



**Date: 19 February 2015**

**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 24 February 2015 at 4.00pm to consider and resolve the matters set out in the attached Agenda.**

A handwritten signature in black ink, which appears to read 'Ian Curley', is placed on a light-colored 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.

**TABLE OF CONTENTS**

1. DECLARATION OF OPENING/ANNOUNCEMENTS..... 4

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED ..... 4

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE ..... 4

4.1 PUBLIC QUESTION TIME ..... 4

4.2 PUBLIC STATEMENTS ..... 4

5. APPLICATIONS FOR LEAVE OF ABSENCE..... 4

6. DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS..... 4

7. PETITIONS/DEPUTATIONS/PRESENTATIONS ..... 4

8. CONFIRMATION OF MINUTES ..... 4

8.1 ORDINARY COUNCIL MEETING – 16 DECEMBER 2014 ..... 4

8.2 EMERGENCY SPECIAL COUNCIL MEETING - 3 FEBRUARY 2015 ..... 4

9.0 REPORTS OF OFFICERS AND COMMITTEES ..... 5

9.1 DIRECTOR TECHNICAL SERVICES..... 5

9.1.1 HESSE STREET PROJECT FUNDING REALLOCATION ..... 5

9.1.2 LAWN MOWER CHANGEOVER ..... 8

9.2 DIRECTOR DEVELOPMENT SERVICES ..... 11

9.2.1 LOT 1000, PRESTON BEACH ROAD NORTH, PRESTON BEACH – RENEWAL OF TEMPORARY PLANNING APPROVAL FOR WIND MONITORING MAST ..... 11

9.2.2 LOT 11, BRISTOL ROAD, WAROONA – TRANSFER OF EXTRACTIVE INDUSTRY LICENSE..... 17

9.2.3 LOT 1000 PRESTON BEACH ROAD NORTH, PRESTON BEACH - PROPOSED SUBDIVISION..... 23

9.2.4 LOT 55 BOUVARD PLACE, PRESTON BEACH – CLOSURE OF PEDESTRIAN ACCESS WAY ..... 30

9.2.5 OLD BUNBURY ROAD AND DORSETT ROAD, WAROONA – MOBILE VENDOR – LANDOWNER’S CONSENT AND USE NOT LISTED DETERMINATION..... 33

9.2.6 PROPOSED ROAD NAME FOR HARVEY RIVER WOOD ESTATE – LOT 3, SOUTHERN ESTUARY ROAD, LAKE CLIFTON..... 38

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES ..... 42

9.3.1 ACCOUNTS FOR PAYMENT ..... 42

9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 31 DEC 2014 AND 1 JULY 2014 TO 31 JAN 2015..... 43

9.3.3 BUDGET REVIEW FOR THE PERIOD 1 JULY 2014 TO 31 JAN 2015..... 44

9.3.4 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN – JANUARY 1, 2014 TO DECEMBER 31, 2014..... 52

9.3.5 APPLICATION TO KEEP THREE DOGS LOT 500 (No.21) KING STREET WAROONA ..... 54

9.4 CHIEF EXECUTIVE OFFICER..... 57

10. CONFIDENTIAL REPORTS .....57

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING .....57

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION .....57

12.1 ELECTED MEMBERS..... 57

12.2 OFFICERS ..... 57

13. CLOSURE OF MEETING .....57



# **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 – 16 December 2014**

**OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting held 16 December 2014 be confirmed as being a true and correct record of proceedings.**

- 8.2 **EMERGENCY SPECIAL COUNCIL MEETING - 3 February 2015**

**OFFICER RECOMMENDATION**

**That the Minutes of the Emergency Special Council Meeting held 3 February 2015 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 HESSE STREET PROJECT FUNDING REALLOCATION</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	File No.: 131/1
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	See heading below
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 “Assets, Resources, Financial Management &amp; Sustainability”</b>	

**PROPOSAL SUMMARY**

To present to Council the reasoning behind the transfer of additional funds to the Hesse Street Project.

**BACKGROUND/INITIAL COMMENTS**

The current project on Hesse Street is funded by the Royalties to Regions program via the Country Local Government Fund. When these funds became available it was seen as an opportunity to complete the reconstruction of Hesse Street in one financial year, as the scope of the works would ordinarily be beyond the financial capability of Council, and to carry out staged works over a number of years would have been impractical given the nature of the problems in that particular section of Hesse Street and the fact that it is a residential street.

Council received \$466,475 in funding from the CLGF, with the addition of interest accrued from the term deposit. All of these funds were reserved for the Hesse Street project only. Therefore, the project scope had to match the funding rather than a design being prepared and costed and an appropriate level of funding sought subsequently.

Fortunately it is projected (as the project is not yet complete) that these funds will go very close to completing the project under the current scope of works. This will see a section of Hesse Street from Thatcher to Iseppi Street completely reconstructed, and the remainder of the section from Iseppi to Hair Streets left essentially as is (as there are no structural problems in the remainder) and the entire section asphalt sealed. It is anticipated that the project will likely exceed budget in the order of \$20,000, however it is recommended that Council approve an amended amount of up to \$50,000 in order to cover any contingencies that may arise.

No additional funds can be sought from CLGF to cover any over expenditure, however there is an opportunity to source funds from the Roads to Recovery program as needed. Council has \$188,000 of RtR funding in the 2014/15 budget to be spent on Somers Road (\$100,000) and McClure Road (\$88,000). It is a simple matter to



adjust the RtR program to redirect some of the funding from Somers Road to Hesse Street to cover any over expenditure while maintaining the total draw down of \$188,000. This will meet with the approval of the RtR program as such adjustments are relatively common and the program allows for it.

**PLANNING – STRATEGIC IMPLICATIONS**

Nil

**REFERRALS**

Nil

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability”

**FINANCIAL ISSUES/IMPLICATIONS**

An amount of funds in the order of \$50,000 but yet to be determined will be taken from the Somers Road - Roads to Recovery project and redirected to the Hesse Street project. As both of these projects fall under the same general ledger number and the transfer does not affect the bottom line, there are no major budget implications. A budget amendment however will be made within the works ledger.

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The impact to the Somers Road project is minimal, as the total project cost, funded by the Commodities Routes Supplementary Program, Roads to Recovery program and Reserve funding (Water Corporation contribution) is currently \$300,000. Therefore the reallocation of an amount of funding as anticipated will require only a minor adjustment to the scope of works which can easily be accommodated.

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

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council reallocate an amount up to \$50,000 from the Roads to Recovery Somers Road reconstruction (Job - RC20) to Hesse Street reconstruction (Job – RC06) to enable full completion of Hesse Street in the 2014/15 financial year.**

<b>9.1.2 LAWN MOWER CHANGEOVER</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 13 <sup>th</sup> February 2015	File No.: WRFQ 01/15
Previous Reference:	Nil
Policy Implications:	Nil
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 "Assets, Resources, Financial Management &amp; Sustainability"</b>	

### **PROPOSAL SUMMARY**

To approve the disposal of Council's reel mower and purchase of a front deck mower with catcher.

### **BACKGROUND/INITIAL COMMENTS**

For some years, certain areas of Council's high maintenance grassed areas have been mowed by a contractor as Council, at the inception, did not have the expertise and equipment necessary to carry out the works 'in house'. Recently the contractor has decided to discontinue the service and move away from the area.

Following discussion with the Parks and Gardens Team Leader and the Manager Works and Services it has been determined that mowing previously done by the contractor can be performed 'in house'.

Council owns a Toro Reelmaster 3100D reel mower which is underutilised due to the fact that the large tractor mounted mower can and does carry out most of the mowing tasks which would otherwise be carried out by a reel type mower. Therefore it is proposed that this reel mower be traded in on a machine suited to the mowing tasks at hand.

Officers sought six quotes from suitable providers as per quote document WRFQ 01/15, and received the following responses:

T-Quip Turf Equipment Solutions

Supply of One Only Used Gianni Ferrari TG730 Mower with Catcher \$18,000 (ex gst)

Supply of One Only New Gianni Ferrari Mower \$36,000 (ex gst)

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil





**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability”

**FINANCIAL ISSUES/IMPLICATIONS**

Council’s officers recommend that Council accept the supply and delivery of a used Gianni Ferrari TG730 Mower based on the trade of the existing Toro Reelmaster 3100D at an estimated total changeover of \$2000 (ex GST). It is further recommended that council utilise the funds gained from the sale of surplus plant and equipment from Tender 2015/01 for the purchase of the mower.

Tender 2015/01 was for the disposal of various items of surplus goods and abandoned items etc and resulted in income of \$3211 (inc gst)

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

The quote 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**

Nil

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

Absolute Majority

**OFFICER RECOMMENDATION****That Council:**

- 1. Purchase one Used Gianni Ferrari TG730 Mower from T-Quip Turf Equipment Solutions for the price of \$18,000 (ex GST), notwithstanding any major price variations.**
- 2. Accept the trade in value of \$16,000 (ex GST) for Council's existing Toro Reelmaster 3100D offered from T-Quip Turf Equipment Solutions.**
- 3. Amend the 2014/15 adopted budget as follows;**
  - Account 13554 increased expenditure by \$18,000 from \$94,500 to \$112,500**
  - Account 135750 increased by \$16,000 to receive trade-in value from asset sale**

**9.2 DIRECTOR DEVELOPMENT SERVICES**

<b>9.2.1 LOT 1000, PRESTON BEACH ROAD NORTH, PRESTON BEACH – RENEWAL OF TEMPORARY PLANNING APPROVAL FOR WIND MONITORING MAST</b>	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services / Nil
Proponent:	TPG Town Planning Urban Design and Heritage
Landowner:	Cape Bouvard Investments Pty Ltd
Date of Report: 30 January 2015	File No.: TP1727
Previous Reference:	TP1368, TP1098
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:	Nil.
<b><i>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</i></b>	

**PROPOSAL SUMMARY**

Council is requested to consider an application for Planning Consent for temporary approval (4 years) for a wind monitoring mast at Lot 1000 Preston Beach Road North, Preston Beach. The mast and associated wind monitoring equipment have been in place for approximately seven years.

The wind monitoring mast is:

- constructed of tubular steel with a face width of 650 millimetres;
- 80 metres high;
- supported by 24 guy wires that extend from various points of the tubular mast to the ground; and
- supported by guy wires that extend a distance of 45m to 55m from the base of the mast in a two way direction.

A location and site plan can be seen in **APPENDIX 9.2.1A**, and the elevation plan can be seen at **APPENDIX 9.2.1B**.

**BACKGROUND / INITIAL COMMENTS**

Lot size	189.65ha
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Existing improvements	Wind monitoring mast
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The subject lot is 189 hectares in area and is covered predominantly by scattered vegetation with some areas of dense vegetation. The lot is bordered by land in the City of Mandurah to the north, Yalgorup National Park to the west and east and private land to the south.

The wind monitoring mast is located on the subject lot in the position as shown on the submitted site plan at **APPENDIX 9.2.1A**. Council approved the erection of the wind monitoring mast at the Ordinary Council Meeting of December 2008 for a period of 30 months. Planning approval for the wind monitoring mast expired in June 2010. Council again approved the wind monitor at the Ordinary Council Meeting on 16 December 2010 for a period of 4 years.

The wind monitoring mast is used to assess the potential of the site to harness wind power. The wind monitoring mast records wind speeds at a height to help determine site suitability for wind power generation.

It should be noted that a private airstrip is located on a property 500 metres to the south of the subject lot.

### **Previous Applications**

SD119271 – 24 lot Subdivision – 9 February 2012 – Withdrawn;  
 SD151094 – 22 lot subdivision – Lodged 17/ December 14 – Ongoing;  
 TP1098 – Wind mast and associated cyclone fencing – approved by Council on 9 January 2008; and  
 TP1368 – Renewal of Wind monitoring mast – approved by Council on 16 December 2010.

### **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 —

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

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

The subject lot is located within the 'Rural 3A – Coastal' zone under the Shire of Waroona Town Planning Scheme No. 7 (TPS) and is therefore subject to Clause 4.14.8 of the Scheme, which relates specifically to that zoning.

Council's objective will be to ensure continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road and the traffic management requirements of that road by:-

- (a) ensuring that rural pursuits are consistent with achieving the objective;



- (b) permitting, at Council discretion in accordance with the requirements of its Policy, other uses, additional, or special uses, appropriate to the objective and to the location of the zone including establishment of commercial uses in accordance with the provisions of Tables 1 and 2 on the lots zone subject to:
- satisfactory advice from the Department of Conservation and Land Management and the Environmental Protection Authority, that the proposed use will not impact detrimentally on Yalgorup National Park;
  - a building setback from the lot frontage of Old Coast Road of fifty metres, and satisfactory landscaping within the setback area.

As the use is not specifically mentioned in the Zoning Table, the use needs to be determined in terms of Clause 4.2.5.

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

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

- (a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) Include the other options under this clause.

Clause 6.12.1 of the Scheme states that unless otherwise approved no building shall be erected with the apex of the roof exceeding 9.0 metres in heights above natural ground level.

Clause 8.4 – Temporary planning approval, states, where the Council grants planning approval, the Council may impose conditions limiting the time period of time for which the approval is granted.

## **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 Coastal Precinct of the LPS, specifically the General Agriculture sub precinct. It is the Shire's objective to provide for the continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

The LPS also specifies that lots subject of development, other than a single dwelling, are to have a gazetted road frontage. Ecologically viable areas of priority vegetation are to be considered for protection.

## **COMMUNITY CONSULTATION**



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

The objective of this policy is to ensure that an appropriate level of community consultation 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 for a use not listed with local impact is to be advertised to owners and occupiers of affected neighbour properties for a period of 21 days.

A schedule of submissions received is at **APPENDIX 9.2.1C**.

### **EXTERNAL REFERRAL**

The Civil Aviation Safety Authority and the Department of Parks and Wildlife had no comments to make on the application.

### **INTERNAL REFERRAL**

The Manager of Environmental Health and Building Services stated there were no concerns with the proposal.

The Director of Technical Services stated there were no concerns with the proposal.

### **FINANCIAL ISSUES / IMPLICATIONS**

None.

### **OFFICER RECOMMENDATION**

#### TPS

Given that the application is for a “use not listed”, the process in Clause 4.2.5 of the TPS needs to be followed. In summary Clause 4.2.5 states that in order to determine a use not listed under the Scheme, the objectives of the particular zone in which the use is proposed must be considered.

Clause 4.7.1 of the Town Planning Scheme lists the objectives and Policies for the Rural 3A – Coastal zone and the proposed land use can be assessed against the objectives of the zone.

In essence Council’s objective is ensure continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road and the traffic management requirements of that road.

On two previous occasions Council has granted temporary approval for the existing wind monitoring mast. The Shire has received no objections from local neighbours, the Civil Aviation Safety Authority and the Department of Parks and Wildlife. Over the past seven years that the mast has been in place, no objections been received..

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



The proposed wind monitoring mast is not inconsistent with the aims and principles towards achieving Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

#### Local Planning Strategy (LPS)

The proposed wind monitoring mast land use is not listed as a primary or discretionary use within the LPS, however the wind monitor is not considered to be inconsistent with the objective of the General Agricultural precinct..

The LPS requires a gazette road frontage to the subject lot, it is thought that the current access being sought from Preston Beach Road North from the south along the existing north-south access easement is satisfactory. The Shire's Technical Services Directorate did not raise any issues in relation to access.

In relation to the LPS requirement to protect ecologically viable areas of priority vegetation, a condition has been added that requires that once the wind monitoring mast is dismantled that the site be reinstated to the satisfaction of the Shire of Waroona. This enables the Shire to ensure that site is appropriately left once the mast is removed. It is also noted that the location of the existing mast and equipment on site did not have a significant impact on vegetation on the site.

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

In accordance with the TPS and LPP1, the application was advertised to adjoining neighbours.

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

#### External Referral

The Civil Aviation Safety Authority and the Department of Parks and Wildlife have not raised any concerns with the application.

#### Internal Referral

Internal departments have not raised any issues with the proposal.

#### Conclusion

The two previous planning approvals required the applicant to install a flashing beacon on the top of the mast to ensure aircrafts within the vicinity can identify the structure; therefore the condition has been included in the officer recommendation.

In accordance with the previous planning approval, a condition has been added requiring that vegetation is replanted in the vicinity of the wind monitoring mast after its deconstruction by way of implementation of a Landscape Plan.

Following the above assessment the proposed temporary planning approval application for the wind monitor is not considered to create any significant adverse effects on the amenity of the area and meets the requirements and objectives of the TPS, LPS and LPP 1. Therefore it is recommended that the application be approved in accordance with Clause 8.4 of the TPS for a period of 4 years.

<b>Appendices Attached:</b>	<b>Yes</b>
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<b>Appendices Numbers:</b> 9.2.1A,B C
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### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICERS RECOMMENDATION**

That in relation to the proposed temporary planning approval for a Wind Monitoring Mast on Lot 1000, Preston Beach Road North, Preston Beach, and pursuant to Clauses 4.2.5 and 8.4 of the Shire of Waroona Town Planning Scheme No.7 1996 Council resolves:

- A. To determine that the proposed development is consistent with the objectives of the Rural 3A – Coastal zone and is therefore permitted subject to the following conditions:**
- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans, unless otherwise required or agreed in writing by the Shire of Waroona.**
  - 2. The wind monitoring mast and associated equipment hereby approved shall be deconstructed and all materials removed from site within four years of the date of this approval unless an extension of approval time (in accordance with condition 5) is granted by Council in writing.**
  - 3. After removal of the wind monitoring mast and associated equipment from the site as per condition 2, the land shall be reinstated to the satisfaction of the Shire of Waroona.**
  - 4. A flashing/rotating beacon shall be installed at the top of the wind monitoring mast to the satisfaction of the Shire of Waroona. The beacon shall be maintained on the mast to the satisfaction of the Shire of Waroona.**
  - 5. This approval shall expire after four years of the date of approval, or within any extension of time which upon written application to Council (made at least 60 days prior to the expiry of the approval) further approval is granted by Council in writing.**

#### **ADVICE TO APPLICANT:**

- A. With regard to condition 2, the proponent is advised to contact the Civil Aviation Safety Authority to ascertain the appropriate standard of beacon.**



<b>9.2.2 LOT 11, BRISTOL ROAD, WAROONA – TRANSFER OF EXTRACTIVE INDUSTRY LICENSE</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner / Nil
Responsible Officer / Officer's Interest:	Louis Fouché – Director Development Services / Nil
Proponent:	Charles Hull Contracting Pty Ltd
Landowner:	V. R. Nominees Pty Ltd
Date of Report: 2 February 2015	File No.: EI31
Previous Reference:	OCM13/2/007 OCM08/008
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 Strategic Community Plan 2014/15-2023/24
Financial Implications:	Extractive Industry License Annual Fee
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.	

### **PROPOSAL SUMMARY**

An application has been received for the transfer of the existing extractive industry (EI31) license at Lot 11 Bristol Road, Waroona. (**See Appendix 9.2.2A – Location Plan**).

The current operator Charles Hull Contracting Pty Ltd is transferring the operation of the Extractive Industry to the owner of the property, V. R. Nominees Pty Ltd.

The approval of the application will transfer all the existing conditions on the approved Extractive Industry license (EI31) for the removal of sand on the subject lot to the new operator.

### **BACKGROUND / INITIAL COMMENTS**

The Extractive Industry licence (EI31) was approved together with the planning consent application (TP1526) which was approved on 25 February 2013. The planning consent and licence are due to expire on 25 February 2018 and will have to be renewed prior to this date. (**See Appendix 9.2.2B**).



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

### **Previous Applications**

In addition to TP1526 and the associated existing extractive industry licence (EI31), the following planning consent has been issued on the subject lot:

TP1085 – Application for Planning Consent for an Extractive Industry approved 9 January 2008.

### **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 11 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 agreed 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 Strategic Community Plan 2014/15-2023/24

This item relates to achieving Theme number 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. 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 (EI31).

#### **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 11, Bristol Road, was made in writing, signed by the existing licensee and the 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 (EI31).

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.

#### 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 extractive industry license 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 11, Bristol Road will facilitate the continued operation of the site. This transfer will have no impact on the current Extractive Industry planning consent approval for Lot 11. It is recommended that all existing extractive industry licence conditions are to be applicable on the transferred 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: 9.2.2A &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 (EI31) on Lot 11, Bristol Road, Waroona, Council resolves:**

- A. To approve the Extractive Industry Licence transfer from Charles Hull Contracting PTY LTD to V. R. Nominees PTY LTD, subject to;**
- 1. All licence conditions in Extractive Industry Licence EI31 as approved by Council on 25 February 2013.**
  - 2. The provisions of the Shire of Waroona Extractive Industries Local Law (1999).**
  - 3. The Licence expiring on 25 February 2018.**

<b>9.2.3 LOT 1000 PRESTON BEACH ROAD NORTH, PRESTON BEACH - PROPOSED SUBDIVISION</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services / Nil
Proponent:	TPG Town Planning, Urban Design and Heritage
Landowner:	Cape Bouvard Investments PTY LTD
Date of Report: 9 February 2015	File No.: SD151094
Previous Reference:	SD119271
Policy Implications:	State Planning Policy 2.5 - Agricultural and Rural Land Use Planning WAPC Development Control Policy 1.1. & 3.4
Statutory Implications:	Planning and Development Act 2005 Planning and Development Regulations 2009 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:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

### **PROPOSAL SUMMARY**

A Western Australian Planning Commission (WAPC) referral was received for an application to subdivide Lot 1000 Preston Beach North Road, Preston Beach. See site location plan at **APPENDIX 9.2.3A** and proposed plan of subdivision at **APPENDIX 9.2.3B**.

This application proposes to subdivide lots 2240, 2275, 2657 and 3045 Preston Beach Road North within the City of Mandurah and Lot 1000 Preston Beach Road North within the Shire of Waroona. A total of 18 lots are proposed - 15 lots within the City of Mandurah and 3 lots within the Shire of Waroona.

The lots proposed within the Shire of Waroona are as follows:

- Proposed Lot 16 – 99.9056Ha
- Proposed Lot 17 – 20.298Ha conservation lot
- Proposed Lot 18 – 62.0095Ha

Access to the subject site is currently via a right of carriageway easement over lot 1001 and 1002, linking Lot 1000 to Preston Beach Road North. It is proposed that this would serve as the primary access to the subdivided lots, with a secondary access to the north via Quail Road within the City of Mandurah.

## **BACKGROUND/INITIAL COMMENTS**

The proposal is referred to Council as the proposed subdivision does not comply with the minimum lot size specified in the Shire of Waroona's Local Planning Strategy 2009.

The subject land is bounded by the Yalgorup National Park on the eastern and western sides, lots 2240, 2275, 2657 and 3045 in the City of Mandurah to the north and Lot 1001 and Lake Pollard to the south.

### Previous Approvals

- TP1098 – Application for planning consent for Wind Monitoring Mast approved 9 January 2008.
- TP1368 – Application for planning consent for Wind Monitoring Mast approved 16 December 2010.
- TP1727 – Application for planning consent for Wind Monitoring Mast yet to be determined by Council.
- SD119271 – Application for subdivision of Lots 1000, 2240, 2275, 2657 and 3045 Preston Beach Road North withdrawn by applicant 9 February 2012.

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

### Planning & Development Act 2005

#### Section 135, No Subdivision etc. without approval states:

- (1) A person is not to —
  - (a) subdivide any lot; or
  - (b) amalgamate any lot with any other lot, whether within the same district or otherwise; or
  - (c) lay out, grant or convey a road, without the approval of the Commission.

#### Section 142, Consultation requirements as to proposed subdivision states:

- (1) When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.
- (2) A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —
  - (a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and
  - (b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme





(as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.

- (3) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

#### Planning & Development Regulations 2009

##### Section 21, (Matters to be considered on application for subdivision) states:

When considering a section 135 application, the Commission must have regard to all relevant matters including but not limited to these —

- (a) the size, shape and dimensions of each lot;
- (b) the services available to each lot;
- (c) drainage of the land;
- (d) access to each lot;
- (e) the amount of public open space to be provided;
- (f) any relevant planning scheme;
- (g) any relevant regulations made by the Minister under the Act;
- (h) any relevant local laws relating to town planning.

#### Peel Region Scheme (PRS) 2003

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

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

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

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

The subject lot is located within the ‘Rural 3A – Coastal’ zone under the Shire of Waroona Town Planning Scheme No. 7.

Clause 4.14.1 Objectives & Policies of the TPS states:

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 policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;



- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run off to the Peel-Harvey Estuary including protection of remnant vegetation;
- maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.4.

### **STRATEGIC COMMUNITY PLAN ISSUES/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 use in the Shire.

### **FINANCIAL IMPLICATIONS**

Nil

### **PLANNING – STRATEGIC IMPLICATIONS**

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

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

Section 4. – Objectives of this policy, states:

- a) To protect rural land from incompatible uses by:
  - i) requiring comprehensive planning for rural areas;
  - ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
  - iii) providing investment security for the existing and future primary production sector.
- b) To promote regional development through provision of ongoing economic opportunities on rural land.
- c) To promote sustainable settlement in, and adjacent to, existing urban areas.
- d) To protect and improve environmental and landscape assets.
- e) To minimise land use conflicts.

#### **WAPC Development Control (DC) Policy 1.1 - Subdivision of Land - General Principles**

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



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

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

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

Section 2 – Policy objectives states this operational policy guides the subdivision of rural land to achieve the five key objectives of SPP 2.5 – Land use planning in rural areas (see State Planning Policy 2.5).

Section 6 – Circumstances under which rural subdivision may be considered states:

In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances:

a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;

Section 6.3 Property rationalisation to improve land management states:

Many rural properties comprise multiple titles and landowners may wish to subdivide to achieve better land management. Subdivision may also present opportunities to create access to landlocked lots. Multiple lots in one ownership may be rationalised provided that:

- a) there is no increase in the number of lots;
- b) the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;
- c) no new roads are created, unless supported by the local government;
- d) new vehicle access points on State roads are minimised; and
- e) rural living sized lots (1-40ha) created as a result of the rationalisation have appropriate buffers from adjoining farming uses and may have notifications

placed on title advising that the lot is in a rural area and may be impacted by primary production.

#### Local Planning Strategy (LPS) 2009

The subject land is located within the Coastal Precinct under the LPS and identified as General Agriculture. The objective of the General Agriculture designation is to provide for the continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

A minimum lot size of 80 hectares is specified for the General Agriculture area.

#### **COMMUNITY CONSULTATION**

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

#### **INTERNAL REFERRALS**

The Manager Environmental Health and Building Services stated that there are no concerns with the proposal.

The Director of Technical Services recommended that relevant conditions in relation to road access from the Model Subdivision Conditions Schedule be applied, should the Shire support the approval of the application.

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

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

The Council's objective for the land zoned Rural 3A 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.

The proposed subdivision seeks to create lots that are not in accordance with the lot size requirements of the LPS. This is considered not to be in accordance with the objectives of the zone.

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

The proposal is inconsistent with this policy in the following way:

- This application is not in accordance with the relevant Local Town Planning Strategy. (*See LPS section in Officer Comments*).
- This application proposes the creation of lots without constructed vehicle access from the gazetted public road system to each new lot.

##### WAPC Development Control (DC) Policy 3.4 - Subdivision of Rural Land

The proposal is inconsistent with this policy as the subdivision is not consistent with the LPS. Policy 3.4 states that subdivision of Rural Land should be properly planned through the preparation of regional and local planning strategies, as has occurred

within the Shire. The fact that the proposal does not comply with Council’s LPS results in non-compliance with DC Policy 3.4.

Shire of Waroona Local Planning Strategy 2009 (LPS)

The proposed lots fail to meet the minimum lot size of 80 Ha required in the LPS. Creation of lots that do not meet the minimum lot size requirements of the LPS without sufficient justification would be contrary to proper and orderly planning.

Conclusion

The proposed subdivision is inconsistent with the LPS as it fails to meet the minimum lot size requirement, therefore making the application inconsistent with DC Policies 3.4 and 1.1. The application is also inconsistent with DC Policy 1.1 as it proposes the creation of lots that would be primarily accessed via a Right of Carriageway easement, rather than a gazetted public road.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.3A &amp; B</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council, in respect to application SD151094 for the subdivision of Lot 1000, Preston Beach Road North, Preston Beach, respond to the Western Australian Planning Commission recommending refusal of the application for the following reasons:**

- 1. The application does not meet the minimum lot size requirements of the Shire of Waroona Local Planning Strategy 2009, and is therefore inconsistent with WAPC Development Control Policies 1.1 and 3.4.**
- 2. The application is inconsistent with WAPC Development Control Policy 1.1 as it proposes the creation of lots without gazetted road frontage.**
- 3. Approval of the application would be contrary to orderly and proper planning.**



<b>9.2.4 LOT 55 BOUVARD PLACE, PRESTON BEACH – CLOSURE OF PEDESTRIAN ACCESS WAY</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner / Nil
Responsible Officer / Officer's Interest:	Louis Fouché – Director Development Services / Nil
Proponent:	Bruno Tassone
Landowner:	State of Western Australia
Date of Report: 9 February 2015	File No.: 132/1
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Land Administration Act 1997
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	Cost of Advertising – Approximately \$100
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> Theme 4: Society / Community Wellbeing: Maintain a Strong sense of community; Effective Community Wellbeing	

### **PROPOSAL SUMMARY**

Council is requested to consider a written proposal from a landowner adjoining Pedestrian Access Way (PAW) at Lot 55 on Plan 10667, located between Lot 270 Bouvard Place and Lot 334 Bouvard Place, Preston Beach, requesting that the PAW be closed. The proponent has also indicated an interest in the purchase of the land in question.

A copy of the location plan of the subject PAW is at **Appendix 9.2.4**.

### **BACKGROUND / INITIAL COMMENTS**

The subject PAW is currently undeveloped and void of vegetation. The land slopes downward towards the south, leading into an area of steep descent towards the golf course. The lot covers an area of 40m<sup>2</sup>.

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

#### **Land Administration Act 1997 (the Act)**

Section 58 of the Act sets out the community consultation required to be undertaken as part of the procedure for closing a PAW.

Section 74 of the Act provides the Minister with the powers to sell Crown land.

Section 87 deals with 'Minister may convey in fee simple or lease Crown land for subsequent amalgamation with adjoining land' and states that "*if the Minister considers that a parcel of Crown land is unsuitable for retention based on good land use and planning principles, the Minister may, by order amalgamate that parcel with the adjoining land*".

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

Council is required to follow the formal process of closing the existing PAWs as defined by the Land Administration Act 1997 and the associated practice manuals of the Department of Planning (DoP) and Department of Lands. The general practice for closing a PAW involves consideration of the broader pedestrian/cyclist access and, where relevant, a permeability assessment. The assessment covers the physical attributes of the proposed PAW to be closed, the connectivity assessment, where the PAW is located in respect to community facilities, research on relevant texts and literature pertaining to PAWs, referrals and consultation with agencies and infrastructure providers and the community, an inspection and assessment of the PAW showing photos and an evaluation of travel distances etc. At the completion of all stages this assessment is to be submitted to Western Australian Planning Commission (WAPC) for endorsement.

The Department of Lands will not progress any closure until the Department of Planning (DoP) has consented to the closure and the Council has resolved to close the PAW. In this regard, it should be noted that the Minister for Lands retains the final statutory discretion on the disposal of the PAW under the powers contained in the Land Administration Act 1997.

### Crown Land Administration and Registration Practice Manual (Manual)

Section 5.8.2 of the Manual sets out the procedure for the closure and sale of a PAW as required under the Land Administration Act 1997. In assessing, advertising and making recommendations on the proposed closure the Shire is required to fulfil the obligations of the Act as set out in the Manual.

### WAPC Procedure for closure of Public Access Ways Planning Guidelines (Guidelines)

The Guidelines set out the procedure for the assessment, consultation and approval of the closing of a PAW. The Guidelines refer to the requirements of the Land Administration Act 1997 and provide details of the assessment undertaken by the WAPC in considering a request for PAW closure.

## **PLANNING – STRATEGIC IMPLICATIONS**

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

This item relates to achieving Theme 4: Society / Community Wellbeing: Maintain a Strong sense of community; Effective Community Wellbeing

## **COMMUNITY CONSULTATION**

If Council resolves to initiate the closure of the PAW, community consultation will be undertaken in accordance with Section 58 of the Land Administration Act 1997, where adjoining landowners and relevant service providers will be given the opportunity to comment on the proposed closure of the PAWs.

The Shire has received a letter from the owners of Lot 270 (No. 1) Bouvard Place, Preston Beach stating that they have no objection to the proposed closure.

**INTERNAL REFERRAL**

Internal technical comments will be sought during the consultation period.

**FINANCIAL ISSUES / IMPLICATIONS**

Cost of Advertising – approximately \$100

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The PAW in question is currently not constructed for pedestrian access, nor are there any immediate plans to construct a walkway on the lot. The PAW is not required for permeability for pedestrians in the locality in order to access Lot 360 (golf course), which is owned in freehold by the Shire of Waroona. Access to the golf course is primarily obtained via Panorama Drive, although access is also available via Stables Road as the golf course is not fenced.

Given the topography the PAW does not currently provide practical access to the Golf Course and is unlikely to be used for formal access purposes in the future, the community's perspective on the proposal should be obtained. It is recommended that Council commence the public advertising of the requested closure of the PAW.

Following the closure of the advertising period a further report will be presented to Council, together with any submissions received.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.2.4</b>
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**VOTING REQUIREMENTS**

Simple Majority

<p><b>OFFICER RECOMMENDATION:</b></p> <p><b>That in relation to the request for the closure of the Pedestrian Access Way located at Lot 55 Bouvard Place, Preston Beach, Council resolves:</b></p> <ol style="list-style-type: none"> <li><b>To initiate the closure of the Pedestrian Access Way by publicly advertising the proposal in accordance with Section 58 of the Land Administration Act 1997.</b></li> </ol>
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<b>9.2.5 OLD BUNBURY ROAD AND DORSETT ROAD, WAROONA – MOBILE VENDOR – LANDOWNER’S CONSENT AND USE NOT LISTED DETERMINATION</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services / Nil
Proponent:	Derek Samuel Wilson
Landowner:	Shire of Waroona (vested)
Date of Report: 13 February 2015	File No.: TP1724
Previous Reference:	Nil
Policy Implications:	Shire of Waroona Local Planning Strategy 2009 Local Planning Policy 1.0 – Community Consultation
Statutory Implications:	Main Roads Act 1930. Shire of Waroona Local Law – Activities on Thoroughfares and Trading on Thoroughfares and Public Places. Shire of Waroona Town Planning Scheme No. 7 of 1996.
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	\$447.00 (Application fees).
<b><i>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</i></b> <i>Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</i>	

### **PROPOSAL SUMMARY**

An application was received on 5 December 2014 proposing a mobile coffee and food van on Old Bunbury Road and Dorsett Road, Waroona. See site location plan at **APPENDIX 9.2.5A**.

The applicant seeks the Shire of Waroona’s landowner consent for the application as the authority responsible for the subject roads.

The proposed coffee and food van is a use not listed within the Shire of Waroona Town Planning Scheme No.7, therefore Council approval for the use is required prior to the planning consent proceeding.

### **BACKGROUND/INITIAL COMMENTS**

The proposed operating locations are under the care, control and maintenance of the Shire of Waroona in accordance with the Land Administration Act 1997. The proposed locations are adjacent to the John Tognela Rest Stop on the Forrest Highway.

Mobile vendors occasionally operate within the rest stop area without approval from Main Roads Western Australia (MRWA). To date MRWA has not issued any approvals for the operation of vendors within the area under its control.

The application for the Registration of a Food Business will be determined separately. Should Council resolve not to grant landowners consent for the Planning Consent

application, the applicant will be provided with the opportunity to withdraw the Food Business application.

### Previous Applications

On 29 August 2014 the Shire received an application for the licencing of a food business in relation to the operation of a mobile vendor on Old Bunbury Road and Dorsett Road, Waroona. The application is currently awaiting determination by the Shire.

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

### Main Roads Act 1930 (MRA)

MRWA administers the *Main Roads Act 1930*. Other than constituting the statutory authority of the Commissioner of Main Roads, the primary purpose of the *Main Roads Act 1930* is to provide for the construction, maintenance, supervision and management of highways and main roads.

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

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

As the use is not specifically mentioned in the Zoning Table, the use needs to be determined in terms of Clause 4.2.5.

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

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

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

The subject lot is located within the Rural 1– General Agriculture Zone.

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.



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

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

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

### **STRATEGIC COMMUNITY PLAN ISSUES/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 use in the Shire.

### **FINANCIAL IMPLICATIONS**

\$447.00 Application fees.

### **PLANNING – STRATEGIC IMPLICATIONS**

#### **Local Planning Strategy (LPS) 2009**

The subject land is located within the Agricultural Precinct under the LPS and identified as General Agriculture. The objective of the General Agriculture designation is to provide for the continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

### **COMMUNITY CONSULTATION**

Should the Shire grant landowners consent to the application, consultation is required to be undertaken in accordance with Local Planning Policy 1.0 – Community Consultation.

### **INTERNAL REFERRALS**

The Manager Environmental Health and Building Services stated that there are no building concerns with the proposal.



In considering the previous food business registration application the Shire's Environmental Health Officer found that there were no concerns with the proposal, providing the relevant approvals were obtained.

The Director of Technical Services recommended that the application not be supported as roadside service areas are currently under construction in the vicinity of the John Tognela Rest Area.

**EXTERNAL REFERRALS**

Main Roads Western Australia (MRWA)

MRWA has advised that it does not support the operation of mobile vendors on land under its control, or in close proximity to the John Tognela Rest Area.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Town Planning Scheme No. 7 (TPS) 1996

The Council's objective for the land zoned General Agriculture 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.

The operation of mobile vendors is not considered to be consistent with the objective of the General Agriculture zone as it is not in keeping with the rural character of the district. Commercial uses such as shops and fast food outlets are not permitted in the zone. Restaurants are only permitted as incidental uses to permitted predominant uses (i.e. winery). The proposed use is therefore considered to be a use that is not permitted in the zone.

Conclusion

The operation of mobile vendors in and adjacent to the John Tognela Rest Area is an ongoing issue for the Shire and MRWA. The issue of availability of services in the subject section of the Forrest Highway is to be addressed by the service areas currently under construction.

It is noted that the operation of a mobile vendor would provide an additional economic input into the local community. However, if Council were to permit the operation of mobile vendors in the proximity of the John Tognela Rest Area an undesirable precedent would be set that has the potential to cause ongoing issues and attract numerous other applicants.

Even if landowner's consent was granted, it is considered that the proposed use is a use that is not permitted in the General Agricultural zone and cannot be approved. Nevertheless, without landowner's consent the Planning Consent is not a valid application and cannot continue.

It is therefore recommended that Council refuses to give landowner's consent to the application.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.5A</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That in respect to application TP1724 for a Mobile Coffee and Food Van on Old Bunbury Road and Dorsett Road, Waroona, Council resolves to refuse to grant landowner's consent to the application.**

<b>9.2.6 PROPOSED ROAD NAME FOR HARVEY RIVER WOOD ESTATE – LOT 3, SOUTHERN ESTUARY ROAD, LAKE CLIFTON</b>	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil
Responsible Officer / Officer's Interest:	Louis Fouché – Director Development Services / Nil
Proponent:	David Allnutt
Landowner:	Finekind PTY LTD ATF The Harvey River Woods Unit Trust
Date of Report: 16 February 2015	File No.: SD137762
Previous Reference:	TPS7A4 & TPS7A17
Policy Implications:	Local Planning Policy 16.0 - Geographic Names
Statutory Implications:	Land Administration Act 1997
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	Nil.
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>Theme number 6: Good Governance – Active Civic Leadership and Excellence in Management</i>	

### **PROPOSAL SUMMARY**

A request was received from the landowner to name a new road created by the subdivision of Lot 1 and 3 (SD137762), Southern Estuary Road, Lake Clifton. It is proposed to name the section of road located in Lot 1 '**Rakali Drive**'.

A location plan and subdivision guide plan showing the road can be seen in **APPENDIX 9.2.6A**.

### **BACKGROUND / INITIAL COMMENTS**

On 10 November 2011, the Western Australian Planning Commission gave conditional approval to the 34 lot subdivision of Lot 1 and 3, Southern Estuary Road, Lake Clifton.

As a consequence of the approval, two subdivisional roads were created and are required to be officially named. At this stage the landowner only wishes to name the road located within Lot 3, Southern Estuary Road.

The name 'Rakali Drive' was considered suitable by the Geographic Names staff in an email dated 19 December 2014. The proposed name is not listed on the Shire of Waroona reserved roads list.

### **Previous Applications**

SD137762 – 34 lot subdivision – Approved 10 November 2011.

### **STATUTORY IMPLICATIONS**



## Land Administration Act 1997

### 26A. Names of roads and areas in new subdivisions

- (1) If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.
- (2) The local government may require the person so subdividing the land —
  - (a) To propose a name for the proposed road or, if a name has already been proposed, to alter that name; and
  - (b) To propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.
- (3) If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.
- (4) The Minister may —
  - Approve the proposed name;
  - Direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or
  - Refuse to approve the proposed name.
- (5) A person must not —
  - (a) Assign a name to the area or road unless the name is first approved by the Minister.

## **STRATEGIC PLANNING IMPLICATIONS**

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

This item contributes towards achieving Theme number 6: Good Governance – Active Civic Leadership and Excellence in Management. Strategy 6.11 specifically is focused on “Advocacy on promoting the unique aspects of the Shire of Waroona & the Peel/Harvey region”.

### Local Planning Policy 16.0 – Geographic Names (LPP16)

The assignment of Geographic names is determined by the Geographic Names Committee (GNC), which is a branch of the Department of Land (DoL). In administering this responsibility the GNC has regard to an extensive set of criteria. With regard to road names, these may be summarised as follows-

1. Name duplication within local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
2. Names of living individuals shall not be used.



3. Names characterised as follows are to be avoided: incongruous; given/first names; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminatory names; company names; or, commercialised names.
4. Preferred sources of names include: Aboriginal names; Pioneers of the State or area; War Casualty lists; or thematic names e.g. fauna, ships etc.

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

Policy statement 1 of LPP16 requires that new subdivisional roads be themed.

### **COMMUNITY CONSULTATION**

There is no requirement for community consultation for the naming of new roads.

### **EXTERNAL REFERRAL**

Landgate's Geospatial Officer for the Geographical Names Department advised that 'Nioka Parkway' was a suitable name. A schedule of submissions received is at **APPENDIX 9.2.6B**.

### **INTERNAL REFERRAL**

No comments are required from the Shire's Internal Departments.

### **FINANCIAL ISSUES / IMPLICATIONS**

Nil.

### **OFFICER RECOMMENDATION**

Under the Land administration Act 1997 the subdivider was required to propose a name for the proposed road. The owners originally recommended four names:

1. **Nioka Parkway (place of trees and water – unconfirmed);**
2. **Rakali Drive (native Australian water rat);**
3. **Starflower Way (swamp starflower / *Calytrix breviseta* - endangered Swan Coastal plain shrub); and**
4. **Wattlebush Drive (wattle shrub / tree found in region).**

The Shire was advised that Starflower and Wattlebush have same / similar sounding names to road names within a 50km (rural) radius of the road in question within the same and adjoining local government areas. (Starflower View in Preston Beach and Wattle Bird Way in Greenfields).

After further consultation it is recommended that the proposed road be named **Rakali Drive**.



A 'Rakali' is a native Australian water-rat that can be found in the South West of Western Australia. The Rakali lives in a wide variety of natural and manmade freshwater habitats including swamps, ponds, lakes, rivers, creeks and irrigation channels. (The Australian Water-Rat, Australia's Otter, accessed 16 February 2015, 'http://www.platypus.asn.au/the\_australian\_water\_rat.html') . This name is considered to be fitting given the wetlands with dense vegetation and trees on the subject lot.

This name is compliant with Planning Policy 16.0 as it is in keeping with the amenity of the area and generally in theme with the woodland area of the subdivision.

Consultation with Landgate's Geospatial Officer for the Geographical Names Department confirmed that this name was acceptable and that it may be recommended to Council for approval.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.6A &amp; B</b>
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### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER RECOMMENDATION**

**That in relation to the proposed road name for Harvey River Woods Estate on Lot 3, Southern Estuary Road, Lake Clifton Council resolves:**

- A. To recommend to the Geographic Names Committee that the name "Rakali Drive" be applied to the newly created road within the subdivision on Lot 3, Southern Estuary Road, Lake Clifton.**

**9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.3.1 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: 9/2/15	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> 9.3.1
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**OFFICER RECOMMENDATION**

That Vouchers numbered:

<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
Municipal	Cheques 7929 - 7977	\$50,434.42
Trust (Cheque/EFTs)	EFT 19500, 19658 & 19662 Cheque 11044 - 11048	\$7,095.15
Electronic Transfers Municipal Fund	EFT 19499 to 19792	\$724,519.58
Direct Wages	01/12/2014 – 31/1/2015 inclusive	\$333,457.71
<b>GRAND TOTAL:</b>		<b><u>\$1,115,506.86</u></b>

and attached at Appendix 9.3.1 be endorsed.



<b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 31 DEC 2014 AND 1 JULY 2014 TO 31 JAN 2015</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: 16/2/15	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b> Yes	<b>Appendices Numbers:</b> 9.3.2
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### **OFFICER RECOMMENDATION**

**That the Monthly Statements of Financial Activity for the period 1 July 2014 to 31 December 2014 and 1 July 2014 To 31 January 2015 be received and noted.**

<b>9.3.3 BUDGET REVIEW FOR THE PERIOD 1 JULY 2014 TO 31 JAN 2015</b>	
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:	Not Applicable
Landowner:	Not Applicable
Date of Report: 16/2/15	File No.: 1/7
Previous Reference:	2014/15 Adopted Budget
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 “<i>Active Civic Leadership, Good Governance, &amp; Excellence in Management</i>”</b>	

### **PROPOSAL SUMMARY**

Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year. The review is to be submitted to Council within 30 days of determination.

The review of an annual budget for a financial year must –

1. Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
2. Consider the local government's financial position as at the date of the review and
3. Review the outcomes for the end of that financial year that are forecast in the budget.

Within 30 days after a council has made a determination, a copy of the review and council's determination is to be submitted to the Department.

Included with the agenda at **APPENDIX 9.3.3(1)** is a detailed financial report (including predicted financial position as at 30<sup>th</sup> June 2015) pertaining to the 2014/15 budget. The report covers the 7 months period to 31<sup>st</sup> January 2015 by which this review is based.

### **FINANCIAL ISSUES/IMPLICATIONS**

Entire contents of report are financial based.

### **POLICY ISSUES/IMPLICATIONS**

This report considers the Council Policy in relation to material variances which states that “The materiality factor of highlighting variances (budget to actual) shall be 10% with a minimum of \$20,000.

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

The budget review is conducted in accordance with the following:



- Local Government Act 1995
- Local Government Financial Management Regulations
- Council Policies and Procedures

### **LEGAL ISSUES/IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Not applicable for a budget review

### **OFFICER'S COMMENTS**

#### **1. Operating Income**

##### General Purpose Funding

A small amount (\$3,536) of interim rating income has been received to period end.

Investment Interest – Although it is estimated Municipal Fund investment interest will be below budget at year end, this is expected to be offset by Reserve Account investment interest and budget estimates achieved.

##### Governance

An amount of \$10,000 has been provided to conduct Fair Value of infrastructure assets. Currently this amount is subject to review due to some components of the revaluation process able to be conducted in-house. A future budget amendment may be necessary.

##### Law, Order, Public Safety

Volunteer Ranger Expenses – likely to exceed budget at year end due to cost of repairs associated with breakdown of ATV. This matter will be reviewed later in the financial year and may be subject to a separate report to transfer funds from the Volunteer Rangers Reserve Account.

Dog Pound Upgrade – proposed upgrade works of \$25,000 are recommended for deferment in order to assist with reconciliation of budget.

##### Community Amenities

Household Refuse/Sewerage - Operational income at the Buller Road Refuse Site is expected to be well below budget estimates and will result in amendments to the adopted budget if forecasts are to result in a continued balanced budget.

This is further compounded by significantly reduced income from the Council's sewerage pond. Expected loss of income is forecast at \$110,000 being:

A/C 1833 Tipping Fees \$208,109 - \$128,109 (-\$80,000)

A/C 1933 Effluent Disposal \$69,000 - \$39,000 (-\$30,000)

Note that the above figures include bulk rubbish deposits from the Shire of Murray as recently approved by the Council.

Other Community Amenities - Additional expenses of approx. \$11,000 were incurred as a result of visitor pressure at Preston Beach during the Christmas/New Year period. This expenditure related to cleaning costs and septic problems with the main carpark ablutions.

It is anticipated that these additional expenses can be absorbed into operations, however this matter will be subject to further review.

Importantly it will be necessary for upgrade works on the ablutions be investigated with a view to a subsequent financial year budget allocation.

### Recreation and Culture

Other Culture – Grant funds associated with completion of the Lake Preston Trail (\$25,000) are yet to be received.

Recreation & Aquatic Centre – Overall income is consistent with budget at review period date. There are variances between wet and dry areas and this information will be used to ensure more consistency in subsequent financial plans.

### Transport

Plant Purchases – a budget amendment is proposed to adjust figures associated with minor non asset purchases and sales. There is no impact on the overall budget position.

In addition a separate report is to be tabled which will seek to amend the 2014/15 adopted budget for the purchase of an additional mower. This is necessary due to the Council's lawnmowing contractor terminating his contract and the service being conducted in-house. Funds to cover this cost will be sourced from asset sales (trade in value) and income in excess of budget from the sale of scrap (\$2,000).

### Sundry Debtor Control

No doubtful debts likely to impact the end of year position have been identified.

86% of the outstanding rates were collected to 13<sup>th</sup> Feb 2015 compared to 84% for the same period last year.

## **2. Operating Expenditure**

### Law, Order, Public Safety

Fire Prevention – The Council has authorised by Special Resolution (SCM15/02/01) emergency expenses associated with the recent Waroona townsite fires up to \$50,000.

At the time of writing this report the expenditure has been assessed at \$21,000 however some costs are subject to reimbursement from DFES.



The overall impact of these expenses on the 2014/15 budget will be subject to a further review at year end.

Animal Control – Proposed maintenance works on the Dog Pound (\$25,000) have yet to commence and have been placed on holding pending investigation into ranger resource sharing with the Shire of Murray.

#### Community Amenities

Litter Control – Expenditure of \$4,880 associated with the replacement of bins at the Waroona Railway station. Although unbudgeted in 2014/15 the amount was fully received by way of donation in the previous financial year. This will require a budget amendment.

Protection of Environment – proposed expenditure of \$5,000 associated with dune stabilisation works is recommended for deferment in order to assist with reconciliation of the budget.

#### Health

Control Expenses – A budget amendment will be necessary to reflect the Council resource sharing of health services with the Shire of Murray.

This adjustment (as detailed in Appendix 1) is expected to result in overall savings in 2014/15 of approx. \$40,000.

#### Recreation & Culture

Sporting Club – The Councils previous budget amendment to provide the Waroona Golf Club with a \$25,000 Low Interest Loan is yet to be taken up by that Club.

Recreation & Aquatic Centre – Gas consumption is likely to exceed budget at year end (similar to the previous financial year) and this matter will be subject to further review at the April reporting period.

Expenses associated with garden maintenance (\$16,215 at 31/1/15) are to be transferred from the works ledger by journal.

#### Transport

Operating works accounts associated with town and rural maintenance, ovals and parks are expected to be within budget estimates at year end.

Vehicle Licensing – expenses involved in relocating the Vehicle Licensing function from the Waroona Police Station to Council office were slightly in excess of budget. An amendment to the 2014/15 adopted budget of \$2,000 is recommended.

#### Economic Services



Building Control – a budget amendment to reflect changes in expenses as a result of resource sharing with the Shire of Murray has been included under “Health Control”.

#### Other Property and Services

Public Works Overheads – A review of public works overheads has revealed a slight over allocation and no adjustment is considered necessary. Further reviews will be carried out prior to year end.

Salaries and Wages – Calculated forecasts for total salaries and wages at period end are favourable for estimates to be within budget.

The forecast will be reviewed on an ongoing basis as adjustments are made for the purpose of currently unfilled positions (eg DCS) associated with resource sharing initiatives.

### **3. Capital**

#### Land and Buildings

Recreation Centre – Gymnasium contract complete with only final payment remaining.

Replacement of the Aquatic Centre roof has not proceeded however required materials are onsite. This project requires reassessment.

#### Plant and Equipment

Plant Replacement Program – Expenditure associated with plant replacement is a timing issue and is expected to be completed within budget by year end.

Detailed in a separate report is a proposal from the Works Manager to upgrade the Councils reel mower. This is due to the termination of the Councils mowing contractor.

A further adjustment to correct accordingly for minor capital plant purchases is proposed. This adjustment has no overall impact on the adopted budget.

#### Infrastructure Assets – Roads

Expenditure on the 2014/15 Road Construction Program is expected to be completed on time and within budget.

The Councils Director Technical Services is to propose an amendment to the program to enable the completion of large project Hesse Street reconstruction. This amendment (if approved) will not affect overall works program expenditure.

Bridge Replacement – The replacement of the Coronation Road Bridge (Job BR01) is unlikely to proceed in the current financial year. The Councils Director Technical Services will provide an update on the latest developments.

Royalties for Regions funds for the bridge are held in a Reserve Investment.





Infrastructure Assets – Other

Lake Preston Trail – Community Development staff have advised that design works (viewing tower) have been complete, however a contractor to carry out the works is yet to be appointed.

The project is expected to be completed by year end.

War Memorial – The timeframe of this project is subject to review due to the inability of the appointed contractor to meet the Councils OSH requirements. Director Technical Services will provide the Council with an update on a planned alternative approach. No financial implications (budget amendments) are proposed.

Lake Clifton Entry Sign – This project has not been commenced.

The following table indicates the status of Capital projects as at 31<sup>st</sup> January 2015.

<b>CAPITAL PROJECTS AS AT 31 JANUARY 2015</b>					
<b>COA</b>	<b>PROJECT</b>	<b>ASSET TYPE</b>	<b>BUDGET</b>	<b>ACTUAL TO 31/1/15</b>	<b>COMMENTS</b>
0554	Install Network Digital Projector	Furniture & Equipment	3,835	3,885	Complete
0574	Changeover CEO Vehicle	Plant & Equipment	44,300		Due April 15
0574	Changeover DCEO Vehicle	Plant & Equipment	38,500	33,353	Complete
0574	Changeover MFS Vehicle	Plant & Equipment	26,000		Due March 15
0914	Changeover Ranger Vehicle	Plant & Equipment	36,500		Due March 15
2254	Replacement Vehicle - DPS	Plant & Equipment	34,000	31,096	Committed
2384	Completion of Niche Wall	Infrastructure - Other	1,772	1,996	Complete
2394	Preston Beach toilets/change rooms (R4R)	Buildings	6,840	7,346	Complete
3114	Lake Preston Trail Boardwalk & Signage	Infrastructure - Other	45,000	0	Not Commenced
3634	Op shop landscaping	Infrastructure - Other	5,100	5,100	Complete
3644	Upgrade Memorial Park & Replace Flag Poles	Infrastructure - Other	10,000	7,590	In Progress
3724	Retic tank maintenance	Infrastructure - Other	5,000		Not Commenced
7104	Finalise Rec Centre Project	Buildings	64,210	40,547	In Progress
7104	Rec Centre Roof Installation	Buildings	30,000	22,440	Outstanding Order (Eclat)
7114	Weights for Gym - Rec Centre	Furniture & Equipment	5,000	4,690	In Progress
7144	Rec Centre Carpark Upgrade	Infrastructure - Other	7,000	7,000	Complete
7154	Replace Pool Boiler	Plant & Equipment	7,430		Not Commenced
7154	Repair Pool Heater Units	Plant & Equipment	10,340	9,400	In Progress
7154	Replace Boiler Flues	Plant & Equipment	3,260	4,685	
3184	Roads to Recovery	Infrastructure - Roads	180,000	19,466	In Progress
3284	Coronation Road Bridge	Infrastructure - Roads	560,000	10,430	In Progress
3204	Road Work Total Construction	Infrastructure - Roads	1,044,500	244,543	In Progress
3524	Minor Plant	Plant & Equipment	14,000	0	Not Commenced
3554	Changeover MWS Vehicle	Plant & Equipment	29,000	29,493	Committed
3554	Changeover DTS Vehicle	Plant & Equipment	34,500		Due May 15

3554	Plant Preservation - P13/P61	Plant & Equipment	31,000	31,947	Complete
3594	Lake Clifton Entry Sign	Infrastructure - Other	7,000	0	Not Commenced
4164	Changeover DCS Vehicle	Plant & Equipment	34,500	0	On Hold Due to Position Unfilled
4164	Changeover MEHBS Vehicle	Plant & Equipment	24,000	0	Due Feb 15
		<b>Sub Total</b>	<b>2,342,587</b>	<b>515,006</b>	

#### CAPITAL ACCOUNTS - ADOPTED BUDGET AMENDMENTS

COA	PROJECT	ASSET TYPE	BUDGET AMENDMENT	ACTUAL 31/1/15	COMMENTS
1524	Repair Compactor	Plant & Equipment	30,000	26,992	Completed
3644	Upgrade Memorial Park	Infrastructure - Other	6,000		Additional Expenditure
		<b>Sub Total</b>	<b>36,000</b>	<b>26,992</b>	
		<b>TOTAL</b>	<b>\$2,378,587</b>	<b>\$541,998</b>	

#### 4. **Cash Position**

Cash position as at 31<sup>st</sup> January 2015

Municipal Funds \$1,901,427 (of which \$1,500,000 is invested)

Reserve Accounts \$2,592,272

Note – Interest on Reserve Accounts is yet to be brought to account.

Municipal Account balance for corresponding period previous year - \$2,190,762.

#### 5. **Summary**

Attached at appendix 1 is a summary of proposed amendments to the 2014/15 Adopted Budget.

These amendments will result in a budget deficit of \$50,000 which equates to the Special Council meeting resolution (SCM 15/02/01) emergency expenditure associated with recent fire and associated recovery.

The amount will not be final and is subject to “actual” expenditure offset by recoups from DFES. The matter will therefore be further reported at a later date.

In addition the final outcome of ranger resource sharing initiatives with the Shire of Murray are yet to be finalised.

Costings for the service are based on savings from within the current budget largely associated with the former position of Director Community Services.

#### 6. **Budget Amendments 2014/15**

The following amendments to the 2014/15 budget have been approved by the Council to date:

- Provide low interest loan for Waroona Golf Club \$25,000 (A/c 2804)  
Transfer from Reserve Account \$25,000 (A/c 5390)  
OCM 14/9/115



- Approve new Reserve Account – Risk and Insurance Reserve.  
Initial contribution of approx. \$18,000  
OCM 14/09/117
- War Memorial Upgrade  
Increase in budget allocation by \$6,000 to \$16,000 (A/c 3644)  
OCM 14/11/142
- Approve expenditure of urgent capital repairs to Caterpillar 816F Waste Compactor up to \$30,000 (A/c 1524)  
Approve transfer of up to \$30,000 from the Waste Reserve (A/c 45400)  
OCM 14/12/153
- Waiving of Building Permit Application Fees, Town Planning Applications and Septic Tank Fees of burnt buildings damage  
Authorise up to \$50,000 not included in budget for expenses in relation to the Waroona fire.  
SCM 15/02/01

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.3</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**FINANCE & AUDIT COMMITTEE RECOMMENDATION**

**That it be a recommendation to the Council that:**

- 1. The statement of budget review as appended at Appendix 9.3.3 be adopted and amendments to the 2014/15 adopted budget be made accordingly.**
- 2. The 2014/15 adopted budget review for the period 1 July 2014 to 31 January 2015 be received.**



<b>9.3.4 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN – JANUARY 1, 2014 TO DECEMBER 31, 2014</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – DCEO/Director Corporate Services/Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – DCEO/Director Corporate Services/Nil
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 12/2/15	File No.: 193/1
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

**PROPOSAL SUMMARY**

The Council is requested to adopt the Compliance Audit Return for the 12 month period 1 January 2014 to 31 December 2014.

**BACKGROUND/INITIAL COMMENTS**

The Compliance Audit is a self-assessment tool that allows the Council to monitor how the organisation is functioning in relation to meeting a range of its statutory obligations under the Local Government Act 1995 and its regulations.

**PLANNING – STRATEGIC IMPLICATIONS**

Nil

**REFERRALS**

Nil

**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**

Nil

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Local Government Audit Regulations 1996 (s14 & s15)



**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

N/A

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

No issues of non-compliance were observed during preparation of the return.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.4</b>
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**VOTING REQUIREMENTS**

Simple Majority

**FINANCE & AUDIT COMMITTEE RECOMMENDATION****That it be a recommendation to Council that:****The Compliance Audit Return for the Shire of Waroona for the period January 1, 2014 to December 31, 2014 be adopted.**

<b>9.3.5 APPLICATION TO KEEP THREE DOGS LOT 500 (No.21) KING STREET WAROONA</b>	
Reporting Officer / Officer's Interest:	Sarah Cope – Shire Ranger/Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services /Nil
Proponent:	Jannet Cox
Landowner:	2 Owners: Jannet Cox & State Housing Commission
Date of Report: 18 <sup>th</sup> November 2014	File No: 45/2
Previous Reference:	Nil
Policy Implications:	Shire of Waroona Dogs Local Law
Statutory Implications:	Dog Act 1976 Dog Amendment Regulations 2014
Strategic Implications:	Nil
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): THEME 6: GOOD GOVERNANCE</b>	

### **PROPOSAL SUMMARY**

An application has been made requesting the keeping of 3 dogs at 21 King Street, Waroona.

### **BACKGROUND/INITIAL COMMENTS**

The property owner has made an application for the keeping of a third dog at the aforementioned property. This is as a result of Shire Rangers undertaking registration checks on premises and the owner being made aware having more than 2 dogs on a residential property requires Council approval.

Currently two dogs are registered at the property; both dogs are Chihuahua's, females. The third dog is a Chihuahua, male aged 7 months and he is sterilised and micro chipped. The owner has detailed her intentions to sterilise the females immediately.

### **REFERRALS**

N/A

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

One of the key strategies of the Strategic Community Plan (SCP) is THEME 6: GOOD GOVERNANCE. A core element of Council functioning is legislative compliance. Breaches of relevant dog legislation can consume considerable quantities of officer resources. By ensuring property owners take the necessary steps and actions to maintain compliance with legislation is necessary, to allow for good outcomes.

### **FINANCIAL ISSUES/IMPLICATIONS**

N/A



## **POLICY ISSUES/IMPLICATIONS**

There are no inherent policy implications with the proposal, Council Policy 2.21 allows for alleged breaches of the Dog Act 1976 to be investigated by authorised officers.

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

Part 5 of the Dog Act 1976 states:

### **Part V — The keeping of dogs**

#### 26. Limitation as to numbers

- (1) A local government may, by a local law under this Act —
  - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
  - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
  - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
  - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
  - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
  - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
  - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
  - (b) cannot authorise the keeping in or at those premises of —
    - (i) more than 6 dogs that have reached 3 months of age; or
    - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
 and
  - (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
  - (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
    - (i) a local law mentioned in subsection (1); or
    - (ii) an exemption granted under subsection (3);
 or
  - (b) more than —
    - (i) 2 dangerous dogs (declared); or
    - (ii) 2 dangerous dogs (restricted breed); or
    - (iii) one of each of those kinds of dangerous dogs,

- that have reached 3 months of age; or
- (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.

**LEGAL ISSUES/IMPLICATIONS**

There are no inherent legal implications with this proposal.

**COMMUNITY CONSULTATION**

Seven neighbours were consulted, spoken to individually by the Shire Ranger. Of the seven, none have any objections.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The dogs are well cared for and the property is sufficient for the dogs to exercise and is secure, noting the dogs are of a toy breed type. Council has in the past granted approval for property owners in similar circumstances to have three dogs.

<b>Appendices Attached:</b> <b>Yes</b>	<b>Appendices Numbers:</b> <b>9.3.5</b>
APPLICATION TO KEEP MORE THAN TWO DOGS INSPECTION REPORT	

**VOTING REQUIREMENTS**

Simple Majority

<p><b><u>OFFICER RECOMMENDATION</u></b></p> <p><b>Council resolve that the application to keep three (3) dogs at No.21 King Street Waroona be approved, subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. All dogs at the property being registered;</b></li> <li><b>2. Permission applies only to the dogs specified;</b></li> <li><b>3. A review being conducted after each twelve (12) month period;</b></li> <li><b>4. The owners notified Council retains the right to revoke or vary the approval at any time.</b></li> </ol>
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**9.4 CHIEF EXECUTIVE OFFICER**

Nil.

**10. CONFIDENTIAL REPORTS**

Nil.

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

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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13. CLOSURE OF MEETING**