



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 25 NOVEMBER 2014

(Held at the Shire of Waroona Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.25 pm and welcomed Councillors and Staff present.

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

Cr Christine Germain	Shire President
Cr Trish Witney	Deputy Shire President
Cr John Salerian	Councillor
Cr Larry Scott	Councillor
Cr Noel Dew	Councillor
Cr Lina Look	Councillor
Cr Craig Wright	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy Chief Executive Officer
Mr Louis Fouché	Director Development Services
Mr Patrick Steinbacher	Director Technical Services
Mr Chris Dunlop	Senior Town Planner
Mr Jeremy Durston	Town Planner
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Cr John Mason Councillor

There were no members of the public present at the commencement of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4.1 PUBLIC QUESTION TIME

Nil.

4.2 PUBLIC STATEMENTS

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Dew declared an interest affecting impartiality in Item 9.2.3 as a member of the Preston Beach Progress Association.

Cr Witney and Cr Look declared a financial interest in Item 10.2 as employees of the Waroona Community Resource Centre.

Cr Germain declared an interest affecting impartiality in Item 10.2 as Chairperson of the Waroona Community Resource Centre Board.



Cr Wright and Cr Scott declared an interest affecting impartiality in Item 10.2 as they are members of the Waroona Football Club.

Cr Wright declared an interest affecting impartiality in Item 9.2.1 as a member of the Waroona Football Club and Waroona Bowling Club.

Cr Scott declared an interest affecting impartiality in Item 9.2.1 as a member of the Waroona Football Club, Waroona Lions Club and Waroona Agricultural Society.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS
Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 28 October 2014

COUNCIL RESOLUTION

OCM14/11/131

MOVED: CR WITNEY

SECONDED: CR LOOK

That the Minutes of the Ordinary Council Meeting held 28 October 2014 be confirmed as being a true and correct record of proceedings.

CARRIED 7/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES
Nil.

Cr Wright declared an interest affecting impartiality in Item 9.2.1 as a member of the Waroona Football Club and Waroona Bowling Club.

Cr Scott declared an interest affecting impartiality in Item 9.2.1 as member of the Waroona Football Club, Waroona Lions Club and Waroona Agricultural Society.

9.2 DIRECTOR DEVELOPMENT SERVICES

9.2.1 LOT 316 (RESERVE 8746), PARNELL STREET, WAROONA (WAROONA OVAL) – PROPOSED EXTENSION TO EXISTING SHED	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner, Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services / Nil
Proponent:	Waroona Agricultural Society
Landowner:	Shire of Waroona
Date of Report: 10 Nov 2014	File No.: TP1709
Previous Reference:	TP1165
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 2014/15-2023/24
Financial Implications:	See report.
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land Theme number 4: Society / Community Wellbeing – Maintain strong sense of Community; Effective Community Wellbeing	

PROPOSAL SUMMARY

An application has been received for a shed extension (Marchetti Shed) on Lot 316 Parnell Street, Waroona (Reserve 8746). The location plan can be seen in **APPENDIX 9.2.1A**.

The proposal seeks to extend the shed towards the northern boundary and create a new veranda; this will add an additional 391m² of floor area, totalling an overall floor area of 696m². The proposed shed extension is 18m by 15.2m and the proposed veranda is 3.175m by 38.023m.

The extension walls and roof are to be constructed from zincalume to match the existing materials. The proposed structure has a maximum ridge height of 4m and a wall height of 2.3m. The shed is located towards the north eastern boundary of the site. The site plan and side elevations plan can be seen in **APPENDICES 9.2.1B & 9.2.1C**.



The shed extension is proposed to be set back 3.3m from the eastern boundary (Parnell Street), 205m from the southern boundary, 89m from the western boundary and 47m from the northern boundary (Millar Street).

The shed is to be utilised by the local community, Waroona Agricultural Society, Waroona Lions Club and the new Waroona Men's Shed Group.

The shed is located on land vested in the Shire of Waroona; therefore the applicant also seeks the Shire's landowner consent.

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 extend the existing Marchetti shed to increase under cover activity and display areas suitable to house the New Men's Shed Group while still meeting the needs of the community, the Waroona Lions Club and the Waroona Agricultural Society. 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."

The applicant previously submitted plans that sought to extend the shed 5m to the South which would impact the tree located to the South of the shed. A tree survey was conducted which clarified the tree was of excellent health, shape and vigour. Following this the applicant revised the plans to extend to the north only.

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.

TP1677 - Application for Storage Shed. Approved under delegation 27 August 2014.

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.

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 6.1.1 of TPS 7 states that 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 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 and Theme number 4: Society / Community Wellbeing – Maintain strong sense of Community; Effective Community Wellbeing.

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.

COMMUNITY CONSULTATION

Local Planning Policy 1 – Community Consultation (LPP1)

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

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

No submissions opposing the application were received during the advertising period.

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 certified building permit will be required.

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

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

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 extension to the existing 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 extension to the shed is appropriate accompanying development and in keeping with the existing shed and development (i.e. other sheds) on the subject lot. A condition to ensure this has been added.

Clause 4.6.2, requires a minimum street setback of 6m, the shed is proposed to be located 3.3m from Parnell Street. The Shire's Technical Services Directorate expressed no issues with the proposed street setback. Further to this the proposed extension to the existing shed was advertised to all potentially 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 provision of community facilities within the zone. The proposed extension to the existing shed will improve the facilities for the members of the community, Waroona Agricultural Society, Waroona Lions Club, and provide a venue for the new Waroona Men's Shed Group.

The maximum ridge height above the existing ground level of the proposed shed is 4m; this is in accordance with Clause 6.12.1 of the TPS.

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

The proposed extension to the existing shed for the Community, Waroona Agriculture Society, Waroona Lions Club and New Men's Shed Club meets aims and principles outlined within Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land and Theme 4: Society/Community Wellbeing – Maintain strong sense of Community; Effective Community Wellbeing 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)

The originally submitted plans were advertised to the neighbours for a period of 21 days, no submissions opposing the application were received during the advertising period. As the amended plan simply proposes to move the extension from the southern side of the existing shed to the Northern side, and the setback is not changing, the application did not require advertising again.

Internal Referral

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

Conclusion

The proposed extension to the existing (Marchetti) shed is incidental development to the existing Waroona Agricultural Society's use of the lot.

With regard to land owners consent the Recreational Advisory Committee in April 2014 recommended to Council that consent be given for an extension to the shed on the Waroona Town Oval in the proposed location. Further to this it is recommended that the



Shire give its consent for the application for planning consent for the proposed development to be made.

The proposed shed extension 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.

Appendices Attached: Yes	Appendices Numbers: 9.2.1A,B & C
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM14/11/132

MOVED: CR DEW

SECONDED: CR WITNEY

That in relation to the proposed extension to the existing shed (Marchetti Shed) on Lot 316 (Reserve 8746), Parnell Street, Waroona, Council resolves:

- A. Grant landowner's consent for the proposed shed extension on Lot 316 (Reserve 8746), Parnell Street, Waroona.**
- B. To approve the application for planning consent subject to the following conditions:**
 - 1. The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval from the Shire of Waroona.**
 - 2. 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 Certified 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. In relation to condition 2, it should be noted that the Shire of Waroona generally requires on site stormwater retention capacity at a rate of 1 cubic metre per 64 square metres of impervious surface.**

CARRIED 7/0

9.2.2 PROPOSED AMENDMENT 32 TO TOWN PLANNING SCHEME NO. 7 – OMNIBUS TEXT AMENDMENT	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouche' – Director Development Services / Nil
Proponent:	Shire of Waroona
Landowner:	Various
Date of Report: 17 November 2014	File No.: TPSA32
Previous Reference:	OCM12/11/137
Statutory/Policy Implications:	Local Government Act 1995 Planning and Development Act 2005 Local Government (Administration) Regulations 1996 Town Planning Regulations 1967 Shire of Waroona Local Planning Strategy 2009 Shire of Waroona Town Planning Scheme No. 7 Local Planning Policy 1 – Community Consultation
Strategic Implications:	Shire of Waroona Community Strategic Plan 2014/15 – 2023/24
Financial Implications:	Consultant fees (\$7,500 in 2011/2012) and advertising costs (approximately \$1,500).
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 3: Responsible Land Use Planning and Protecting Rural Land	

PROPOSAL SUMMARY

In relation to the Shire of Waroona Town Planning Scheme No.7 (TPS) Amendment 32 Council is requested to revoke the resolution OCM12/11/137 made on 27 November 2012, consider the schedule of changes made to the amending documents for Amendment 32 and initiate the proposed amendment.

Amendment 32 proposes to amend the TPS in accordance with current legislative requirements and to improve the implementation of the Shire's planning objectives. Scheme Amendment No. 32, which only proposes change to the Scheme text, will act as an interim scheme review pending a future Local Planning Scheme No. 8.

No changes to the scheme maps are proposed through this omnibus amendment. Details of the proposed text changes are available at **APPENDIX 9.2.2A**. A copy of the full proposed scheme text as amended is at **APPENDIX 9.2.2B (copy supplied on CD)**. Further to this a schedule of changes made to the previously adopted amending documentation can be found at **APPENDIX 9.2.2C**.

The proposed omnibus scheme amendment seeks to address matters in the scheme text to:

- be increasingly consistent with the Model Scheme Text provisions;
- comply with and make reference to current relevant planning legislation, local laws, policy and agency names;



- incorporate and facilitate the objectives of the Shire of Waroona Local Planning Strategy 2009 including subdivision guidelines for rural zones;
- review and update definitions and the Zoning Table to ensure consistency;
- include empowerment and adoption process for structure plans;
- incorporate appropriate references and assessment functions of the Residential Design Codes;
- correct typographic and grammatical errors to ensure provisions achieve their intended objective;
- set out the aims of the Scheme;
- provide increased guidance for development and land use on sites which are reserved by the Scheme;
- update provisions for non-conforming uses;
- assist in addressing current and emerging planning issues including building design, relocated dwellings, minimum servicing standards, managing bush fire risk and parking of commercial vehicles;
- extend the range of matters that are to be considered by the local government in assessing applications;
- modify, delete and add a number of interpretations;
- provide greater assistance in any Rights of Review to the State Administrative Tribunal; and
- generally make the Scheme more contemporary, effective and overall efficient.

BACKGROUND/INITIAL COMMENTS

The current TPS was gazetted on 17 December 1996. The TPS has been amended various times with most amendments to the scheme maps. A number of sections of the TPS text have not been modified since 1997.

The TPS should be regularly reviewed to ensure it is up-to-date and an efficient means of pursuing community objectives regarding development and land use. The Western Australian Planning Commission (WAPC) requires that a scheme review be undertaken at least every 5 years.

Council initiated Amendment 32 in November 2012 however, on advice received from the Department of Planning, some changes to the amending documentation were required. These changes, ensuring greater consistency with the Model Scheme Text, will allow the Department of Planning to consider the consent to advertise the proposed amendment under delegation.

PREVIOUS COUNCIL RESOLUTION

At the Ordinary Meeting held 27 November 2012 Council resolved to:

1. Initiate the Amendment to Town Planning Scheme No. 7 in accordance with Appendix 9.3.3.
2. Refer the above Amendment to Town Planning Scheme No.7 to the Environmental Protection Authority (EPA) pursuant to section 81 of the Planning and Development Act 2005. Should the EPA advise that the amendment does not require assessment, advertise the amendment in accordance with the Town Planning Regulations 1967.
3. Authorise the Shire President and the Chief Executive Officer to execute the Amendment documents.
4. Forward a copy of the amendment to the Western Australian Planning Commission for information.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.25 (1)(e) of the Local Government Act 1995 states that regulations may make provision in relation to the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made).

Planning and Development Act 2005 (Act)

Section 75 (a) of the Act empowers Local Government to prepare an amendment to any Scheme within its municipality.

Section 81 of the Act requires that all scheme amendments are required to be referred to the Environmental Protection Authority prior to public consultation.

Section 84 of the Act requires that any scheme amendment be advertised for public comment.

Local Government (Administration) Regulations 1996

Regulation 10 (2) states that if a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
- (b) in any other case, by an absolute majority.

Town Planning Regulations 1967 (Regulations)

Section 13-1 (a) of the Regulations requires that the local government resolves to adopt a proposed scheme or amendment where the appropriate documents have been prepared.



Section 15 of the Regulations requires that the local government advertise any proposed scheme or amendment for public comment.

Section 25-1 (fb) requires that an amendment to a scheme be advertised in a local newspaper and a period of 42 days be allowed for submissions to be received.

Appendix B of the Regulations is the Model Scheme Text (MST). The MST sets out the preferred format of Local Planning Schemes and provides clauses, definitions and development requirements that are considered appropriate as industry standard.

Shire of Waroona Local Planning Strategy 2009 (LPS)

The LPS provides guidance for the future use and development of land within the Shire. In order to achieve a legible and consistent planning framework the provisions of the TPS should be in accordance with the objectives of the LPS.

The LPS was adopted in 2009. The TPS has not been reviewed since the adoption of the LPS and as such there are a number of inconsistencies between the documents.

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

The TPS is the statutory basis for Council to control development within the shire. In order to ensure best practice outcomes are achieved for the Shire and its residents the TPS needs to be regularly reviewed and updated.

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15 – 2023/24

This item contributes towards achieving Theme 3: Responsible Land Use Planning and Protecting Rural Land.

FINANCIAL IMPLICATIONS

In the 2011/2012 financial year \$7 500 was expended on Planning Consultant fees on this project. Advertising of the amendment is expected to cost Council approximately \$1,500. Other costs include budgeted staff costs for the duration of the amendment.

COMMUNITY CONSULTATION

Community consultation is required under section 84 of the Act and shall be undertaken in accordance with the Regulations should the amendment be adopted for advertising purposes by Council. An advertisement will be placed in a locally circulated newspaper with a period of 42 days allowed for submissions to be received.

Officers will review all submissions received and refer a further report to Council for consideration of the submissions.

OFFICER'S COMMENTS

These modifications to the Amendment 32 are intended to increase the consistency between the Shire of Waroona TPS and the Model Scheme Text. The proposed modifications, as detailed in the attached schedule at **APPENDIX 9.2.2C**, are considered to create sufficient consistency with the MST to facilitate consent for advertising to be considered by the Department of Planning under delegated authority and correct a number of land use anomalies within the scheme text.

In order to ensure that Council is able to effectively perform its responsibilities under the Planning and Development Act, the TPS needs to be regularly reviewed and updated. The proposed amendment does not propose any changes to the zoning of lots within the shire.

Increased consistency with Model Scheme Text provisions

Amendment 32 proposes changes to the format of the TPS in order to make the TPS more consistent with the MST, which is Appendix B to the Regulations. A greater level of consistency with the MST will reduce the anomalies with the TPS and bring it into line with the standard of document expected within the planning industry.

Comply with and make reference to current legislation, local laws, policy and agency names

Since the gazettal of the TPS a number of changes have occurred to legislation and policies. Numerous local planning policies and local laws have been created by Council which require reinforcement through updated scheme provisions. State legislative changes have also occurred with new requirements now applicable to planning matters. Agency titles have also been changed, creating referencing issues within the TPS. Amendment 32 proposes to update the TPS to ensure that all new legislative, policy and other requirements are addressed and agency names are up to date.

Incorporate and facilitate the objectives of the Shire of Waroona Local Planning Strategy 2009

The LPS was endorsed by the WAPC in 2009 and the TPS has not yet been updated in accordance with the objectives and provisions of the LPS. In order to ensure a consistent and legible planning framework the TPS is required to be amended in order to be complementary to the LPS. The TPS will also provide a statutory head of power for the provisions of the LPS to be implemented, particularly in relation to lots size requirements and land use provisions.

Review and update definitions and the Zoning Table to ensure consistency

There are currently a number of discrepancies and anomalies in the zoning table and Schedule 1 of the TPS which have resulted from numerous ad-hoc amendments. Amendment 32 proposes to update the zoning table and definitions to provide a more coherent and comprehensive land use framework.

Include empowerment and adoption process for structure plans

Amendment 32 proposes to update structure plan provisions in accordance with the MST. The new provisions will provide greater guidance to applicants in preparing structure plans and greater efficiency in their processing by Council.

In addition to structure plan provisions, developer contributions provisions are proposed to be included as set out in the MST. These provisions will empower Council to require contributions from developers for things such as infrastructure and community facilities. These practices have become commonplace since the adoption of the TPS and are required to ensure that maximum community benefit is achieved through development.

Incorporate appropriate references and assessment functions of the Residential Design Codes

The Residential Design Codes (R Codes) are written and endorsed by the WAPC and are required to be implemented by local government. The WAPC regularly review and update the R Codes, as such a number of changes have been made that have not been accommodated by the TPS. Amendment 32 proposes to bring the TPS into line with the current version of the R Codes and therefore create a greater level of consistency across Council's planning framework.

Correct typographic and grammatical errors to ensure provisions achieve their intended objective

A number of typographic and grammatical errors have been identified within the TPS which reduce the effectiveness of its provisions. These are proposed to be corrected via Amendment 32.

Set out the aims of the TPS

The general objectives of the TPS are proposed to be updated so as to be more comprehensive and provide greater clarity as to the basis for its provisions.

Provide increased guidance for development and land use on sites which are reserved by the TPS

The current TPS provisions relating to reserved land are very limited. Amendment 32 proposes to update and expand these provisions to provide greater guidance as to the use and development of reserved land.

Update provisions for non-conforming uses

The non-conforming use provisions of the TPS are proposed to be updated in accordance with the MST provisions. This will give more comprehensive control of non-conforming uses and cover matters not currently addressed in the TPS.

Assist in addressing current and emerging planning issues including building design, relocated dwellings, minimum servicing standards, managing bush fire risk and parking of commercial vehicles

A number of recurring issues are proposed to be addressed through Amendment 32 including the above. These matters have caused a number of issues for Council since the gazettal of the TPS. In order to address these issues and provide a statutory basis



for the implementation of Councils objectives new provisions are proposed. These new provisions will provide greater clarity and power in dealing with these and other recurring issues within the Shire.

Extend the range of matters that are to be considered by the local government in assessing applications

The matters to be considered when assessing and determining applications for planning consent are proposed to be expanded. This will provide a statutory basis for the consideration of a wider range of issues in the decision making process, ensuring that the best possible outcomes are achieved through the planning process. Matters proposed to be considered include, among others, relevant legislation, policy and advice from agencies, amenity, social issues, transport, utilities, impact on the natural environment and the aims and objectives of the TPS.

Modify, delete and add a number of interpretations

A number of interpretations (definitions) currently conflict with one another and provide areas of uncertainty when classifying a proposed use. In addition, the current interpretations do not cover a number of uses and have inaccurate references to legislation, policy and agencies. Amendment 32 proposes to add, delete and update interpretations where required to provide a clear and comprehensive list. A list of the interpretations proposed to be added, deleted and updated is included in **APPENDIX 9.2.2A**.

Provide greater assistance in any Rights of Review to the State Administrative Tribunal

Amendment 32 proposes new scheme provisions which give further guidance and information in relation to the process and requirements of a review by the State Administrative Tribunal. Given that a review by the State Administrative Tribunal is the formal process for the review of determinations made under the TPS, it is appropriate for information relating to reviews to be included within the TPS.

Update Table 1 (Zoning Table) to ensure appropriate land use classifications

With the myriad of changes to land use interpretations and classifications proposed by Amendment 32 and the existing anomalies within Table 1 it is considered necessary to review and update the table. The updated version of the table provides greater consistency with the Local Planning Strategy and removes a number of land use classification anomalies that are considered inappropriate.

Conclusion

Amendment 32 proposes to update the TPS in order to provide a coherent and comprehensive statutory mechanism for the implementation of Councils planning objectives. The updated TPS text will provide clarity for Council and the public in relation to the requirements of the TPS and assist in dealing with future development within the shire. Given that Amendment 32 proposes an improvement in the effectiveness and comprehensiveness of the TPS it is recommended that Council adopt the proposed amendment for advertising purposes.

Appendices Attached:	Yes	Appendices Numbers: 9.2.2A & C Appendix 9.2.2B Provided on CD
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION**OCM14/11/133****MOVED: CR WITNEY****SECONDED: CR SCOTT**

1. That the resolution number OCM12/11/137 of the Ordinary Council Meeting held on 27 November 2012 be revoked.
2. That, in relation to the proposed Amendment 32 to Town Planning Scheme No. 7 1996 and pursuant to Part 5 of the Planning and Development Act 2005, Council Resolves to:
 - A. Initiate the Amendment to Town Planning Scheme No. 7 in accordance with *Appendix 9.2.2A*.
 - B. Refer the above Amendment to Town Planning Scheme No.7 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment in accordance with the Town Planning Regulations 1967.
 - C. Authorise the Shire President and the Chief Executive Officer to execute the Amendment documents.
 - D. Forward a copy of the amendment to the Western Australian Planning Commission for information.

CARRIED BY ABSOLUTE MAJORITY 7/0

Cr Dew declared an interest affecting impartiality in Item 9.2.3 as a member of the Preston Beach Progress Association.

9.2.3 REQUEST FOR LANDOWNERS CONSENT – PROPOSED EXTENSION TO PRESTON BEACH COMMUNITY RESOURCE CENTRE – LOT 360 PANORAMA DRIVE, PRESTON BEACH	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner/Nil
Responsible Officer / Officer's Interest	Louis Fouche' – Director Development Services / Nil
Proponent:	Preston Beach Progress Association Inc.
Landowner:	Shire of Waroona
Date of Report: 17 November 2014	File No.: 44/11
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Local Government Act 1995 Planning and Development Act 2005 Local Government (Administration) Regulations 1996 Shire of Waroona Town Planning Scheme No. 7 1996
Strategic Implications:	Shire of Waroona Community Strategic Plan 2014/15 – 2023/24
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
Theme 6: Good Governance: Active and Responsible Civic Leadership and Excellence in Management	

PROPOSAL SUMMARY

A request has been received from the Preston Beach Progress Association Inc. for landowners consent to apply for planning consent for an extension to the existing Preston Beach Community Resource Centre. The proposal entails the enclosing of the existing patio area to the east of the resource centre to be used as an expanded community facility.

The proposed extension will provide an additional area of 66.95m² for use in conjunction with the existing resource centre. Plans showing the details of the proposed extension are at **APPENDIX 9.2.3**.

BACKGROUND/INITIAL COMMENTS

The existing Preston Beach Community Resource Centre provides a valuable resource to the community of Preston Beach. Its expansion will result in a greater level of service to the local community and provide an expanded resource for the use of the Shire.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15 – 2023/24

This item contributes towards achieving Theme number 6: Good Governance: Active and Responsible Civic Leadership and Excellence in Management.



FINANCIAL ISSUES / IMPLICATIONS

Grant funding has been requested through the Royalties for Regions program in order to finance the proposed expansion.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Local Government Act 1995

The Local Government Act 1995 provides a head of power for the function of Council and the adoption of relevant regulations. Council is required at all times to act in accordance with the Local Government Act.

Section 5.42. specifically refers to the delegation of powers and duties to the CEO.

Local Government (Administration) Regulations 1996

The Local Government (Administration) Regulations control the functions of local government and its actions. Part 2 of the Regulations sets out the requirements for meetings of Council and resolutions.

Planning and Development Act 2005

The Planning and Development Act 2005 gives legislative power to the Shire's Town Planning Scheme. Provisions of schemes and their implementation are to be in accordance with the Act.

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

The TPS is the statutory basis for Council to control development within the Shire. Clause 6.1.1 of the TPS requires that all development, other than that exempted by Clause 6.1.2, shall be subject to planning consent.

The Preston Beach Community Resource Centre is defined as a 'Club Premises' in the TPS. A 'Club Premises' is an AA use in the Urban 9 – Preston Beach zone.

COMMUNITY CONSULTATION

Community consultation will not be required for the planning consent application as it proposes a use classified as AA with no non-compliance, in accordance with the Shire of Waroona Local Planning Policy 1 – Community Consultation.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

By providing its consent for the application as the landowner, Council will enable the Preston Beach Progress Association to apply to the Shire as the determining authority for planning consent for the proposed extension.

The application for planning consent will be assessed and determined in accordance with the Shire's planning framework.

Appendices Attached:	Yes	Appendices Numbers:	9.2.3
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION**OCM14/11/134****MOVED: CR SCOTT****SECONDED: CR WRIGHT**

That, in relation to the proposed extension to the existing Preston Beach Community Resource Centre at Lot 360 Panorama Drive, Preston Beach, by the Preston Beach Progress Association Inc., Council resolves to:

- 1. Grant landowner's consent for the Planning Consent and Building Permit applications generally in accordance with the plans at Appendix 9.2.3,**
- 2. Delegate to the Chief Executive Officer the authority to consent to any necessary minor variations required to the plans.**

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2.4 AUSTRALIA DAY & MERITORIOUS COMMUNITY SERVICE AWARDS	
Reporting Officer / Officer's Interest:	Tori Davis – Community Development Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley – Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 24 November 2014	File No: 58/1
Previous Reference:	
Policy Implications:	<i>Nil</i>
Statutory Implications:	<i>Nil</i>
Strategic Implications:	<i>Nil</i>
Financial Implications:	<i>Nil</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

As this item is a confidential item it had been moved to 10.2 of the agenda.

9.2.5 APPLICATION OF COMMON SEAL – COASTWEST FUNDING AGREEMENT (COASTSWAP COASTAL STAKEHOLDER FORUMS AND INFORMATION SHARING PROJECT)	
Reporting Officer / Officer's Interest:	Director Development Services / Nil
Responsible Officer / Officer's Interest	Director Development Services / Nil
Proponent:	South West and Peel Coastal Management Group (CoastSWAP)
Landowner:	N/A
Date of Report: 20/11/2014	File No.: 116/1, 48/8
Previous Reference:	N/A
Policy Implications:	Policy 1.26 - Application of Shire of Waroona Common Seal
Statutory Implications:	Local Government Act 1995
Strategic Implications:	Waroona Foreshore Management Plan 2002.
Financial Implications:	See Heading in report.
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance & Excellence in Management"	

PROPOSAL SUMMARY

Council is requested to authorise the application of the Shire of Waroona Common Seal to the Coastwest Funding Agreement entered into with the Western Australian Planning Commission (WAPC) and South West and Peel Coastal Management Group for the purposes of the CoastSWap Coastal Stakeholder Forums and Information Sharing Project.

BACKGROUND / INITIAL COMMENTS

CoastSWap applied for Coastwest Funding through the WAPC in August 2014. The Shire of Waroona provided a letter of support as Coastal Manager to the grant fund application.

The WAPC has advised that the application has been successful and requested the parties to the Coastwest Funding Agreement to execute the agreement documentation. The signing of the documents requires the application of the Shire of Waroona Common Seal.

PLANNING – STRATEGIC IMPLICATIONS

Waroona Foreshore Management Plan 2002.

The activities of CoastSWap and the agreement proposal relate to the general objectives of the Waroona Foreshore Management Plan and specifically Recommendation 32 which relates to the activities of a Coastal Management Committee.

REFERRALS

N/A



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

The Shire of Waroona provides an annual contribution of \$1,000 to CoastSWap. The \$8,800 funding from the WAPC will be paid to CoastSWap.

POLICY ISSUES/IMPLICATIONS**Policy 1.26 - Application of Shire of Waroona Common Seal**

Council can authorise the application of Shire of Waroona Common Seal to leases agreements and other relevant 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.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Division 3 of the Local Government Act 1995 deals with the Executive functions of local governments.

LEGAL ISSUES / IMPLICATIONS

CoastSWap will act as the Insuring and Reporting party in the agreement.

COMMUNITY CONSULTATION

N/A

OFFICER'S FINAL COMMENTS

The approved purpose of the CoastSWap Coastal Stakeholder Forums and Information Sharing Project is to plan and facilitate a series of 12 sub-regional coastal planning and management forums with key stakeholders throughout the south west of Western Australia (Mandurah to Walpole).

The main objectives of the project are to:

- Develop and retain a strong stakeholder network which can provide and offer support and advice where and when required;
- Identify and promote environmental, social and economically sustainable initiatives;
- Encourage co-operation and partnerships between key stakeholders;
- Provide opportunities for community input and involvement;
- Compile and share information;
- Identify areas that require improvement in coastal planning and management and assist to provide solutions.

Key activities will include:

- Coastal plans and strategies will be discussed at the forums where required, particularly in relation to identifying gaps where further planning is required.
- Information will be shared on how to best monitor, protect and maintain environmental values and qualities in the coastal zone, particularly through identifying best practice examples of successful projects.
- Sustainable recreational and tourist use of the coast will be discussed in regards to identifying solutions to issues such as off road vehicle impacts, coastal access infrastructure and dune protection and restoration.
- Community group involvement in these forums will assist to increase knowledge and build capacity through the sharing of information and advice and the development of potential partnership projects.

The methodology of the project includes:

- A part time project officer has been contracted to undertake this project.
- A work plan and agenda has been developed and four forums have subsequently commenced as of July 2014.
- Information is to be shared among relevant stakeholders, with main themes, case studies and key information compiled and shared through the broader CoastSWaP network.
- The project officer will work closely with organisations such as SWCC, PHCC, PNP, Local governments, DPaW and community groups to develop a forum schedule and specific agenda items from Sept 2014 - June 2015.
- A budget has been drafted for these forums with membership contributions received from CoastSWaP, local governments (Waroona Shire, Augusta Margaret River and City of Mandurah to date).
- The project officer reports to the CoastSWaP committee on a regular basis.

CONCLUSION

Apart from the annual financial contribution and the letter of support, there is no other formal requirement or responsibility from the Shire in regards to this project.

Given the above, it is recommended that Council resolves to authorise the application of the Shire of Waroona Common Seal to the agreement document.

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

Simple Majority

COUNCIL RESOLUTION

OCM14/11/135

MOVED: CR LOOK

SECONDED: CR WRIGHT

1. That in relation to the Coastwest Funding Agreement with the Western Australian Planning Commission and South West and Peel Coastal Management Group for the purposes of the CoastSWap Coastal Stakeholder Forums and Information Sharing Project, Council resolves to authorise the application of the Shire of Waroona Common Seal to the agreement document.

CARRIED 7/0

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Joe Dineley, Senior Finance Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 17/10/14	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers: 9.3.1
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COUNCIL RESOLUTION**OCM14/11/136****MOVED: CR WITNEY****SECONDED: CR LOOK****That Vouchers numbered:**

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7855 - 7899	\$32,922.77
Trust (Cheque/EFTs)	EFT 19114 & 19182 Cheque 11041	\$2,118.05
Electronic Transfers Municipal Fund	EFT 19112 to 19316	\$406,988.51
Direct Wages	01/10/2014 – 31/10/2014 inclusive	\$239,226.79
GRAND TOTAL:		<u>\$681,256.12</u>

and attached at Appendix 9.3.1 be endorsed.**CARRIED 7/0**

9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 31 OCTOBER 2014	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook - Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 17/10/14	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.2
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COUNCIL RESOLUTION**OCM14/11/137****MOVED: CR LOOK****SECONDED: CR DEW**

That the Monthly Statements of Financial Activity for the period 1 July 2014 to 31 October 2014 at Appendix 9.3.2 be received and noted.

CARRIED 7/0

9.3.3 ADOPTION OF 2013/14 ANNUAL REPORT	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 17.11.2014	File No.: 8/1
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995 – Section 5.35 & 5.55
Strategic Implications:	See heading below
Financial Implications:	Nil
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP): 6 ACHIEVE ACTIVE CIVIC LEADERSHIP	

PROPOSAL

The 2013/14 Annual Report (**provided under separate cover**) is to be presented to the Annual Meeting of Electors on Tuesday 16th December 2014.

STRATEGIC IMPLICATIONS

Preparation of the Annual Report and subsequent conduct of the Annual Electors meeting supports the Council's obligations pursuant to Community Strategic Plan objective No.6 "Achieve Active Civic Leadership".

Future annual reports will be required to comply with the "Integrated Planning & Reporting Framework". This will involve documenting compliance/progress/outcomes with the Council's Community Strategic Plan taking into account detailed objectives contained within the Corporate Business Plan.

Further details are provided at page 36 of the Annual Report.

REFERRALS

N/A

FINANCIAL IMPLICATIONS

N/A

POLICY ISSUES

Nil.

STATUTORY IMPLICATIONS

As above.

LEGAL ISSUES

Nil.

COMMUNITY CONSULTATION

The plan is required to be available for public consultation from Friday 28 November.

OFFICERS COMMENTS

In accordance with Section 5.54 and 5.55 the report is to be accepted by the Council and will then be available to the general public from Friday 28 November 2014. Hard copies and an electronic version will be made available.

Appendices Attached: (Separately Bound Document)	Yes	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM14/11/138

MOVED: CR SCOTT

SECONDED: CR WITNEY

That the 2013/2014 Annual Report for the Shire of Waroona be adopted.

CARRIED 7/0

9.3.4 LOCAL LAW – REPEAL OF LOCAL LAWS - BUSHFIRE BRIGADES; FENCING and TENNIS COURT FLOODLIGHTING	
Reporting Officer / Officer's Interest:	John Crothers, CCP; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 17 November 2014	File No.: 26/1
Previous Reference:	9.4.7 & 9.4.8 of 26 August 2014;
Policy Implications:	See detailed note
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

It is now proposed that the final necessary steps be taken to repeal two (2) old Local Law, as it is seen as being no longer relevant or applicable. These were reported to Council's meeting of 26 August 2014.

The **purpose and effect** of this repeal local law is to cause the old local laws to no longer have effect.

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

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 Laws were made over a decade ago and while they were relevant at that time, they now need to be repealed.

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 on 28 August 2014, and the period closed on 13 October 2014. No submissions have been received.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

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

The Presiding Officer is to read out the purpose and effect of the Local Law.

Appendices Attached: Yes	Appendices Numbers: 9.3.4
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VOTING REQUIREMENTS

Absolute Majority

The Shire President read aloud the purpose and effect of the Local Law as follows:

*“The **purpose and effect** of this repeal local law is to cause the old local laws to no longer have effect.”*

COUNCIL RESOLUTION

OCM14/11/139

MOVED: CR WITNEY

SECONDED: CR LOOK

1. That Council’s existing Local Laws applicable to “Bushfire Brigades” and “Fencing and Tennis Court Floodlighting” be repealed, and that the Local Law effecting such repeal, as attached at Appendix 9.3.4, be now adopted.
2. That all the necessary steps be taken to finalise the repeal process relating to this matter.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.3.5 LOCAL GOVERNMENT PROPERTY LOCAL LAW	
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 November 2014	File No.: 26/7
Previous Reference:	9.4.5 of 22 October 2013; & 9.4.5 of 17 December 2013; 9.4.3 of 22 April 2014; 9.4.6 of 26 August 2014; & 9.3.4 of 23 September 2014
Policy Implications:	Not Applicable
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

The proposal is for Council to consider the final adoption of a replacement Local Law applicable to various items of Council Owned/Controlled Property, but in particular being - Swimming Pools, Recreation Reserves, Foreshores, Parks and Gardens.

The ‘Purpose’ of this Local Law is to enable Council, and its staff and volunteer rangers, to regulate the care, control, and management of property of the local government, in particular the use of Council Owned/Controlled Properties.

The ‘Effect’ is that this Local Law is to control the use of Local Government property, and it includes providing that some activities are permitted only under a licence/permit, or that some 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.

The major amendments were previously considered by Council at meetings of 17 December 2013, 26 August 2014, and 23 September 2014.

Major changes were made compared to the old existing Local Law, of 2001, and these changes relate to certain prohibitions or to control certain activities of Foreshore areas, in particular, Preston Beach. The “designated” area at Preston Beach is shown on Schedule 2, being a map of the proposed 2x150 metre ‘No Fishing’ Zone.

The penalties were also changed, as the older ones were outdated. Schedule 1 lists the proposed modified Infringement Penalties. These are in line with a number of other ‘Coastal Council’ Penalties currently in force.

Other minor changes have been recently recommended by the legislative branch of the Depart of Local Government. A brief summary will be given at the meeting.

BACKGROUND/INITIAL COMMENTS

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



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

As stated under ‘Community Consultation’ below, the proposed amended Local Law was advertised on 25 September 2014, with submissions closing on 13 November 2014. No submissions were received.

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 ‘head of 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

As per the statutory requirements, the proposal was advertised for community comment for a minimum period of 42 days. The proposal was advertised on 25 September 2014 with closure of submissions being 13 November 2014. No submissions were received during this period.

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, then become legally enforceable laws.

Section 3.16 of the Local Government Act requires that a Local Law must be reviewed within an 8 year period, to determine whether it should be repealed or amended. There are also a number of other aspects which must also be considered at the time of the review.

The review has not identified any “National Competition Policy” [NCP] effects/implications by the adoption and enforcement of this amended Local Law. The new proposal follows that of a ‘model’ Local Law for Local Government Properties which is used by many Councils, but with ‘local’ additions/changes. No NCP issues apply.

Given that the item will become a “Law”, it is important that the all the particular parts are as exact as possible, and there are quite a few technical variations, and these will be discussed at the meeting. These do not impact or vary from the original intentions or the major changes in December 2013.

Section 3.12 (4) of the Local Government Act states that “After the last day for submissions, the local government may make the local law ... that is not significantly different from what was proposed”. Therefore it is recommended that Council now proceed to final adoption.

Following Council’s final adoption at this meeting, then the proposed new Local Law needs to be published in the Government Gazette. Then a final local public notice is given by way of a 14 day advertisement. The new provisions would then apply after the expiry of that period. Gazettal date is expected to be 2nd December 2014.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution is needed on the attached proposed Local Law. After the Council adopts this, it will be again sent to the Minister for Local Government, however the Department has already viewed the proposal a number of times.

This is the 3rd time in this calendar year that we have revised the proposal, with the latest changes proposed by a 4th DLG officer. It is hoped that the attached version will not only be considered satisfactory by the Department, but that it will also pass the scrutiny of other government bodies.

Copies of the proposal, and other supporting information, are then forwarded to the ‘Joint Standing Committee on Delegated Legislation’, which is a Committee of the State Parliament, for their assessment. This Committee will then ascertain the appropriateness of the proposal, and as to whether any sections/parts should be disallowed, or whether there is any inconsistency with any State Legislation.

Once all matters have received approval, and following the 14 days after the date of publication in the Government Gazette, the new law will become effective from 16 December 2014.

The Presiding Officer is to read out the purpose and effect of the Local Law.

Appendices Attached:	Yes	Appendices Numbers: 9.3.5
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VOTING REQUIREMENTS

Absolute Majority



The Shire President read aloud the purpose and effect of the local law as follows:

*“The ‘**Purpose**’ of this Local Law is to enable Council, and its staff and volunteer rangers, to regulate the care, control, and management of property of the local government, in particular the use of Council Owned/Controlled Properties.*

*The ‘**Effect**’ is that this Local Law is to control the use of Local Government property, and it includes providing that some activities are permitted only under a licence/permit, or that some 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.”*

COUNCIL RESOLUTION

OCM14/11/140

MOVED: CR WITNEY

SECONDED: CR DEW

- 1. That the proposed amended Local Government Property Local Law, as attached at Appendix 9.3.5, be adopted;**
- 2. That the proposed Infringement Penalties be adopted under sections 6.16 of the Local Government Act, and that these be advertised as Charges applicable from the date that this Local Law amendment becomes effective.**

CARRIED BY ABSOLUTE MAJORITY 7/0

9.3.6 FENCING LOCAL LAW	
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 November 2014	File No.: 26/5
Previous Reference:	9.4.5 of 26 August 2014
Policy Implications:	Not Applicable
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

This report is provided to Council to consider the final step of making the Shire of Waroona Fencing Local Law.

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

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

No major changes have been included since Council's last consideration on 26 August 2014

BACKGROUND/INITIAL COMMENTS

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

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

As stated under 'Community Consultation' below, the proposed amended Local Law was advertised on 28 August 2014, with submissions closing on 13 October 2014. No submissions were received.

Other minor changes have been recently recommended by the legislative branch of the Depart of Local Government. A brief summary will be given at the meeting.

STRATEGIC PLANNING – STRATEGIC IMPLICATIONS

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

REFERRALS

- Department of Local Government;
- Waroona community – inviting of public submissions;



State wide public notification.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

Minor extra expenses have been incurred, due to advertising.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Section 3.5 of the Local Government Act 1995 [as amended] provides the ‘head of 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. Such steps have been followed.

COMMUNITY CONSULTATION

As per the statutory requirements, the proposal was advertised for community comment for a minimum period of 42 days, from 28 August 2014 to 13 October 2014. No correspondence was received.

LEGAL ISSUES/IMPLICATIONS

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

Section 3.16 of the Local Government Act requires that a Local Law must be reviewed within an 8 year period, to determine whether it should be repealed or amended. There are also a number of other aspects which must also be considered at the time of the review.

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

Given that the item will become a “Law”, it is important that the all the particular parts are as exact as possible, and there are a few technical variations, and these will be discussed at the meeting.

Section 3.12 (4) of the Local Government Act states that “After the last day for submissions, the local government may make the local law ... that is not significantly different from what was proposed”. Therefore it is recommended that Council now proceed to final adoption.



Following Council's final adoption at this meeting, then the proposed new Local Law needs to be published in the Government Gazette. Then final local public notice is given by way of a 14 day advertisement. The new provisions would then apply after the expiry of that period. Gazettal date is expected to be 2nd December 2014.

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, however the Department has already viewed the proposal.

Copies of the proposal, and other supporting information, are then forwarded to the 'Joint Standing Committee on Delegated Legislation', which is a Committee of the State Parliament, for their assessment. This Committee will then ascertain the appropriateness of the proposal, and as to whether any sections/parts should be disallowed, or whether there is any inconsistency with any State Legislation.

Once all matters have received approval, and following the 14 days after the date of publication in the Government Gazette, the new law will become effective from 16 December 2014.

The Presiding Officer is to read out the purpose and effect of the Local Law.

Appendices Attached:	Yes	Appendices Numbers: 9.3.6
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VOTING REQUIREMENTS

Absolute Majority

The Shire President read aloud the purpose and effect of the local law as follows:

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

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

COUNCIL RESOLUTION

OCM14/11/141

MOVED: CR WITNEY

SECONDED: CR DEW

- 1. That the proposed Fencing Local Law, as attached at Appendix 9.3.6, be adopted;**
- 2. That the proposed Infringement Penalties be adopted under sections 6.16 of the Local Government Act, and that these be advertised as Charges applicable from the date that this Local Law amendment becomes effective.**

CARRIED BY ABSOLUTE MAJORITY 7/0



9.4 CHIEF EXECUTIVE OFFICER

9.4.1 WAROONA WAR MEMORIAL – SOUTH WEST HIGHWAY	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook – D/Chief Executive Officer; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report:	File No.: 176/1
Previous Reference:	9.4.3 of 28 October 2014 OCM14/10/129
Policy Implications:	<i>See heading below</i>
Statutory Implications:	NIL
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 3 "Maintain a Strong Sense of Community"	

PROPOSAL SUMMARY

That the previous Council resolution (OCM14/10/129) relating to the Waroona War Memorial be amended to include the direction relating to the out-of-budget expense amendment.

BACKGROUND/INITIAL COMMENTS

Previous Background /Initial Comments

Council included an amount of \$10,000 in the 2014/15 budget towards an initiative to commemorate the 100th anniversary of WWI.

At a joint meeting with the Shire President, Deputy President, Members of the Waroona RSL and a current defence personnel it was decided and agreed by all that an appropriate project would be to install another plinth on the current war memorial to honour all defence personnel in all Australian fought conflicts. The additional plinth would also raise the height of the current memorial by 200mm.

A site visit was undertaken and quotation for the work by Midland Monumental Works received, who have specialised in construction and upgrade of war memorials. The cost is \$15,180 (ex GST) - \$5,180 above the budget allocation. The quotation is being used as a basis for a grant application under the Saluting their Service grant sponsored by the Department of Veterans Affairs. The grant, if received, is a maximum of \$4,000 leaving the project still \$1,180 over budget.

Midland Monumental Works advise that if their quote is accepted it will take a minimum of 3 months to import the stone and another 2-3 weeks to complete the project. This time period does not take into account a potential delay throughout the Christmas period.

In view of the above, it is my recommendation to Council to amend the current budget from \$10,000 to \$16,000 (in case the \$4,000 grant is unsuccessful) to accommodate the project and accept the quote from Midland Monumental Works now so the stone can be ordered in time to have the project completed by ANZAC Day 2015.



PLANNING – STRATEGIC IMPLICATIONS

NIL

REFERRALS

NIL

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 3 "Maintain a strong sense of community".

FINANCIAL ISSUES/IMPLICATIONS

That the 2014/15 budget be amended to include the out of budget expenditure of \$6,000 in addition to the \$10,000 of already budgeted expenditure at the War Memorial.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

NIL

LEGAL ISSUES/IMPLICATIONS

NIL

COMMUNITY CONSULTATION

NIL

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Council resolved the following at the October 2014 Council meeting:

COUNCIL RESOLUTION

OCM14/10/129

MOVED: CR DEW

SECONDED: CR LOOK

That Council –

- 1. Approve the installation of an additional black granite plinth 3500mmx1600mmx200mm marked 'dedicated to all who served' on the base of the existing War Memorial, South West Highway, Waroona, as depicted in Appendix 9.4.3A.*
- 2. Accept the quotation attached at Appendix 9.4.3B submitted by Midland Monumental Works for \$15,180 (ex GST) to undertake the work.*
- 3. Waive Council Policy 3.3 condition requiring additional quotes based on any potential delay in the project commencing may have a detrimental effect in delivering the project by the due date.*

CARRIED BY ABSOLUTE MAJORITY 8/0



The above resolution requires a 4th point, as detailed below, to create the Budget amendment.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

OCM14/11/142

MOVED: CR SCOTT

SECONDED: CR LOOK

That Council resolution OCM14/10/129 be amended to include an additional item number 4 that the 2014/15 Budget be amended by increasing expenditure account 3644 by \$6,000 to a total of \$16,000.

CARRIED BY ABSOLUTE MAJORITY 7/0

10. CONFIDENTIAL REPORTS

10.1 ROAD RESERVE ABUTTING LOTS 13 & 14 RICHARDSON ROAD, WAROONA – LAND USE COMPLIANCE	
Reporting Officer / Officer's Interest:	Jason Robertson, Manager Health and Building Services / Nil
Responsible Officer / Officer's Interest	Louis Fouche – Director Development Services / Nil
Proponent:	Shire of Waroona
Landowner:	Mr GP Scally
Date of Report: 18 th November 2014	File No: 14/1: A462
Previous Reference:	OCM05/11:OCM07/14
Policy Implications:	Division 5: Policy No: 5.2 – Grazing Rural Road Reserves
Statutory Implications:	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996
Strategic Implications:	In Report
Financial Implications:	In Report
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme 6: Good Governance	

COUNCIL RESOLUTION**OCM14/11/143****MOVED: CR WITNEY****SECONDED: CR LOOK**

That in relation to the gates/fencing erected as well as rubbish and disused materials deposited on a portion of the road reserve abutting Lots 13 and 14 Richardson Road, Waroona, Council resolves to:

- 1. Initiate legal proceedings against Mr G P Scally, the landowner of Lot 4 Richardson Road, Waroona, as a result of non-compliance with Council Resolution OCM14/07/079 of 22 July 2014.**

CARRIED 6/1**For the Motion: Cr's Witney, Look, Salerian, Dew, Germain & Wright****Against the Motion: Cr Scott**

COUNCIL RESOLUTION**OCM14/11/144****MOVED: CR WITNEY****SECONDED: CR SCOTT**

That the meeting be closed to members of the public, to consider an item of a confidential nature regarding the nominations for the Australia Day and Meritorious Community Service Awards, the time being 5.00 pm.

CARRIED 7/0

Cr Witney and Cr Look declared a financial interest in Item 10.2 as they were employees of the Waroona Community Resource Centre, and left the meeting, the time being 5.00 pm.

Cr Germain declared an interest affecting impartiality in Item 10.2 as Chairperson of the Waroona Community Resource Centre Board.

Crs Wright and Scott declared an interest affecting impartiality in Item 10.2 as they are members of the Waroona Football Club.

10.2 CONFIDENTIAL ITEM - 2015 PREMIER'S AUSTRALIA DAY AWARDS AND THE SHIRE OF WAROONA MERITORIOUS COMMUNITY SERVICE AWARDS

Reporting Officer / Officer's Interest:	Tori Davis – Community Development Officer/ No interest.
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services/ No interest.
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 25 November 2014	58/1, 12/1
Previous Reference:	10.1 of 26 November 2013 (OCM13/11/118)
Policy Implications:	Policy 2.49 – Meritorious Community Service Awards & Premier's Australia Day Awards
Statutory Implications:	Nil
Strategic Implications:	Strategic Community Plan.
Financial Implications:	Advertising & staff costs. (Budgeted).
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

COUNCIL RESOLUTION**OCM 14/11/145****MOVED: CR SALERIAN****SECONDED: CR WRIGHT**

That in relation to the 2015 Premier's Australia Day Active Citizenship Award for a community group/event, that the award be made to the Anglican Op Shop group.

CARRIED 5/0

COUNCIL RESOLUTION

OCM 14/11/146

MOVED: CR SCOTT

SECONDED: CR WRIGHT

That in relation to the Shire of Waroona Meritorious Community Service Award - under 25 years, there be no award given for this category.

CARRIED 5/0

Crs Witney and Look returned to the meeting, the time being 5.21 pm.

COUNCIL RESOLUTION

OCM 14/11/147

MOVED: CR WITNEY

SECONDED: CR SALERIAN

- 1. That Council waive Policy 2.49 Clause 4 to allow 3 awards for the Over 25 category of the 2015 Meritorious Community Service Awards.**
- 2. That the 2015 Meritorious Community Service Awards - over 25 years category be made to Gloria Johnson, John Watson and Mike Walmsley.**
- 3. That the 2015 Premier's Australia Day Active Citizenship Award - under 25 years category be made to Bradley Vitale.**
- 4. That no award be made for the 2015 Premier's Australia Day Active Citizenship Award - over 25 years category, as there were no nominations received.**

CARRIED 7/0

COUNCIL RESOLUTION

OCM14/11/148

MOVED: CR WITNEY

SECONDED: CR LOOK

That the meeting proceed in public, the time being 5.45 pm.

CARRIED 7/0



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

Nil.

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

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 6.33 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 16 DECEMBER 2014 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

