule 1 (Clause 4.2) local law application is attached as **APPENDIX 9.2.2A & B**, along with a copy of the receipt.

### **REFERRALS**

No referrals are required for consideration of this application.

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

This application is linked to a key theme of the broad strategic priority of the Strategic Community Plan, namely Theme 6, Good Governance. The specific applicable strategy is *6.05 High Legislative Compliance*.



## **FINANCIAL ISSUES/IMPLICATIONS**

There are no financial implications associated with the approval of this Licence.

## **POLICY ISSUES/IMPLICATIONS**

Council has an assumed obligation to ensure that the holder of a Kennel Licence meets the requirements of the Dogs Local Law and remains compliant with any conditions applied to that licence.

With regards to Policy 2.21 (*Breaches of the Dog Act*), the application process seeks to require full and complete compliance with the various requirements of the Act and any subsidiary or complimentary relevant legislation.

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

### **Application**

Under the Dogs Local Law, an application for a Kennel Licence can be determined by Council or its delegated officer when;

1. the applicant has complied with clause 4.2 (i.e. submitted an application made in the form of Schedule 1 with the requisite plans, written evidence and acknowledgements);
2. the applicant has submitted any proof of notices required under the local laws (e.g. newspaper notice and notification of owners); and
3. the Shire has considered any written submissions received based on those notices.

The Proponent has complied with the application submission and provided the requisite evidence and acknowledgements.

The Proponent is exempted from the notice requirements because, under 4.4 of the local law, no notice is required to be given if the use is approved for that land under the Town Planning Scheme, and that is the case in this instance.

### **Determination of the Application**

Under 4.6 of the local law, in determining this application for a licence, Council is to have regard to the following relevant points:

1. any written submissions received on the proposed use of the premises  
**Not Applicable;**
2. any economic or social benefits which may be derived by any person in the district if the application for a licence is approved  
**Not Applicable;**
3. the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;  
**The kennel has been operational for some time and no substantiated complaints have been received. The construction of the kennels, nature of the neighbourhood and the distance of the kennel building from the street frontage and neighbouring properties limit any impact on environment or amenity.**

**Conditions of Approval**

Under 4.8 of the local law, Council or its delegated officer may approve an application for a licence subject to the conditions outlined in Schedule 2 of the local law (appended here-to) and any other conditions as seen fit. Council may also vary any of the conditions contained in Schedule 2.

The buildings have been erected for some time and were approved in their existing configuration via the planning processes. While the distance between the kennel building and the residence is not the requisite 10 metres (the distance is only approximately 5 metres), it is this Officer's opinion that acceptance of this setback at the time of planning deliberations provides sufficient indication that the lesser distance is acceptable to Council and therefore, this condition can be waived and the lesser distance approved for this licence.

All other conditions are applicable to this application without variation.

**LEGAL ISSUES/IMPLICATIONS**

There are no inherent legal issues.

**COMMUNITY CONSULTATION**

While the local law prescribes that a public notice is usually required for this type of application (both in the local newspaper and to neighbours), this application is exempted because, under 4.4 of the local law, no notice is required to be given if the use is approved for that land under the Town Planning Scheme, and that is the case in this instance.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

While there are some town planning conditions which the proprietor is still attending to, under the terms of the Dog Act 1976 (as amended) and the Shire of Waroona Dogs Local Law, there does not appear to be any legal impediment preventing consideration of the application and approval of the license.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.2.2A&amp;B</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council approve the Application for Licence For An Approved Kennel Establishment to Mrs Lynette Miller for the existing kennel establishment at Lot 27 Roberts Road, Hamel, subject to the following conditions:**

- 1) Compliance with the relevant provisions of the Dog Act 1976 (as amended);**
- 2) Compliance with the provisions and Schedules of the Shire of Waroona Dogs Local Law;**
- 3) The maximum number of dogs to be kept is 60, and the breed is to be Pug; and**
- 4) No change of breed to a larger variety is permitted without submission of a new application giving consideration to the permitted numbers of the proposed breed to be kennelled versus the size of the kennels and facilities.**

**9.3 DIRECTOR PLANNING SERVICES**

<b>9.3.1 LOT 66 (NO. 22) FOURACRE STREET, WAROONA – APPLICATION FOR PLANNING CONSENT – ART STUDIO</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest:	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Lorraine Margaret Bawden
Landowner:	Eric Fawcett
Date of Report: 6 December 2013	File No.: TP1682
Previous Reference:	N/A
Policy Implications:	Local Planning Strategy 2009
Statutory Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme No.7 1996
Strategic Implications:	Shire of Waroona Community Strategic Plan 2014
Financial Implications:	Nil
<b>LINKED TO STRATEGIC THEME NUMBER</b>	
<i>Theme 3 – Land Use: <u>Responsible Land Use Planning</u>, and Protecting Rural Land</i>	

**PROPOSAL SUMMARY**

An application has been received for the establishment of an Art Studio on Lot 66 (No. 22) Fouracre Street, Waroona. Site and elevation plans are at **APPENDIX 9.3.1**.

The proposed Art Studio will occupy current vacant tenancies within the existing commercial development on the lot. The proposed studio will be 112.3m<sup>2</sup> in area and will be used for the creation and display of artistic goods including painting, ceramics, felting, mosaic, stained glass, sculpturing and jewellery.

**BACKGROUND / INITIAL COMMENTS**

The location of the proposed Art Studio has previously been developed for commercial tenancies, including the installation of car parking facilities and landscaping. (See TP1041).

Lot 66 has an area of 1163m<sup>2</sup> and currently contains an existing commercial building incorporating a web design business, with the remaining tenancies being vacant. Car parking and landscaping of the lot have been established as part of its development for commercial purposes.

**Previous Approvals**

TP1041 – application for the redevelopment of the existing building on the lot for commercial tenancies approved 17 May 2007.



## **STATUTORY IMPLICATIONS**

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

Lot 66 is zoned Urban 1 – Town Centre under the TPS.

An Art Studio is not listed in Table 1 of the TPS, nor defined by Schedule 1 of the TPS.

Clause 4.4.5 of the TPS states that 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 4.5.1 of the TPS states that the objective of the Town Centre zone is to ensure that the zone develops as the Commercial and community activity centre for the Town and the District, and that the functional and visual qualities of the zone are commensurate with that status.

Council’s policies will therefore be to:

- permit a wide range of uses which will achieve the objective;
- permit, at Council discretion, medium density residential uses;
- require that development by its design, construction and materials contributes satisfactorily to the streetscape of the zone, particularly to the frontage of South Western Highway;
- prepare and implement a streetscape study as the basis for a program of design and amenity control.

## **STRATEGIC IMPLICATIONS**

Of the 6 themes identified in the Shire of Waroona’s Strategic Community Plan, this item contributes towards achieving the following themes:

3. Land Use: Responsible Land Use Planning, and Protecting Rural Land.

## **STRATEGIC PLANNING IMPLICATIONS**

### **Local Planning Strategy (LPS)**

The subject lot is located within the Town Precinct of the LPS. Lot 66 is designated Town Centre within the LPS. It is the objective of the Town Centre classification to provide for a wide range of commercial, community and civic uses within a pedestrian friendly and attractive environment.

## **COMMUNITY CONSULTATION**

In accordance with Clause 4.4.5 (a) of the TPS where Council determines that a use not listed is consistent with the objectives of the zone community consultation is not required to be undertaken.

## **INTERNAL REFERRAL**

Comments from the Shire's Director of Technical Services stated that there are no concerns with the proposal.

The Shire's Manager Environmental Health and Building Services stated that a certified Building Permit will be required.

Comments from the Shire's Manager Environmental Health and Building Services stated that there were no environmental health concerns with the proposal.

## **OFFICER'S COMMENTS**

### **Use**

An 'Art Studio' is a Use Not Listed in terms of Clause 4.2.5 of the TPS. It is therefore necessary to determine the consistency of the use with the objectives of the Town Centre zone.

As stated in Clause 4.5.1 of the TPS, the objective of the Town Centre zone is to ensure that the zone develops as the commercial and community activity centre for the Town and the District, and that the functional and visual qualities of the zone are commensurate with that status. The proposed Art Studio is considered to be consistent with this objective as it provides for the creation of artistic goods without detrimentally impacting the amenity of the locality and is complementary to the function of the Town Centre zone to provide a central hub for activity within the Waroona town centre.

### **Development Standards**

As the proposal relates to the use of the existing commercial tenancy and does not propose any additions of changes to the exterior of the building it is not considered appropriate to impose conditions relating to the further development of the lot. Development standards relating to car parking, landscaping and the external appearance of the building are required to be maintained in accordance with the conditions of the previous Planning Consent approval TP1041.

The previous Planning Consent TP1041 detailed the installation of fourteen (14) car parking spaces, including two (2) disabled bays. This number was calculated on a rate of 1 parking space for every 30m<sup>2</sup> of gross leasable area as per Table 2 of the TPS. The proposed Art Studio is considered to be consistent with this rate with regard to traffic generation and the parking requirements of the proposal. With a floor area of 112.3m<sup>2</sup> the Art Studio requires a minimum of 4 parking spaces. This requirement is able to be accommodated within the existing 14 parking spaces on the lot.

### Conclusion

It is considered that the proposed 'Art Studio' on Lot 66 (No. 22) Fouracre Street will not detrimentally impact on the amenity of the area and is complementary to the function of the Waroona town centre. It is therefore recommended that Council determines that the use is consistent with the objectives of the zone under Clause 4.2.5 (a) of the TPS and approves the application subject to appropriate conditions.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.1</b>
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### VOTING REQUIREMENTS

Simple Majority

### OFFICER RECOMMENDATION

**That in relation to the application for Planning Consent for an Art Studio at Lot 66 (No.22) Fouracre Street, Waroona Council resolves:**

- A. That pursuant to clause 4.2.5 (a) of the Shire of Waroona Town Planning Scheme No. 7 of 1996, the proposal is consistent with the objectives of the Urban 1 – Town Centre zone and is therefore permitted.**
- B. 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 of the Shire of Waroona.**
  - 2. Prior to the commencement of the use, a minimum of four (4) vehicle parking bays are to be constructed, sealed, drained, kerbed and marked to the satisfaction of the Shire of Waroona.**
  - 3. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

**ADVICE TO APPLICANT:**

- A. The applicant is advised that no works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed Art Studio is to comply with the National Construction Code 2012.**
- B. The applicant is advised that any signage on the exterior of the building shall be subject to a separate application for Planning Consent and is required to be in accordance with Local Planning Policy 6 – Advertising (Signage).**
- C. With regard to condition 2 above, the four (4) parking bays required are able to be accommodated within the existing parking facilities constructed on the lot. Further, the existing parking bays are to the satisfaction of the Shire of Waroona in accordance with the conditions of Planning Consent TP1041.**

<b>9.3.2 LOT 316 (RESERVE 8746), PARNELL STREET, WAROONA – PROPOSED STORAGE SHED</b>	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner, Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Anderson Sheds
Landowner:	Shire of Waroona
Date of Report: 12 August 2014	File No.: TP1677
Previous Reference:	N/A
Policy Implications:	Local Planning Policy 1 – Community Consultation
Statutory Implications:	Peel Regional Scheme 2003; Shire of Waroona Town Planning Scheme No. 7 of 1996;
Strategic Implications:	Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2011/15-2023/24
Financial Implications:	To be addressed
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</i>	

### **PROPOSAL / SUMMARY**

An application has been received for a Storage Shed on Lot 316 (Reserve 8746), Parnell Street, Waroona. The location plan can be seen in **APPENDIX 9.3.2A**.

The proposed storage shed will be 8.91m x 5.87m (52.30m<sup>2</sup>) and is to be constructed from zincalume. The proposed structure has a maximum ridge height of 3.1m. The storage shed is proposed to be located towards the Northern boundary of the site. The site plans and side elevation plan can be seen in **APPENDICES 9.3.2B & 9.3.2C**.

The storage shed is proposed to be set back 8.5m from the Eastern boundary, 277m from the Southern boundary, 89m from the Western boundary and 4m from the Northern boundary (street frontage).

The proposed storage shed is to be utilised by the Waroona Agricultural Society.

### **BACKGROUND / INITIAL COMMENTS**

Lot 316 has an area of 7.7371Ha and is flat in topography and clear of vegetation. The lot is home to the Waroona Bowling Club, the Waroona Football Club and also the Waroona Agricultural Society.

The Waroona Agricultural Society wishes to build the proposed shed for storage purposes. The land is vested in the Shire of Waroona.

At its meeting of Tuesday 8 April 2014 the Recreational Advisory Committee resolved as follows:”



1. “That the Committee recommends to Council that consent is given for grant applications for one shed extension (Marchetti Shed) and the construction of one new shed (Cattle Yards) at the Waroona Town Oval.
2. Consent is valid for a period of two years after which such time the consent lapses.
3. Final designs are to be submitted to the Shire of Waroona and all necessary approvals obtained.”

### **Previous Applications**

TP1148 – Application for a Scoreboard. Approved under delegation 11 April 2008.

TP1165 – Application for a Steel Framed Shed. Approved under delegation 15 August 2008.

### **STATUTORY IMPLICATIONS**

#### **Peel Region Scheme (PRS) 2003**

Clause 12, Purposes of zones, states:

Land is classified into zones under the Scheme for the following purposes:

- (a) Urban – to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

#### **Shire of Waroona Town Planning Scheme No. 7 1996 (TPS)**

The subject lot is located within the ‘Urban 2 – Community & Civic’ zone of the Shire of Waroona Town Planning Scheme No. 7 (TPS 7) and is subject to Clause 4.6 of TPS 7, which relates specifically to that zoning.

6.1.1 Subject to Clause 6.1.2, a person shall not commence or carry out development on any land zoned or reserved by the Scheme without first having applied for and obtained the Planning Consent of the Council in accordance with the provision of the Scheme.

Clause 4.6.1, Objective and Policies states, Council’s objective for the zone is to encourage the establishment of civic and community use facilities in this area adjoining the Town Centre, and ensure that the amenity and streetscapes of the zone are satisfactorily enhanced. Council’s policies will therefore be to:

- permit a wide range of uses consistent with the zone objective;
- encourage the establishment of uses which contribute to the welfare and activity of the community;
- permit medium density housing to appropriate Residential Code standards;
- ensure that development attains a high standard of appearance and convenience of use.

Clause 4.6.2, Setbacks states, minimum setbacks from lot boundaries or any proposed road widening shall be in accordance with the following:



## Residential Uses - R Code Standards

### Other Uses:

Street Frontage 6 metres  
Side Boundaries 3 metres  
Rear Boundary 10 metres

Clause 6.12.1 of the TPS states that no building shall exceed 9m in height above natural ground level.

## **STRATEGIC PLANNING IMPLICATIONS**

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

This item contributes towards achieving theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

### Local Planning Strategy (LPS)

The subject lot is located within the Waroona Town Precinct of the LPS. It is the aim of the Shire to provide for the enhancement and the planned expansion of the Waroona town site.

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

### 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.

LPP1 requires that an application with non-compliance is to be advertised to owners and occupiers of affected neighbour properties for a period of 21 days.

## **COMMUNITY CONSULTATION**

### Local Planning Policy 1 – Community Consultation (LPP1)

Consultation has been undertaken for a period of 21 days in accordance with LPP1 and Clause 8.2 of the TPS. During the consultation period the Shire received no submissions.

## **INTERNAL REFERRAL**

Upon referral to the Building Department, the Manager of Environmental Health and Building Services stated that there are no issues with the proposal. It was advised that a building permit will be required.

Upon referral to Health Services, the Manager of Environmental Health and Building Services stated that there were no issues with the proposed storage shed.

Upon referral to the Shire's Technical Services Directorate, the Director of Technical Services required that the standard drainage condition be applied.

### **FINANCIAL ISSUES / IMPLICATIONS**

To be addressed, potentially but not limited to:

Lease agreement; Preventive and reactive insurances; and Maintenance agreement.

### **OFFICER RECOMMENDATION**

#### **Peel Region Scheme (PRS) 2003**

The proposed storage shed meets the requirements under the urban zone definition within the PRS, specifically the community facility land use.

#### **TPS**

The proposed storage shed is ancillary development to the existing use of Lot 316 (Reserve 8746) by the Waroona Agricultural Society.

In accordance with Clause 6.1.1 and Clause 6.1.2, the proposed storage shed requires a planning consent application as it is not listed as an exemption under Clause 6.1.2.

In relation to the proposed materials, the proposed zincalume storage shed is appropriate accompanying development to the existing development (i.e. other sheds) on the subject lot.

Clause 4.6.2, requires a minimum street setback of 6m, the storage shed is proposed to be located 4m from the street. The Shire's Technical Services Directorate expressed no issues with the proposed street setback in relation to vehicle sight lines and future road widening. Further to this the proposed storage shed was advertised to all potentially visibly affected land owners and the Shire received no objections. The proposed reduction to the street setback is therefore not considered to have a significant adverse effect on the amenity of adjoining landowners and is not deemed to be detrimental to the amenity of the area in general.

In accordance with Clause 4.6.1, that seeks to encourage the provisions of community facilities within the zone. The proposed storage shed will improve the facilities for the members of the Waroona Agricultural Society.

The maximum ridge height above the existing ground level of the proposed shed is 3.1m; this is in accordance with Clause 6.12.1 of the TPS.

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

The proposed storage shed for the Waroona Agriculture Society meets aims and principles outlined within Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land of the Shire's Strategic Community Plan 2014/15-2023/24.



Local Planning Strategy (LPS)

The LPS provides no specific requirements for the land that is designated Open Space, Recreation, Conservation and Forestry. However the current land uses being undertaken on the lot is in accordance with the LPS designation.

Local Planning Policy 1 – Community Consultation (LPP1)

No submissions opposing the application have been received during the advertising period.

Internal Referral

In accordance with the internal advice received the standard drainage condition has been applied, and an advice note attached requiring a building permit be issued prior to development commencing on site.

Conclusion

The proposed storage shed is incidental development to the existing Waroona Agriculture Society's land use on the lot.

The Recreational Advisory Committee in April 2014 recommended to Council that consent be given for the construction of one new shed on the Waroona Town Oval in the proposed location.

The proposed storage shed is consistent with the TPS, LPS and existing land use and type of buildings on the subject lot. It is not considered that the proposed development will result in any detrimental effects on the amenity of the area. The proposal is therefore recommended for approval subject to appropriate conditions.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.2 A, B &amp; C</b>
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**VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION**

**That in relation to the proposed storage shed on Lot 316 (Reserve 8746), Parnell Street, Waroona, Council resolves:**

- A. 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. All stormwater and drainage run-off shall be contained on site to the specification and satisfaction of the Shire of Waroona. Without the prior written approval of the Shire of Waroona no stormwater is to be discharged into or on the road reserve, or connected to a Council stormwater legal point of discharge.**
  - 3. Building materials are to be of a standard and colour scheme complementing and blending in with the amenity of the area and the existing development on site.**
  - 4. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

**ADVICE TO APPLICANT:**

- A. The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2014.**

<b>9.3.3 LOT 15, RICHARDS ROAD, WAROONA – TRANSFER OF EXTRACTIVE INDUSTRY LICENSE</b>	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil
Responsible Officer / Officer's Interest:	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Premium Allsands and Premium Waste Management
Landowner:	David John & Rosetta Tognela
Date of Report: 15 August 2014	File No.: EI27
Previous Reference:	9.3.4 – 24 March 2009; 9.4.6 – 24 Nov 2009; and 9.2.2 – 24 August 2010
Policy Implications:	State Planning Policy 2.4 Basic Raw Materials Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy Local Planning Strategy 2009 Local Planning Policy 15.0 Extractive Industry Application of Shire of Waroona Common Seal
Statutory Implications:	Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 1996 Extractive Industry Local Law 1999
Strategic Implications:	Shire of Waroona Community Strategic Plan 2014
Financial Implications:	Extractive Industry License Annual Fee
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</i>	

### **PROPOSAL SUMMARY**

An application has been received for the transfer of the existing extractive industry (EI27) license at Lot 15 Richards Road, Waroona. (**See Appendix 9.3.3A – Location Plan**)

The current owners David John and Rosetta Tognela (operating as Premium Allsands and Premium Waste Management) are selling the subject lot to Waroona Resources PTY LTD. As part of the sale arrangements it has been requested that the Extractive Industry licence EI27 be transferred to the purchaser.

The approval of the application will transfer all the existing conditions on the approved Extractive Industry licence (EI27) for the removal of sand on the subject lot to the new owner.

### **BACKGROUND / INITIAL COMMENTS**

The Extractive Industry licence (EI27) was approved alongside the planning consent application (TP1328) approved 24 August 2010. The planning consent and licence are due to expire on 24 August 2015 and will have to be renewed prior to this date. (**See Appendix 9.3.3B**)

The subject lot is also home to the Waroona Landfill site. The proposed new landowners will be purchasing the entire lot and the extractive industry and landfill (TP1234) approvals will remain with the land.



The applicant is undergoing the transfer of the Landfill site with the Department of Environment Regulation (DER). This procedure does not directly involve the Shire of Waroona.

The subject lot is undulating and partially covered in remanent vegetation and small trees.

The sand extraction site is located towards the north east of the site, and the landfill area is located to the south east.

### **Previous Applications**

In addition to TP1328 and the associated existing extractive industry licence (EI 27), the following planning consents and licences have been issued on the subject lot.

A planning consent (TP641) and extractive industry license (EI27), was approved on 8 April 2006.

A three lot subdivision (SD132394), was approved on 27 November 2006.

A planning consent for extractive industry (TP1214) was approved on 24 March 2009.

A planning consent for a class 1 landfill site (TP1234) was approved 9 December 2010.

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

#### **Peel Regional Scheme 2003 (PRS)**

Clause 6 (h) states that it is an aim of the Scheme to provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.

Lot 15 is zoned Rural under the PRS.

Clause 12 (e) states that the objective of the Rural zone is to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

#### **Strategic Minerals and Basic Raw Materials Policy (PRS Policy)**

Section 2 states that Industry – Extractive is a permitted use in all Rural zones.

Section 3 states that the extraction of sand, gravel and limestone should be permitted on sites where clearing of significant vegetation is not required and where the operations can be undertaken without unreasonable impact on the locality and environment. Extensive rehabilitation is to be undertaken on a cell by cell basis on all extraction sites upon completion of extraction in that cell.

Section 5 encourages the timely and comprehensive rehabilitation of mine sites.



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

The subject lot is zoned Rural 1 – General Farming under the TPS. Within this zone, 'Industry – Extractive' is listed as an 'AA' use and may be granted at the discretion of Council.

Rural zones are dealt with under clause 4.14 of the TPS.

Clause 4.14.1 states that Council's objective is to preserve the rural character of the District's farming lands and to ensure that they continue to contribute materially to the District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

- Council's objective will therefore be to permit land uses consistent with achieving this objective.

### Extractive Industries Local Law (1999)

It is a main objective of this Local Law to regulate the carrying on of extractive industries in order to minimise damage to the environment, thoroughfares and other person's health and property.

Any person wanting to carry on an extractive industry is required to be licensed and comply with the provisions of this Local Law.

Part 4, Transfer, Cancellation and renewal of license states, Transfer of License, Clause 12 (1) includes specific requirements to be complied with by applicants with the submission of applications.

### Shire of Waroona Policy Manual – Policy 1.26 – Application of Shire of Waroona Common Seal

The Common Seal of the Shire of Waroona is authorised to be applied to leases, agreements and other required documents where the Council has previously agree to enter such lease or agreement or consented to the matters pertained in other documents.

The application of the Common Seal is to be witnessed by the Shire President and Chief Executive Officer, or in their absence, by the Deputy Shire President and/or Deputy Chief Executive Officer.

## **PLANNING – STRATEGIC IMPLICATIONS**

### Shire of Waroona Community Strategic Plan 2014

Theme 3 - Land Use – Responsible Land Use Planning, and Protecting Rural Land.

### Local Planning Strategy 2009

Clause 14.0 Minerals and Basic Raw Materials states:

Minerals contribute significantly to the economy. Mineral extraction and processing is a key component of the local economy. Basic raw materials are essential for the road and constructions industries.



### Local Planning Policy No. 15.0 – Extractive Industry

#### Objectives:

1. Clarify respective roles of Town Planning Scheme and Extractive Industry Local Law in regulation of extractive industry.
2. Ensure that extractive industry activities are undertaken in an environmentally and socially sound manner.

Council recognises that extractive industry is and will remain a necessary and important part of the economic life of the Shire.

#### **COMMUNITY CONSULTATION**

Under the Shire of Waroona's Local Law there is no requirement for community consultation for the transfer of an extractive industry license.

#### **INTERNAL REFERRAL**

Upon referral to the Building Department, the Director of Community Services stated that all existing conditions are to be retained.

Upon referral to Health Services, the Director of Community Services stated that all existing conditions are to be retained.

Upon referral to the Shire's Technical Services Directorate, the Director of Technical Services stated that all existing conditions are to be retained.

#### **FINANCIAL ISSUES / IMPLICATIONS**

Extractive Industry annual license fee

#### **OFFICER RECOMMENDATION**

##### Peel Region Scheme (PRS) 2003

The existing extractive industry licence meets the PRS aims to provide for efficient and timely extraction of raw minerals, with appropriate rehabilitation of land. In relation to rehabilitation there is an existing rehabilitation plan in place in accordance with the existing extractive industry licence and ongoing planning consent conditions.

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

An Extractive Industry is listed as an 'AA' use within the Rural 1 – General Farming zone in the zoning table of the TPS, and was therefore granted under the discretion of council.

A TPS objective is to ensure the continuation of appropriate rural activities. This land has been mined for the past 8 years, employing and supplying the local area. It is therefore considered that approval for the transfer of the existing licence should be granted as it meets the TPS objectives.



### Strategic Minerals and Basic Raw Materials Policy (PRS Policy)

In accordance with Strategic Minerals and Basic Raw Materials Policy the existing extractive industry is located within the Rural zone.

In accordance with Section 5, there is an approved ongoing rehabilitation plan in place with the existing extractive industry licence (EI27).

### Extractive Industries Local Law (1999)

In accordance with the Extractive Industry Local Law, in order to transfer an extractive industry licence the requirements of Clause 12 are to be satisfactorily met.

In accordance with Clause 12 (1), (a),(b) and (c), the application for the transfer of the extractive industry licence for Lot 15, Richards Road, was made in writing, signed by the existing two licensees and signed by the four proposed transferees of the licence, and accompanied by the current extractive industry licence.

In accordance with Clause 12 (1), (d), the transfer application was accompanied by the consent in writing to the transfer from the owner of the excavation site.

In accordance with Clause 12 (1), (e), the transfer application was accompanied by a deed of agreement between the owner, transferor and transferee detailing the terms and conditions relating to the transfer of responsibility for the state of the excavation, the level of compliance with any conditions, that may have been imposed on the licence the subject of the transfer, and any rehabilitation works which may be necessary to remedy the situation. The deed of agreement has been prepared by a legal practitioner and includes all the conditions associated with the approved extractive industry licence (EI27).

It is considered that in accordance with Clause 12, (2), (a), that the applicant has provided all the required documentation.

### Shire of Waroona Policy Manual – Policy 1.26 – Application of Shire of Waroona Common Seal

Subject to approval, the Transfer Endorsement Extractive Industry Licence is to be completed and stamped with the Shire of Waroona Common Seal in accordance with Policy 1.26 – Application of Shire of Waroona Common Seal.

### Shire of Waroona Strategic Community Plan 2014

The proposed extractive industry license transfer contributes towards achieving theme number 3 – Land Use – Responsible Land Use Planning, and Protecting Rural Land

### Local Planning Strategy (LPS)

The proposed extractive industry license transfer is also consistent with the Local Planning Strategy (LPS) which supports minerals extraction that contributes significantly to the economy and construction industry within the Shire.



Local Planning Policy No. 15.0 – Extractive Industry (LPP15)

The proposed transfer meets the all the objectives of LPP15. The provisions of LPP15 are applied to the planning consent accompanying the licence.

Internal Referral

In accordance with the internal advice, all existing conditions are to be retained with the extractive industry licence (EI27).

Conclusion

The transfer of the extractive industry licence at Lot 15, Richards Road, will facilitate to operation of the site with the ownership change. This transfer will have no impact on the current Extractive Industry planning consent approval for Lot 15. Further to this, it is recommended that all existing extractive industry conditions are to be applicable on the licence, with the transferee becoming the responsible party for ensuring compliance with these conditions.

Finally, the transfer process meets all the requirements within the Extractive Industry Local Law; therefore it is recommended that the transfer application be approved subject to conditions listed below.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.3A &amp; B</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION:**

**That in relation to the application for the transfer of extractive industry licence (EI27) on Lot 15, Richards Road, Waroona, Council resolves:**

- A. To approve the Extractive Industry Licence transfer from Premium Allsands and Premium Waste Management to Waroona Resources PTY LTD, subject to;**
- 1. All licence conditions in Extractive Industry Licence EI27 as approved by Council on 24 August 2010.**
  - 2. The provisions of the Shire of Waroona Extractive Industries Local Law (1999).**
  - 3. The Licence expiring on 24 August 2015.**

<b>9.3.4 PERON NATURALISTE PARTNERSHIP – INCORPORATION</b>	
Reporting Officer / Officer's Interest:	Louis Fouché, Director Planning & Development Services / No Interest
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer / No Interest
Proponent:	Peron Naturaliste Partnership
Landowner:	Not Applicable
Date of Report: 11 August 2014	File No.: 48/7
Previous Reference:	10.1 of 18 December 2012 (OCM12/12/155) D of 22 October 2013 (OCM 13/10/093)
Policy Implications:	State Planning Policy 2.6 - State Coastal Planning Policy Election of Members and Representatives
Statutory Implications:	Local Government Act 1995 Planning and Development Act 2005
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012 ( <i>See heading below</i> )
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 4 "Conserve Sensitive Environmental Assets"</b>	

### **PROPOSAL SUMMARY**

Councils represented in the Peron Naturaliste Partnership (PNP) are requested to consider the following:

- Endorsing the incorporation of the PNP.
- Acknowledging a new management structure for the PNP.
- Authorising officers to engage with the other PNP local governments to finalise the Constitution and structure and to enter into the PNP as an 'incorporated body'.
- Acknowledging an annual financial contribution to the PNP
- Appointing a Councillor to the Board of the Peron Naturaliste Partnership following incorporation.

### **BACKGROUND / INITIAL COMMENTS**

The PNP region between Cape Peron and Cape Naturaliste has been identified as being one of the more vulnerable areas in Australia to the impacts of coastal climate change. The region has low lying sandy coastal and shallow estuarine environments and has high residential, commercial, recreational and ecological significance. Regional partnerships of local governments have been identified by all levels of governments, academia and in research as the preferred and most effective approach to adapting to climate change. The PNP has been identified as a leading coastal alliance at a State and National scale. The incorporation of the PNP will ensure that as an independent organisation, the PNP is well placed and established to deal with coastal climate change matters currently occurring and the expected escalation in climate change issues that will occur in the future.

The PNP includes the local governments of Bunbury, Busselton, Capel, Dardanup, Harvey, Mandurah, Murray, Rockingham and Waroona. These parties entered into a Memorandum of Understanding (MoU) in March 2011 and re-signed the MoU (2013 – 2015) in February 2013 to work collaboratively to build a resilient regional community



to reduce risks and optimise opportunities presented by climate change and climate variability.

The PNP project: *Developing Flexible Adaptation Pathways for the Peron Naturaliste Coastal Region of Western Australia* assessed potential adaptation strategies to respond to coastal hazards arising from climate change induced sea level rise in the region. The regional results provided an indication of the potential extent of coastal hazards and associated risks across the region. In summary, the Project identified that until 2110 in the Peron Naturaliste Region:

- erosion is a far more pervasive issue than flooding;
- approximately 800 hectares of urban and commercial land may be subject to an increase in flooding risk;
- approximately 200 metre wide strip is at risk from erosion along the majority of the coastline;
- the value at risk of the affected assets along this section of coastline is approximately \$1.2 billion which includes an indicative value for parks, recreational & conservation areas and beaches of \$81.5 million; and
- approximately \$1.1 billion of assets can be saved, at a cost of around \$120 million.

The primary objective of the PNP is to provide a regional mechanism to facilitate effective and timely adaptation responses to climate change. Specific objectives to achieve the vision and primary objective are to:

- Demonstrate regional leadership to support effective advocacy at all levels of government;
- Facilitate access to data and information relevant to the Peron Naturaliste coastal including estuarine areas;
- To adopt a regional approach to the preparation of applications for grants and other submissions to support timely adaptation responses to climate change;
- To promote consistent information to coastal communities and decision-makers about vulnerability and risk and adaptation strategies;
- To share local knowledge and experience to support and inform effective, innovative adaptation responses;
- To collaborate over the management implications of the risk to life and property caused by climate change; and
- To identify and address current and potential coastal including estuarine hazards through research and project development.

The strategic direction of the PNP is currently provided by the partners group which comprises of Mayors, Shire Presidents and delegated Councillors from all participating local governments in the region. The Senior Officer Group is responsible for the management and operational matters of the Partnership and comprises of Executive / Senior Management level staff or delegated Officers. Two Project Officers have the primary role of implementing the activities of the PNP as directed by the Senior Officer Group. These positions are hosted by the City of Mandurah on temporary part-time (0.5 FTE) contracts, ending 30 June 2014.

A Coastal Management Working Group has recently been established. The focus of the group is to share knowledge and provide input on current coastal zone (including estuarine) management practices across the Peron Naturaliste Region.

The vision, objectives and scope of activities are outlined in the Business Plan 2013 - 2015. Under this plan, sits an Action Plan which clearly defines the key priority actions of the group. The other key document of the partnership is the



Communication Strategy 2013 – 2015 that ensures that the PNP has a coordinated approach to information sharing and engaging with the community and stakeholders.

Key achievements of the PNP to date include:

- Completed Coastal Adaptation Decision Making Pathways Project 2011-2012
- Completed Pilot Community Awareness to Coastal Adaptation City of Busselton Project 2012-2013.
- Received Coastal Management Plan Assistance Program funding to undertake a Coastal Hazard Risk Management and Adaptation Plan Case Study in the Shire of Harvey in 2014/15.
- Attracted funding totalling \$544,000
- Influenced State Government policy including SPP 2.6 and WA Climate Change Strategy
- Featured in best-practice case studies including:
  - National Climate Change Adaptation Research Facility (NCCARF) Adaptation Good Practice Fact Sheet and Video on Developing Flexible Adaptation Pathways for the PNP Region of Western Australia
- Design and Manage Communication Tools including PNP Region Brochure, Website and Members Page.
- Presented at national and state conferences and forums including;
  - Australian Coast to Coast Conference 2013, WA State Coastal Conference 2013, Indian Ocean Climate Initiative Forum 2012, Curtin University Coastal Management Workshop 2013, CSIRO Climate Change WA Workshop 2013 and Gin Gin / Dandaragan Coastal Risk Workshop July 2013
- Identified as leading partnership by governments and research institutions and advice sought in development of:
  - NCCARF Policy Guidance Brief - Challenges of adaptation for local governments;
  - NCCARF Leading adaptation practices and support strategies (LAPS2) – Coastal settlements and infrastructure (ANU).
- Established PNP Regional Coastal Management Working Group.
- Hosting Coast Adaptation Community Information Sessions in Bunbury, Waroona and Mandurah.

Partnerships and collaborations:

- Australian Government – Department of Environment.
- State Government – Departments of Planning, Transport, Water and Environment and Regulation.
- University of NSW, University of Sydney, University of Canberra, Curtin University (Coastal Collaboration Cluster), Australian national University, CSIRO and NCCARF.
- WALGA Climate Change Senior Officers Group.
- CoastSWaP, South West Catchment Council, Peel Harvey Catchment Council, Geocatch, Busselton Dunsborough Environment Centre & Mandurah Coastcare Advisory Group.
- Statewide Coast Adaptation Coordinators Network including Cockburn Sound Coastal Alliance and Northern Agricultural Catchment Council / Gin Gin and Dandaragan Partnership.

Grant applications :

- Coastal Management Plan Assistance Program.
- Coastal Adaptation Protection Grant.
- Coastwest Grant.



- Australian Government Coastal Adaptation and Protection Grant.

Regional partnerships of local governments and collaborations between all levels of government have been identified as the preferred and most effective approach to adapting to climate change. The Australian Governments' *Climate Adaptation Outlook: A Proposed National Adaptation Assessment Framework* states that governments need to cooperate in the coastal zone as coastal processes operate on spatial scales that cross local (and often state) government boundaries. The framework states that:

*“At a smaller scale, regional governance arrangements, where adjacent local councils collaborate on coastal management, can use resources more efficiently, facilitate technical assessment of hazards, and provide regional consistency for businesses and communities.”*

The *National Coasts and Climate Change Inquiry (House of Representatives 2009)* outlined some of the benefits of taking a more regional approach that could consider issues that cross jurisdictional boundaries. For example, the Committee recommended that the Australian Government ‘*encourage regional applications from local councils whenever possible.*’

Furthermore, the *WA Climate Change Strategy* states that:

*“State and local governments have a large role to play in adaptation. Adaptation measures are also best coordinated and implemented at the State and local level because the impacts of climate change are primarily dependent on a number of local and regional factors, including geography, local climate and local characteristics. Local knowledge is also an important element in developing adaptation responses. Effective and efficient adaptation will require cooperation between all levels of government, businesses and industry, individuals and communities.”*

Lastly, the *Barriers to effective Climate Change Adaptation Productivity Commission Inquiry Report 2012* noted the capacity constraints of local governments is constrained by shortages of professional and technical expertise and financial constraints. The report states that:

*“Coordination and collaboration among local governments can address some of the capacity constraints they face. This may occur through the establishment of regional organisations of councils, or alliances, to undertake common activities, or joint activities such as resource sharing.”*

The report goes further and states that local governments on their own may not be the most appropriate level of government to undertake adaptation actions where there are adaptation issues of regional significance and that in these instances regional approaches may be preferable. A regional approach reduces costs for councils and minimises inconsistency in regulations such as land use planning. Priority actions noted in this report for local governments include improving the communication of climate change information to local communities and incorporating new land use planning instruments into planning systems.

The PNP has been a success in meeting the challenges highlighted above and has attracting funding, improved information sharing, identified shared hazards and potential adaptation options and provided technical expertise. Given that climate change and associated impacts are currently occurring in our coastal areas and will continue to increase in the future it makes sense for the PNP to continue and grows in order to deal with these matters.



### Previous Council Resolutions

At its Ordinary Meeting of Council on 18 December 2012 Council resolved (OCM12/12/155) as follows:

“That Council:

1. Agree that PNP should participate in a delegation to the Premier and/or the appropriate State Minister(s) to present the report, seek formal acknowledgement of the report and ask what the state’s role will be in relation to this matter. Specific requests will include;
  - a. repository / central database of current reports, data and modelling should be established and made available to local governments;
  - b. ownership of coastal protection assets to be clarified; and
  - c. request funding to address limitations highlighted in report.”

At its Ordinary Meeting of Council of 22 October 2013 (OCM 13/10/093) Council resolved (OCM12/12/155) to appoint Cr. Germain and the Director Planning Services as its representatives at the Peron Naturaliste Partnership.

### **PLANNING – STRATEGIC IMPLICATIONS**

#### State Planning Policy 2.6 State Coastal Planning Policy (SPP 2.6)

The State Coastal Planning Policy provides for the long term sustainability of WA's coast. There are pressures on the coastal zone for land use and development for a variety of purposes including a mix of recreational, residential, industrial and commercial uses. The policy provides a balanced approach to these often competing needs and desires in a way that takes into account the values of the coastal zone. The policy ensures that current and future generations of Western Australians can benefit from opportunities presented by the values and resources of the Western Australian coast.

Guidance is provided for land use and development decision-making within the coastal zone including managing development and land use change; establishment of coastal foreshore reserves; and to protect, conserve and enhance coastal values. The policy recognises and responds to regional diversity in coastal types; requires that coastal hazard risk management and adaptation is appropriately planned for; encourages innovative approaches to managing coastal hazard risk; and provides for public ownership of coastal foreshore reserves.

Implementation of SPP 2.6 will be through state planning policy, regional strategies, local planning strategies and regional and local planning schemes. Implementation will also occur through the day to day decision-making on zoning, structure plans, subdivision, strata subdivision and development applications, and actions of decision-makers in carrying out their responsibilities.

The objectives of this policy are to:

- ensure that the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;
- ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
- provide for public coastal foreshore reserves and access to them on the coast; and



- protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.

### **EXTERNAL REFERRALS / CONSULTATION**

The following local governments were consulted by the PNP:

- Shire of Murray
- Shire of Harvey
- Shire of Capel
- Shire of Dardanup
- Shire of Waroona
- City of Bunbury
- City of Rockingham
- City of Busselton

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

The relevant Strategic Community Plan Strategy area is Strategy Number 4 - "Conserve Sensitive Environmental Assets".

### **FINANCIAL ISSUES / IMPLICATIONS**

\$5,000 is included in the 2014/15 budget.

Current: Existing officer time (budgeted).

Annual PNP contribution of \$5,891.02 in 2015/15 increasing to \$6,031.44 in 2016/17.

Longer Term: To be determined by Council based on relevant response to detailed local coastal studies given risk to community and / or private property and assets.

The PNP employs two officers through the City of Mandurah on temporary part-time contracts. The Climate Change Adaptation Officer and Project Officer positions are funded by member Councils.

The City of Mandurah currently hosts the positions and manages the financial matters of the partnership, including grants.

### **Financial Contributions**

The following table reflects Member Local Government contributions for 2015/16 to 2016/17 for wages (including superannuation, leave loading and workers compensation) and administration costs (\$25,000/year).



<b>Local government Contributions 2015/16 to 2016/17</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Total</b>
Shire of Harvey	\$16,929.92	\$17,333.48	\$34,263.41
Shire of Capel	\$10,474.68	\$10,724.36	\$21,199.04
City of Busselton	\$21,529.35	\$22,042.55	\$43,571.90
City of Bunbury	\$14,431.02	\$14,775.01	\$29,206.03
Shire of Waroona	\$5,891.02	\$6,031.44	\$11,922.46
Shire of Murray	\$3,736.42	\$3,825.48	\$7,561.90
Shire of Dardanup	\$2,735.95	\$2,801.17	\$5,537.12
City of Rockingham	\$26,427.57	\$27,057.52	\$53,485.10
City of Mandurah	\$31,706.15	\$32,461.92	\$64,168.07
<b>TOTAL</b>	<b>\$133,862.08</b>	<b>\$137,052.95</b>	<b>\$270,915.03</b>

The indicative budget above is calculated using a formula of average rate revenue (from 2013 WALGA Directory) and coastline length and includes amounts for wages (1.0 FTE) and an administration budget of \$25,000/year. This is the same calculation and process that has occurred in previous years. Incorporation does not present any additional costs to local governments. It is worth noting that any unspent funds remaining in the administration budget will be rolled over and can be used to support project funding. For example, unspent funds of \$10,000 from the 2013/14 administration budget were included in a Department of Transport grant as matching funding for a Regional Monitoring Program.

As has occurred in the past with the CAPS Project and Coastal Hazard Risk Management and Adaptation Plan Case Study in the Shire of Harvey, larger projects will require seed funding with the contributions coming from local governments based on the same formula noted above.

Incorporation of the PNP is the obvious next step for the PNP and will not affect the right of any individual Council acting in its own right on these matters. Incorporation has many advantages and minimal identified disadvantages. It will signify the importance of this matter and demonstrate to the community and stakeholders the commitment from the City to address coastal climate change issues. More importantly regional approaches have been identified as the most effective and appropriate level to ensure that coastal communities are well placed and resilient.

#### **CEO'S COMMENT:**

*In light of the financial pressures reported to Council in compiling the 2014/15 budget, Council's attention is drawn to the ongoing funding commitment included in this incorporation.*

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

##### Election of Members and representatives

Members of Committees and representatives of Council are elected at a Special Meeting of Council following the day set aside for Biennial Elections in October or the next Ordinary Meeting of Council. Representative/s of Council to the PNP are elected according to this policy.



### Asset Management Policy

When developing Council's Asset Management Plans, Council needs to consider the State Coastal Planning Policy in relation to Council assets that may be affected by Climate change.

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

Section 1.3 (3) of the Local Government Act 1995 states "In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity".

In order to 'meet the needs of current and future generations', Local Government must address climate change impacts on its community. Climate change poses a growing threat to the community and to Local Government, environmentally, socially and financially, and a range of mitigation and adaptation strategies must be applied to ensure that both social and legal obligations are met and risks and future costs are reduced.

Section 5.10 of the Local Government Act 1995 regulates the appointment of Committee members by a local government.

### **LEGAL ISSUES / IMPLICATIONS**

See Statutory Implications above.

### **COMMUNITY CONSULTATION**

None required.

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

PNP Officers have researched and consulted with similar regional partnerships and identified successful models such as the Sydney Coastal Councils Group and South East Councils Climate Change Alliance in Victoria, which provide good models for the PNP to emulate in terms of structure, processes and subsequent outcomes.

The last two PNP Partners meetings held on 17 May 2013 and 11 April 2014 discussed, 'incorporation' as the next step in the development and maturity of the PNP. In regards to the management and operations (including financial costs to each local government) of the PNP, there have been no significant changes noted between the current arrangement under the Memorandum of Understanding (MoU) and becoming an incorporated body. The key points of incorporation of the PNP are as follows:

- The Board of Governors (Board) will be responsible for strategic direction, policy and management. See recommended structure in **Appendix 9.3.4A**.
- A Member Local government will be represented on the PNP Board by one delegate appointed by that Member Local government. The delegate shall be the Mayor / President or delegated Councillor or Chief Executive Officer or delegated Officer as determined by the individual local government.

- The Board shall include a Chairperson and Vice-Chairperson. The Chairperson shall be the spokesperson for the PNP.
- Secretariat is comprised of host local government, PNP Coordinator and PNP Project Officer and is responsible for the secretarial, clerical, administrative affairs, hosting of employees and activities in Business Plan, technical input, implementation of actions and functions as directed by Board.
- Host local government to be nominated at AGM for a two year term for the purpose of employing and accommodating staff and operational support;
- At the end of the two year period, the host local government arrangement will be reviewed and nominations again sought for a host local government.
- Funding for host local government for accommodation and other operational support (e.g. finances, banking, engaging employees, etc. will be provided in-kind. This is what currently occurs.
- Host local government to establish trust fund or bank account in name of PNP for purposes as laid out in Constitution.
- Financial contributions by each member local government shall be apportioned by an annual membership fee, covering funding of officers wages (1.0 FTE) and administration costs. A supplementary contribution for project funding may also be sought if and when required. The financial contributions and process does not change from the current arrangements.
- Each local government commits to seek membership fees for two years, although it is acknowledged that local governments cannot confirm financial contributions beyond financial years.
- Coastal Planning Committee is comprised of relevant officers from each local government responsible for planning matters related to the coast. Responsible for planning matters on the coast and implementation of actions and functions as directed by the Board and assists in determining strategic direction, policy making and management.
- Coastal Management Committee is comprised of relevant coastal managers from each member. Responsible for day to day management of the coast, technical input, implementation of actions and functions as directed by the Board and assists in determining strategic direction, policy making and management.
- Other Working Groups can be created as required as directed by the Board.
- In addition to a 'Constitution' there could be a MoU between the PNP and each local government.

The City of Mandurah has indicated that it is prepared to remain as the host local government. In the event that a number of local governments did not support the move to incorporation, the option exists for the current model to continue under the MoU.

PNP officers have prepared a table reflecting advantages and disadvantages of incorporation versus the current MoU and hosting arrangement as indicated in the following table.

<b>Advantages</b>	<b>Disadvantages</b>
PNP will own any information and material produced.	More formalities required.
Better funding (external) prospects.	Perceived greater commitment from local governments.
Can directly obtain goods & services.	Perceived higher exposure to risk for some local governments.
Increased autonomy and growth of partnership.	
Potential for increased community and political credibility and increased opportunity for advocacy role.	
Chairperson to be spokesperson – increased promotion of PNP and opportunity to engage stakeholders more directly.	
Improved delivery of outcomes – can make decisions without each local government having to refer back to Council for their consideration.	
Independent identity – development of organisation identity / brand	
Greater commitment to sharing and outcomes.	
No identified direct additional costs.	
Easier to become totally independent (e.g. no host local government) when and if required and sustainable.	

The proposed commencement structure as depicted in **Appendix 9.3.4A** provides clear independence from the City of Mandurah and other PNP local governments enabling the establishment of an independent identity. The structure is and should be flexible to allow for changes to occur as required.

Election of Members and representatives

Council’s appointment of 22 October 2013 of Cr. Germain and the Director Planning Services as its representatives at the Peron Naturaliste Partnership will continue until one of the representatives resign or until the 2013-2015 term of members terminate.

Council’s elected member representative will represent Council on the PNP Board of Governors while the Director Planning and Development Services will represent the Shire on the Coastal Planning Committee.

Constitution

A draft constitution has been prepared by PNP officers in consultation with the Corporate Lawyer from the City of Mandurah. The draft constitution is based on the constitutions of other similar entities.

See **Appendix 9.3.4B** for the proposed Draft Constitution of the incorporated PNP.



Conclusion

The PNP has made substantial progress since its inception in 2011 and has engaged in a number of projects in the PNP region as discussed in this report. It is acknowledged that there are implications to the City of Mandurah hosting the PNP officers, being responsible for endorsing Grant applications and other associated liabilities.

Although the PNP can continue under the current MoU arrangement, the member Councils have expressed a desire to progress towards incorporation at its meeting on 11 April 2014.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.4A &amp; B</b>
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

**That in relation to the proposal to incorporate the Peron Naturaliste Partnership Council:**

- 1. Endorses the incorporation of the Peron Naturaliste Partnership as per appendix 9.3.4B.**
- 2. Authorises the Chief Executive Officer to engage with the other PNP local governments to finalise the Constitution and structure and to enter into the PNP as an ‘incorporated body’.**
- 3. Acknowledges the Shire’s indicative financial contribution in 2015/16 and 2016/17 of \$5,891.02 and \$6,031.44 respectively (totalling \$11,922.46), which will be subject to Shire’s normal budgetary procedures.**

**9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.4.1 ACCOUNTS FOR PAYMENT</b>	
Reporting Officer / Officer's Interest:	Joe Dineley, Senior Finance Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 14/7/14	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b> Yes	<b>Appendices Numbers:</b> 9.4.1
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<b><u>OFFICER RECOMMENDATION</u></b>		
<b>That Vouchers numbered:</b>		
<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
Municipal	Cheques 7785 - 7802	\$106,793.81
Trust (Cheque/EFTs)	EFT 18696 Cheque 11035 - 11038	\$116,273.62
Electronic Transfers Municipal Fund	EFT 18695 to 18830	\$525,012.61
Direct Wages	01/7/2014 – 31/7/2014 inclusive	\$166,708.80
<b>GRAND TOTAL:</b>		<b><u>\$914,788.84</u></b>
<b>and attached at Appendix 9.4.1 be endorsed.</b>		



<b>9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 31 JULY 2014</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook - Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report:	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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Due to the recent adoption of the budget – there will be no monthly report for the period ending July 31 and August 31. Both the July and August reports will be submitted to the September Ordinary Council meeting.

<b>9.4.3 CORPORATE BUSINESS PLAN – 5 YEAR FINANCIAL PLAN - REVISION</b>	
Reporting Officer / Officer's Interest:	John Crothers [CCP]; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 18 August 2014	File No.: 111/1 & 11/1
Previous Reference:	9.4.10 of 25 June '13; 9.4.3 of 3 September '13; 22 July 2014
Policy Implications:	None
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

### **PROPOSAL SUMMARY**

For Council to adopt a revised "Corporate Business Plan", which is a part of the new Integrated Strategic Planning and Reporting processes, with the whole of the plans being termed a "Plan for the Future" [LG Act term]. These plans must be reviewed and adopted annually. A draft Plan was put before Council's July 2014 meeting.

### **BACKGROUND/INITIAL COMMENTS**

Production of a Corporate Business Plan is an annual statutory requirement, and is part of the Integrated Planning and Reporting obligations.

As stated at the July meeting, a number of different scenarios have been developed, but what is now being put before Council is the consensus of staff of what could apply for the next 5 years. We need to be less ambitious in the early years.

Compared to last year's CBP, there are significant decreases or changes in Government Grants, for both the State Government and the Federal Government.

### **PLANNING – STRATEGIC IMPLICATIONS**

There are no planning issues impacted by the proposals in the CBP.

### **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", as well as number 5 "Assets, Resources, Financial Management and Sustainability".

The Strategic Community Plan has also been reviewed and revised, so that it is more practical, and better reflects what functions and actions that the organisation actually carries out, and that need to continue to be provided [EG: Food outlet Inspections;



Building Approvals/Inspections; Development Approvals' Animal Control; Community Development/Events/Youth Services; Asset Renewal/Replacements, etc].

The major implications emanating from the proposed changes to the CBP of this report which differ to those in the report of September last year relate to the minimum annual renewal figures for Assets, mainly Roads, Drainage, and Buildings, as well as preliminary figures now included for Waste Services. Some broad allocations have been included for other items. More research is to occur over the 12 months, with the Roads and Infrastructure to be revalued.

Further changes can be expected to occur with regard to projects due to possible reduction in Grants, as well as more refined assessments for all Asset Classes over the next 5 years, as circumstances change.

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

While the proposed asset renewals will have to be at the lower end of the Asset Replacement costs for the first few years, it has been planned for there to be 'catch up' in the later years. The 10 year allocations are all considered adequate, and will meet the identified needs for the various assets.

Important focus has been placed on meeting the Minimum Standards set by the Department of Local Government for various Ratios. Councils which do not meet those basic standards will be viewed as unsustainable, and therefore could be considered as being in need of investigation for amalgamation with another Council.

### **FINANCIAL ISSUES/IMPLICATIONS**

The latest projections have been based on the figures of the 2013/14 Budget and some actuals for that year, as well as preliminary figures for the 2014/15 budget, and the latest known information, including Grant reductions, and recent recalculated cost assessments.

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

The reduction in Government Grants will affect Council's finances over multiple years, commencing in the 2014/15 financial year.

It should be noted that the Operational projections will not exactly match up to the 2014/15 budget figures, due to allowances having been made for various 'abnormal' items, which may be included in the budget, but which may not always occur at those levels across future years.

Items included in the 1<sup>st</sup> year of the CBP should be considered for inclusion in the next budget, where financial possible

### **POLICY ISSUES/IMPLICATIONS**

There are no policy issues or implications emanating from the proposed CBP.



**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Production of a Community Business Plan, covering a minimum period of 4 years, is a statutory requirement.

**LEGAL ISSUES/IMPLICATIONS**

There are no legal issues or implications relating to this matter, merely compliance with the minimum statutory requirements.

**COMMUNITY CONSULTATION**

In late July 2014 the CBP was advertised and submissions closed on 8 August 2014. No submissions were received.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

A Council resolution is now necessary on this revised plan.

As stated earlier, it should be noted that the Operational projections may not exactly match up to the 2014/15 budget figures, due to allowances having been made in the CBP for various 'abnormal' items, which may be included in the budget, but which may not always occur at those levels across future years.

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

Absolute Majority

**OFFICER RECOMMENDATION**

**That the Corporate Business Plan as attached in Appendix 9.4.3, for the 5 year period of 2014/15 to 2018/19, be adopted.**

<b>9.4.4 LONG TERM FINANCIAL PLAN – 10 YEAR PLAN [BROAD PROJECTIONS]</b>	
Reporting Officer / Officer's Interest:	John Crothers, Co-Ordinator of Corporate Planning/Nil Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO/Nil Interest
Proponent:	NA
Landowner:	NA
Date of Last Report: 18 August 2014	File No.:111/1 and 11/1
Previous Reference:	OCM13/06/053 & OCM13/9/091
Statutory/Policy Implications:	Each Council must adopt a LTFP, and it is best done in conjunction with the Corporate Business Plan
Strategic Implications:	This 10 Year LTFP sets certain directions, with emphasis on meeting certain goals
Financial Implications:	The LTFP, & the associated Ratios, set broad Goals for a Council to aspire to meet.
Asset Mgt. & LCC Implications:	This Plan is a further extension of the Corporate Business Plan. Expending minimum amounts on each Class Of Asset each year is expected
Workforce Implications:	The proposals include extra amounts for staffing, and follow the items included in Council's recently adopted Workforce Plan.
<b>Voting Requirements</b>	Simple Majority
<b>LINKED TO STRATEGIC OBJECTIVE (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

## **PROPOSAL**

To adopt a "Plan for the Future" via a number of segments, including a 'Long Term Financial Plan [LTFP], which is a broad 10 year Financial Plan. A separate, shorter, plan, being the Corporate Business Plan, is a separate Agenda report item.

## **BACKGROUND/INITIAL COMMENTS**

In 2013 many new statutory requirements became applicable, but basically they are trying to get Councils to view things in multiple year terms, and not just follow the previous 'single year Budget' approach. The initial emphasis is on viewing specific Asset proposals over a shorter period of 4-5 years [IE: Via a CBP], as well as any longer term effects, which is the main objective of a LTFP. It is obvious that Council will be unable to fund any significant works in the short term, but much of the backlog can be afforded in the later years.

The expectations are that Councils should attempt to cater for existing Assets initially, and for them to be given high priority before any consideration of establishing new 'extra' Assets [replacement of older Assets is viewed as good management]. It is expected that there will also be contemplation of the On-Going effects of new 'extra' Assets [via a "Whole-Of-Life" approach], as such items could add to a Councils future Operational Costs.

A crucial consideration for a LTFP is that what is proposed and adopted is manageable and affordable by the Shire of Waroona. All Councils will be expected to

meet minimum KPI Ratio levels by the end of a specific period, which is what is proposed in the attached LTFP.

Every year new “flavour of the month” items arise, but these should not necessarily be given precedence over the ‘Long Term’ items. If such issues are continually given preference, then that interferes with the main objectives, and the higher goals may not be achieved. Crucially, the Asset Ratios of Renewals and Sustainability may not be met. The emphasis of a LTFP is to view and pursue specific Asset proposals over the medium to longer term, and to propose how these may be afforded.

Short term changes by the other tiers of government can have major effects on the lowest level, being Local Government. Since the last LTFP, there have been announcements of large reductions in Operational Grants and a variety of Capital Grants, commencing in the 2014/15 year by both the State and Federal Governments. Further possible cost shifting by the other 2 tiers of government is a matter for concern.

### **PLANNING – STRATEGIC IMPLICATIONS**

There are no Town Planning implications from the LTFP.

### **REFERRALS**

None Applicable

### **FINANCIAL IMPLICATIONS**

The Department of Local Government [DLG] advocates longer term approaches, and moving away from the old ‘single year’ focus. They are suggesting that Councils consider budgeting for a surplus each year or transfers to reserves, with those funds to then be carried forward to help fund one or more projects in a future year.

The main proposals of all LTFP are ‘Capital’ related, and give directions for what could occur for the next 10 years, issues, including movements to and from Reserves as well as Loan Borrowings and Debt Servicing issues.

High expenditures on each Class of Asset are expected, as has been revealed by the respective Asset Management Plans. Good Management requires that those Assets which are the sole responsibility of a Council, and that are not otherwise leased out, should be given priority, and therefore financial allocations, over all other items.

There are a number of supporting attachments which the DLG expects Councils to provide, being as follows :-

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

Further supporting information attachments are also expected, as follows:

- New Capital Works Projects, only broad figures are included in the LTFP, specific items of actual projects are included in the 4-5 Year CBP.
- Cash Reserves – Projected movements during the 10 year period.
- Loan Items Borrowings and Repayment details are a separate attachment at the back of the LTFP document.
- Depreciation, & changes due to Re-Valuations of Fixed Assets & Infrastructure. Broad details are shown on a separate attachment to the LTFP document.
- Variable Assumptions underpinning this Plan
- Key Performance Indicators [KPIs], being the Ratios

All of the above are included as part of the financial sheets at the back of the LTFP, with explanations included in earlier sections, as per the Department of Local Government's expectations.

The LTFP includes many assumptions and broad projections. A listing of these is included at the back of the LTFP document. The main proposals are 'Capital' related, and give directions for what could occur for the next 10 years. High expenditures on each Class of Asset are expected. Specific proposals for the 1<sup>st</sup> 5 years are included in the CBP.

As stated in the actual CBP document, and the attached revised LTFP document, Council has limited finances compared to its cost needs, and therefore it will not be possible to maintain and renew/replace all assets at the highest levels as needed over the next 10 years. However, by the 10<sup>th</sup> year this Council will be able to meet the required minimum levels/standards, and if the assumptions and projections in the attached plan prove correct, then the Shire of Waroona can achieve the "Advanced" Standard in all Ratio categories in the longer term. These could be important amalgamation issues.

As already stated, there are to be large reductions in Grants by both the State and Federal Governments commencing in the 2014/15 year. These will involve Operational Grants and a variety of Capital Grants These reductions effectively shift the costs back to Councils.

Other actions/requirements by the State Government will make it difficult for Councils to appear "Sustainable". The draft plan has the Council attaining or exceeding the minimum standards for KPI Ratios by the end of the 10 year LTFP period. As indicated above, it can be expected that the State Government will use arguments concerning "Sustainability" when it progresses its proposals for amalgamations.

### **STATUTORY IMPLICATIONS**

It is a statutory requirement that a 10 year Long Term Financial Plan must have been adopted. It is expected it will be reviewed regularly, and with the changes to Grants, this has been deemed very necessary.



### **POLICY ISSUES/IMPLICATIONS**

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

### **LEGAL ISSUES/IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

The Department of Local Government (DLG) in WA has indicated that its expects that all Integrated Planning & Reporting Frameworks (IP&RF) should be compliant with the standards outlined in the DLG's IP&RF 'Advisory Standards' and "*all activities/services*" delivered by Council connect to the "*community's vision aspirations and objectives*" (p.4). Of the 6 objectives outlined in Waroona's *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number 6, "Active Civic Leadership, Good Governance, & Excellence in Management", as well as objective number 5 "Assets, Resources, Financial Management and Sustainability".

The latest LTFP meets all the requirements and standards expected by the DLG.

### **COMMUNITY CONSULTATION**

There is no statutory requirement for community consultation for a LTFP.

As the LTFP includes broad projections of what might occur, then explaining such items with the community may not be relevant, at this time. This is especially so with regard to a number of Grant issues.

### **OFFICER'S FINAL COMMENTS**

As already stated, a crucial consideration is that what is proposed and adopted is manageable and affordable by the Council, and that has been a major consideration in compiling this latest Plan.

As usual, the main capital items needing to be done, and requiring funding, are Buildings and Roads. There are also other items needing to be done as well, being – Drainage; Parks/Recreation; Waste Services, Footpaths; as well as new/replacement of Equipment. Investigations have revealed that each class of Asset should be allocated minimum levels of funds, and that is what has been included in the latest plan, on a broad basis.

Copies of spreadsheets are supplied to more clearly explain what is being proposed, in broad/general terms, for the next 10 years. There are 2 separate sheets on meeting the various Ratio levels.

As can be expected, Council will need to increase its Rates, as well as its various Fees and Charges, for each year of the next 10 years. However, the Council will only be able to afford the large capital costs and appear sustainable if large developments occur, and Council's Rate base grows substantially over the 10 year period.

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

The current known level of Grants have been used as the basis for various calculations, and most have not been increased across the various years.

It should be noted that the Operational items of the LTFP projections will not exactly match up to the 2014/15 budget figures, due to allowances having been made in the CBP and the LTFP for various ‘abnormal/extraordinary’ items, which may be included in the budget, but which may not always occur at those levels across future years.

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

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.4.4</b>
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### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**That the proposed 10 year Long Term Financial Plan as attached in Appendix 9.4.4, be adopted.**

<b>9.4.5 FENCING LOCAL LAW</b>	
Reporting Officer / Officer's Interest:	John Crothers [CCP]; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 18 August 2014	File No.: 26/1
Previous Reference:	9.4.5 of 22 October 2013; & 9.4.5 of 17 December 2013
Policy Implications:	Not Applicable
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

### **PROPOSAL SUMMARY**

A draft Local Law proposal relating to Fencing was put before Council earlier in the year. A copy of the proposal was sent to the Department of Local Government for their information. They have now advised that the certain wording changes should occur, so that it is in accordance with current drafting practices.

The DLG recommendations are as follows :-

- the words "or substantially in" should be removed from clause 6.3 (a) and (b);
- extra words should be inserted "as amended from time to time" at the end of the definition "**AS/NZ**" in *item 1.5 Interpretation*.

There are numerous steps to be followed, including readvertising the proposal for a period of some 44 days, and then a further consideration by Council on 26 October 2014. The Local Law should then go into the Government Gazette on 3<sup>rd</sup> November 2014, with the Local Law to then become effective from 18<sup>th</sup> November 2014.

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

The '**Effect**' is to control the construction and maintenance of fences within the Shire.

### **BACKGROUND/INITIAL COMMENTS**

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

The existing Shire of Waroona 'Fencing and Tennis Court Floodlighting' Local Law was made on 27 October 1998. It is now proposed that the old Local Law be replaced, by the new proposal, which is attached to this report.

### **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**

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.

**COMMUNITY CONSULTATION**

When the review process commenced earlier this year, submissions were originally sought for this amended Local Law with no correspondence received. Following the Council meeting of 26 August 2014 the proposal needs to be again advertised. Submissions will then be received up to 13 October 2014.

**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 Local Law of the Shire of Murray, but with minor changes that are applicable to the Shire of Waroona.

Following Council’s final adoption in late October 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 from 18 November 2014.

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

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

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



After the Council adopts this, it will be sent to the Minister for Local Government, and any other relevant Ministers, for their considerations and comments.

After final adoption in late October 2014, details are to be sent to the 'Joint Standing Committee on Delegated Legislation' 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 other State Legislation.

It should be noted that at a Council meeting where a Local Law is being considered, the presiding person shall 'give notice', by reading out aloud, the purpose and effect of the proposed Local Law.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.4.5</b>
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### **VOTING REQUIREMENTS**

Absolute Majority

### **OFFICER RECOMMENDATION**

- 1. That the previously adopted Fencing Local Law (OCM14/02/004) be rescinded;**
- 2. That the proposed draft Fencing Local Law, as attached in Appendix 9.4.5, be advertised; and**
- 3. 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 becomes effective.**

<b>9.4.6 LOCAL GOVERNMENT PROPERTY LOCAL LAW</b>	
Reporting Officer / Officer's Interest:	John Crothers [CCP]; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 18 August 2014	File No.: 26/1
Previous Reference:	9.4.5 of 22 October 2013; & 9.4.5 of 17 December 2013
Policy Implications:	Not Applicable
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

### **PROPOSAL SUMMARY**

A draft Local Law proposal relating to Local Government Property was put before Council earlier in the year. Copies of the proposal was sent to the Department of Local Government for their information. They have now advised that the wording of this proposal should be changed, so that it is in accordance with current drafting practices. Certain phrases, terms, and structure should be changed, and a new draft has been compiled and is an attachment to this report.

There are numerous steps to be followed, including readvertising the proposal for a period of some 44 days, and then a further consideration by Council on 26 October 2014. The Local Law should then go into the Government Gazette on 3<sup>rd</sup> November 2014, with the Local Law to then become effective from 18<sup>th</sup> November 2014.

The proposal is for Council to replace the existing Local Law which is applicable to various items of Council Owned/Controlled Property, but in particular being - Swimming Pools, Dam areas, Recreation Reserves, Foreshores, Parks and Gardens.

The '**Purpose**' of this Local Law is to regulate the care, control, and management of all property of the local government, except on thoroughfares.

The '**Effect**' is to control the use of Local Government property, and to control behaviour on local government property. It also provides for certain activities to be permitted only under a permit, or a determination, and certain other activities are restricted or prohibited. Breaches of the Local Law provisions are considered as offences of inappropriate behaviour, and Infringement Penalty Notices may be issued.

As previously advised, there is a major change relating to certain prohibitions or control of certain activities at Foreshore areas, in particular, Preston Beach. The "designated" area at Preston Beach has been changed, and a map of the proposed 2x150 metre 'No Fishing' Zone is clearly shown on the schedule

The proposal also includes modified Infringement Penalties. These are in line with a number of other 'Coastal Council' Penalties currently in force.



**BACKGROUND/INITIAL COMMENTS**

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

The existing Shire of Waroona "Local Government Property Local Law" was made on 27 August 2001. It is now proposed that the old Local Law be replaced, by the new proposal, which is attached to this report.

**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**

Minor extra expenses have been incurred, due to advertising.

New Signage Costs can be expected, as well as printing and advertising costs.

**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 a few years ago, submissions were originally sought for this amended Local Law in September 2010, with no correspondence received. When re-advertised late last year, Councillor Dew lodged a submission. Many of his suggestions have now been incorporated. Following the Council meeting of 26 August 2014 the proposal needs to be again advertised. Submissions will then be received up to 13 October 2014.

**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 Local Law for Local Government Properties for the Shire of Ashburton.

Following Council’s final adoption in late October 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 for the next summer season.

The enforcement of the new changes should be delegated to the CEO, who should, in turn, sub-delegate the enforcement to the Council Rangers and/or other staff.

**OFFICER’S FINAL COMMENTS/CONCLUSIONS**

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

After the Council adopts this, it will be sent to the Minister for Local Government, and any other relevant Ministers, for their considerations and comments.

After final adoption in late October 2014, details are to be sent to the ‘Joint Standing Committee on Delegated Legislation’ 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 other State Legislation.

It should be noted that at a Council meeting where a Local Law is being considered, the presiding person shall ‘give notice’, by reading out aloud, the purpose and effect of the proposed Local Law.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.4.6</b>
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**VOTING REQUIREMENTS**

Absolute Majority



**OFFICER RECOMMENDATION**

- 1. That the previously adopted Local Government Property Local Law (OCM14/04/037) be rescinded;**
- 2. That the proposed draft Local Government Property Local Law, as attached at Appendix 9.4.6 be advertised.**
- 3. 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 becomes effective.**

<b>9.4.7 LOCAL LAW – REPEAL OF LOCAL LAW-BUSHFIRE BRIGADES</b>	
Reporting Officer / Officer's Interest:	John Crothers, CCP; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 18 August 2014	File No.: 26/1
Previous Reference:	9.4.4 of 22 October 2013;
Policy Implications:	See detailed note
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	

### **PROPOSAL SUMMARY**

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.

A “repeal Local Law” is necessary to delete the old Local Law.

### **BACKGROUND/INITIAL COMMENTS**

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

The existing Local Law was made on August 2001 and seemed relevant at that time. The old Local Law referred to a lot of administrative items, and these are no longer relevant

### **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, and no submissions have been received.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

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

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.4.7</b>
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**VOTING REQUIREMENTS**

Absolute Majority

<p><b><u>OFFICER RECOMMENDATION</u></b></p> <ol style="list-style-type: none"> <li>1. That the Council’s motion relating to the repeal of the Bushfire Brigade Repeal Local Law OCM14/04/038 be rescinded;</li> <li>2. That Council’s Repeal Local Law 2014 “Bushfire Brigades”, as attached at Appendix 9.4.7 be advertised.</li> </ol>
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<b>9.4.8 LOCAL LAW – REPEAL OF LOCAL LAW – FENCING and TENNIS COURT FLOOD LIGHTING</b>	
Reporting Officer / Officer's Interest:	John Crothers; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 18 August 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
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	

### **PROPOSAL SUMMARY**

It is now proposed that the necessary steps be taken to repeal one (1) old Local Laws, 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.

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.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.4.8</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

- 1. That the Council’s motion relating to the repeal of the Fencing and Tennis Court Floodlighting Local Law OCM14/05/048 be rescinded;**
- 2. That Council’s Repeal Local Law 2014 “Fencing and Tennis Court Floodlighting” be advertised.**



**9.5 CHIEF EXECUTIVE OFFICER**

Nil

**10. CONFIDENTIAL REPORTS**

See Confidential Report under separate cover.

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

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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13. CLOSURE OF MEETING**