



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 23 JUNE 2015

(Held at the Shire of Waroona Council Chambers)

TABLE OF CONTENTS

| | | |
|-------|---|----|
| 1. | DECLARATION OF OPENING/ANNOUNCEMENTS..... | 3 |
| 2. | RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED | 3 |
| 3. | RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE | 3 |
| 4.1 | PUBLIC QUESTION TIME | 3 |
| 4.2 | PUBLIC STATEMENTS | 3 |
| 5. | APPLICATIONS FOR LEAVE OF ABSENCE..... | 3 |
| 6. | DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS..... | 3 |
| 7. | PETITIONS/DEPUTATIONS/PRESENTATIONS | 3 |
| 8. | CONFIRMATION OF MINUTES | 4 |
| 8.1 | ORDINARY COUNCIL MEETING – 26 MAY 2015 | 4 |
| 9.0 | REPORTS OF OFFICERS AND COMMITTEES | 4 |
| 9.1 | DIRECTOR TECHNICAL SERVICES..... | 5 |
| 9.1.1 | TRANSFER OF FUNDS TO WASTE RESERVE ACCOUNT | 5 |
| 9.1.2 | TENDER – RFT 2015/03 – BULLER ROAD REFUSE AND DISPOSAL SITE MANAGEMENT | 7 |
| 9.1.3 | TENDER – RFT 2015/02 – PROVISION OF RUBBISH & RECYCLING BIN COLLECTION | 11 |
| 9.2 | DIRECTOR DEVELOPMENT SERVICES | 15 |
| 9.2.1 | FINAL ADOPTION OF AMENDMENT 32 TO TOWN PLANNING SCHEME NO. 7 – OMNIBUS TEXT AMENDMENT | 15 |
| 9.3 | DEPUTY CEO/DIRECTOR CORPORATE SERVICES | 22 |
| 9.3.1 | ACCOUNTS FOR PAYMENT | 22 |
| 9.3.2 | MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 31 MAY 2015 | 23 |
| 9.3.3 | APPLICATION TO KEEP THREE DOGS LOT 25 (No.16) HILL STREET WAROONA | 24 |
| 9.4 | CHIEF EXECUTIVE OFFICER..... | 27 |
| 9.4.1 | WAROONA COMMUNITY RESOURCE CENTRE – RECEPTIONIST FUNDING | 27 |
| 9.4.3 | LEASE OF COUNCIL PROPERTY – YOUTH CENTRE: WAROONA COMMUNITY CENTRE..... | 32 |
| 9.4.2 | ALCOA WAROONA SUSTAINABILITY FUND..... | 34 |
| 10. | CONFIDENTIAL REPORTS | 36 |
| 11. | ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING | 36 |
| 11.1 | NOTICE TO RESCIND PORTION OF MOTION OCM15/04/039 - PUBLIC BBQS | 36 |
| 12. | NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION | 39 |
| 12.1 | ELECTED MEMBERS..... | 39 |
| 12.2 | OFFICERS | 39 |
| 13. | CLOSURE OF MEETING | 40 |

1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Deputy Shire President declared the meeting open at 4.00 pm and welcomed Councillors and Staff present.

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

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

APOLOGIES

| | |
|----------------------|-----------------|
| Cr Christine Germain | Shire President |
| Cr John Mason | Councillor |

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Lina Look and Cr Trish Witney declared a financial interest in Items 9.4.1 and 9.4.3, as employees of the Waroona Community Resource Centre.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 26 May 2015

COUNCIL RESOLUTION

OCM15/06/056

MOVED: CR LOOK

SECONDEC: CR SALERIAN

That the Minutes of the Ordinary Council Meeting held 26 May 2015 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

| 9.1.1 TRANSFER OF FUNDS TO WASTE RESERVE ACCOUNT | |
|--|---|
| Reporting Officer / Officer's Interest: | Patrick Steinbacher, Director Technical Services; No Interest |
| Responsible Officer / Officer's Interest | Patrick Steinbacher, Director Technical Services; No Interest |
| Proponent: | Shire of Waroona |
| Landowner: | Shire of Waroona |
| Date of Report: 15/06/2015 | File No.: 77/3 |
| Previous Reference: | OCM15/04/040 & OCM15/05/046 |
| Policy Implications: | Nil |
| Statutory Implications: | Nil |
| Strategic Implications: | Nil |
| Financial Implications: | See heading below |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 "Assets, Resources, Financial Management & Sustainability" | |

PROPOSAL SUMMARY

To present to Council for endorsement the amount of funds to be transferred to the Waste Reserve Account for the 2014/15 financial year.

BACKGROUND/INITIAL COMMENTS

At its meeting of 23 March 2015, the Finance and Audit Committee recommended that the level of transfer to the waste reserve be investigated in light of a reduction in the income of the waste operations.

This was subsequently put to the April Ordinary Council meeting where the following was resolved (OCM15/04/040):

That Council request the Waste Management Advisory Committee to consider the recommendation of the Finance and Audit Committee, to approve a transfer of \$60,000 from the municipal fund to the waste reserve fund be reduced to \$30,000 to offset the reduced income at the Buller Road refuse site projected for 2014/15.

This matter was taken to the Waste Management Committee for discussion and a recommendation was brought to the May Ordinary Council meeting where the following was resolved (OCM15/05/046):

Bring an item to the June 2015 OCM that deals with the level of transfer to the waste reserve closer to the end of the financial year.

This approach was taken after discussion with the Manager Financial Services as it was felt that May was too early to make a determination on the level of transfer and a decision would be better left until nearer to the end of the financial year when the 2014/15 financial position was clearer.

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

The finance department has confirmed that a transfer as budgeted of \$60,000 will be achievable. This is seen as a positive outcome as the waste reserve account currently is at a level that is considered to be less than desirable.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Nil

| | | |
|-----------------------------|-----------|----------------------------|
| Appendices Attached: | No | Appendices Numbers: |
|-----------------------------|-----------|----------------------------|

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**OCM15/06/057****MOVED: CR DEW****SECONDED: CR SCOTT**

That Council proceed with the transfer of \$60,000 to the waste reserve account # 4904 as allowed for in the 2014/15 budget.

CARRIED 6/0

| 9.1.2 TENDER – RFT 2015/03 – BULLER ROAD REFUSE AND DISPOSAL SITE MANAGEMENT | |
|--|---|
| Reporting Officer / Officer's Interest: | Patrick Steinbacher, Director Technical Services; No Interest |
| Responsible Officer / Officer's Interest | Patrick Steinbacher, Director Technical Services; No Interest |
| Proponent: | Shire of Waroona |
| Landowner: | n/a |
| Date of Report: 16/6/2015 | File No.: RFT2015/03 |
| Previous Reference: | Nil |
| Policy Implications: | See heading below |
| Statutory Implications: | See heading below |
| Strategic Implications: | See heading below |
| Financial Implications: | See heading below |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>" | |

PROPOSAL SUMMARY

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2015/03 – Buller Road Refuse and Disposal Site Management.

BACKGROUND/INITIAL COMMENTS

The Contract for the management of Council's Buller Road Refuse and Disposal Site expires on 30 June 2015. Since the cost of the management was expected to be close to the \$100,000 tender threshold, a tender process was instigated.

A specification was drawn up and the tender was advertised in the West Australian on the 9th May 2015. The closing date of the tender was 27 May 2015.

The Scope of Works contained in the specification called for the submission of prices for set tasks involved with the management of the facility as well as hourly rates for other works associated with the facility on an as required basis.

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

- Demonstrated Capacity to undertake the works 15%
- Relevant Experience 25%
- References from similar clients 10%
- Tendered Price 50%

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

A scoring system was used for the assessment of the qualitative criteria and the tendered price.



The Contract resulting from this tender process will have a period of three years with two x one year extension options, dependent on continuing performance.

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

The cost of the works under this tender will be included in the 2015/16 Budget and will form part of the make-up of Council’s waste fees and charges for the coming year.

The Contract allows for an adjustment of prices at each anniversary date with negotiations to commence well in advance of the anniversary date so that any changes can be readily incorporated in the Budget process.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

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

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Two submissions were received:

- Anthony Pisconeri
- Warren Blackwood Waste

Following the evaluation of the submissions the aggregate scores are as follows:

- | | |
|--------------------------|-----|
| • Anthony Pisconeri | 726 |
| • Warren Blackwood Waste | 424 |

Both tenderers are known to the DTS, with Anthony Pisconeri having been Council’s Buller Road Refuse and Disposal Site management contractor for some ten years, and Warren Blackwood Waste being the bin collection contractor at other Councils where the DTS has previously worked, such as Bridgetown – Greenbushes and Manjimup. Both tenderers submitted compliant tender submissions.



Both tenderers scored highly based on their responses to the qualitative criteria and Warren Blackwood's submission was of a very high standard. However, the prices received were very disparate therefore overall, Anthony Pisconeri scored higher than Warren Blackwood.

Anthony Pisconeri, as stated, has been Council's contractor for many years. He also manages other Council's waste management facilities and therefore is an experienced operator and as such officers are comfortable in recommending that the tender be awarded to him.

| | | |
|-----------------------------|-----------|----------------------------|
| Appendices Attached: | No | Appendices Numbers: |
|-----------------------------|-----------|----------------------------|

VOTING REQUIREMENTS

Simple Majority

| | | | | |
|--|--|--|--|--|
| <p><u>COUNCIL RESOLUTION</u> OCM15/06/058 MOVED: CR SALERIAN SECONDED: CR LOOK</p> <p>That Council award Tender RFT 2015/03 Buller Road Refuse and Disposal Site Management to Anthony Pisconeri based on the following schedule of prices:</p> <p style="text-align: right;">CARRIED 6/0</p> | | | | |
|--|--|--|--|--|

| Item | Description | Unit | Cost/Unit | TOTAL Annual Cost (x12) |
|-------------|--|-------------|------------------|--------------------------------|
| 1 | <p>GATE OPERATIONS</p> <ul style="list-style-type: none"> Provision of all labour, plant and contractor supplied materials, equipment and overheads to carry out gate operations. | Month | \$3,726 | \$44,712 |
| 2 | <p>LANDFILL/SITE OPERATIONS</p> <ul style="list-style-type: none"> Provision of all labour, plant and contractor supplied materials, equipment and overheads to carry out landfill operations. | Month | \$1,012.50 | \$12,150 |
| 3 | <p>SITE MAINTENANCE</p> <ul style="list-style-type: none"> Provision of all labour, plant and contractor supplied materials, equipment and overheads to carry out site maintenance operations. | Month | \$300 | \$3,600 |

| | | | | |
|----------|--|-------|-------|--------------------|
| 4 | ADMINISTRATION/STAFF <ul style="list-style-type: none"> Provision of all labour, plant and contractor supplied materials, equipment and overheads to carry out administration operations. | Month | \$200 | \$2,400 |
| 5 | GREENWASTE <ul style="list-style-type: none"> Provision of all labour, plant and contractor supplied materials, equipment and overheads to carry out greenwaste. | Month | \$675 | \$8,100 |
| 6 | LIQUID WASTE <ul style="list-style-type: none"> Provision of all labour, plant and contractor supplied materials, equipment and overheads to carry out liquid waste operations. | Month | \$250 | \$3,000 |
| | TOTAL ANNUAL COST | | | \$73,962 |
| | GST (10%) | | | \$7,396.20 |
| | TOTAL ANNUAL COST INC.GST | | | \$81,358.20 |

| Item No. | General description | Specific description of Contractor's plant equipment and labour | Unit | Rate \$ (Ex GST) |
|----------|---|---|----------------|------------------|
| 1 | Weed & Vegetation Control (Spraying of herbicide) | Ad hoc spraying of various weeds as needed | hour | \$30.00 |
| 2 | Weed & Vegetation Control (Slashing of vegetation) | Ad hoc slashing of vegetation on site | hour | \$30.00 |
| 3 | Removal of dumped asbestos material within shire boundary | Ad hoc removal of illegally dumped asbestos | m ³ | \$100.00 |
| 4 | Additional labour only | Labour rate for ad hoc tasks not covered by specification | hour | \$25.00 |

| 9.1.3 TENDER – RFT 2015/02 – PROVISION OF RUBBISH & RECYCLING BIN COLLECTION | |
|--|---|
| Reporting Officer / Officer's Interest: | Patrick Steinbacher, Director Technical Services; No Interest |
| Responsible Officer / Officer's Interest | Patrick Steinbacher, Director Technical Services; No Interest |
| Proponent: | Shire of Waroona |
| Landowner: | n/a |
| Date of Report: 15/06/2015 | File No.: RFT2015/02 |
| Previous Reference: | Nil |
| Policy Implications: | See heading below |
| Statutory Implications: | See heading below |
| Strategic Implications: | See heading below |
| Financial Implications: | See heading below |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>" | |

PROPOSAL SUMMARY

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2015/02 – Provision of Rubbish & Recycling Bin Collection.

BACKGROUND/INITIAL COMMENTS

The Contract for the provision of rubbish and recycling bin collection expires on 30 June 2015. Since the cost of this contract is in excess of the \$100,000 tender threshold, a tender process was instigated.

A specification was drawn up and the tender was advertised in the West Australian on the 9th May 2015. The closing date of the tender 27 May 2015.

The Scope of Works contained in the specification called for the submission of prices for the collection of various bin sizes as per the current practice for both rubbish and recyclables, as well as various prices for other ad hoc items.

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

- Demonstrated Capacity to undertake the works 25%
- Relevant Experience 15%
- References from similar clients 10%
- Tendered Price 50%

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

A scoring system was used for the assessment of the qualitative criteria and the tendered price.

The Contract resulting from this tender process will have a period of three years with two x one year extension options, dependent on continuing performance.

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

The cost of the works under this tender will be included in the 2015/16 Budget and will form part of the make-up of Council’s waste fees and charges for the coming year.

The Contract allows for an adjustment of prices at each anniversary date with negotiations to commence well in advance of the anniversary date so that any changes can be readily incorporated in the Budget process.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

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

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Four submissions were received:

- Solo Resource Recovery
- Warren Blackwood Waste
- Transpacific Cleanaway Pty Ltd
- Instant Waste Management

Following the evaluation of the submissions the aggregate scores are as follows:

- | | |
|----------------------------------|-----|
| • Solo Resource Recovery | 514 |
| • Warren Blackwood Waste | 486 |
| • Transpacific Cleanaway Pty Ltd | 617 |
| • Instant Waste Management | 614 |

All submissions were of a very high standard and all were compliant. Scores were based on the submitted information.

Of the four tenderers, only Transpacific Cleanaway (Council's current contractor) and Warren Blackwood Waste are known to officers. Warren Blackwood Waste is the bin collection contractors to several Councils in the South West and Great Southern. Solo Resource Recovery has only recently established itself in Western Australia and has yet to take on a Council contract such as this, however its track record in the Eastern states appears to be very sound. Instant Waste Management similarly appears to be a professional well-run company however their submission could not demonstrate sufficient relevant experience in the work subject to the tender.

At the time of the drafting of this item officers are in the process of negotiating a number of minor amendments to the Conditions of Contract as requested by Transpacific Cleanaway. These amendments have been referred to Council's legal advisor McLeods for consideration who have subsequently submitted comments back to Transpacific Cleanaway and are now waiting for their response. However none of them appear to have the potential to preclude the officer recommendation which is to award the tender to Transpacific Cleanaway. The DTS is confident of having these outstanding issues resolved by the date of the meeting and will update Council at that time along with any changes to the recommendation (if any) should they be required. In any case, the rates as tendered and included in the recommendation will not be affected.

| | | |
|-----------------------------|-----------|----------------------------|
| Appendices Attached: | No | Appendices Numbers: |
|-----------------------------|-----------|----------------------------|

VOTING REQUIREMENTS

Simple Majority



COUNCIL RESOLUTION**OCM15/06/059****MOVED: CR SCOTT****SECONDED: CR DEW**

That Council award Tender RFT 2015/02 Provision of Rubbish and Recycling Collection to Transpacific Cleanaway Pty Ltd based on the following schedule of prices:

CARRIED 6/0

| Item | No. (as of May 2015) | Price | GST | TOTAL |
|---|---------------------------------|--------------|------------|--------------|
| 240 Litre WASTE | 2019 | \$1.10 | \$0.11 | \$1.21 |
| 240 Litre RECYCLE | 2019 | \$1.82 | \$0.18 | \$2.00 |
| 1.5 m ³ WASTE | 7 | \$31.00 | \$3.10 | \$34.10 |
| 3.0 m ³ WASTE | 6 | \$54.00 | \$5.40 | \$59.40 |
| 4.5 m ³ WASTE | 3 | \$81.00 | \$8.10 | \$89.10 |
| 3.0 m ³ RECYCLING | 1 | \$42.00 | \$4.20 | \$46.20 |
| 4.5 m ³ RECYCLING | 0 | \$56.00 | \$5.60 | \$61.60 |
| 120 & 240 Litre PUBLIC WASTE | 46 | \$3.86 | \$0.39 | \$4.25 |
| WAROONA MAIN STREET PUBLIC WASTE | 8 | \$3.86 | \$0.39 | \$4.25 |
| PURCHASE OF 240 Litre bin only (for supply direct to property) | | \$70.00 | \$7.00 | \$77.00 |
| PURCHASE OF 120 Litre Bin Only (for supply to Principal) | | \$54.50 | \$5.45 | \$59.95 |
| PURCHASE OF 240 Litre Bin Only (for supply to Principal) | | \$60.00 | \$6.00 | \$66.00 |
| HIRE OF 240 Litre Bin Only (per bin per day) | | \$0.03 | \$0.00 | \$0.04 |

9.2 DIRECTOR DEVELOPMENT SERVICES

| 9.2.1 FINAL ADOPTION OF AMENDMENT 32 TO TOWN PLANNING SCHEME NO. 7 – OMNIBUS TEXT AMENDMENT | |
|---|--|
| Reporting Officer / Officer's Interest: | Chris Dunlop – Senior Town Planner / Nil |
| Responsible Officer / Officer's Interest: | Louis Fouche' – Director Development Services / Nil |
| Proponent: | Shire of Waroona |
| Landowner: | Various |
| Date of Report: 15 June 2015 | File No.: TPSA32 |
| Previous Reference: | OCM12/11/137 OCM 14/11/113 |
| Statutory/Policy Implications: | Planning and Development Act 2005 Town Planning Regulations 1967 Shire of Waroona Local Planning Strategy 2009 Shire of Waroona Town Planning Scheme No. 7 Policy 1.26 - Application of Shire of Waroona Common Seal |
| Strategic Implications: | Shire of Waroona Community Strategic Plan 2014/15 – 2023/24 |
| Financial Implications: | Consultant fees (\$7,500 in 2011/2012) and advertising costs (approximately \$1,500). |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>Theme 3: Responsible Land Use Planning and Protecting Rural Land</i> | |

PROPOSAL SUMMARY

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

No changes to the scheme maps are proposed through this omnibus amendment. Details of the proposed text changes are available at **APPENDIX 9.2.1A**. A copy of the full proposed scheme text as amended is at **APPENDIX 9.2.1B**.

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

- be increasingly consistent with the Model Scheme Text provisions;
- comply with and make reference to current relevant planning legislation, local laws, policy and agency names;
- incorporate and facilitate the objectives of the Shire of Waroona Local Planning Strategy 2009 including subdivision guidelines for rural zones;
- review and update definitions and the Zoning Table to ensure consistency;
- include empowerment and adoption process for structure plans;



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

BACKGROUND/INITIAL COMMENTS

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

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

Council initiated Amendment 32 in November 2012 however, on advice received from the Department of Planning, some changes to the amending documentation were required. A revised version of the amendment was adopted by Council for advertising purposes at its meeting of 25 November 2014. Following the adoption the amendment has been advertised in accordance with the requirements of the *Town Planning Regulations 1967*.

STATUTORY IMPLICATIONS

Planning and Development Act 2005 (Act)

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

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

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

Town Planning Regulations 1967 (Regulations)

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

Regulation 17 (1) states that the responsible authority shall, within 6 months of the expiry of the period specified under regulation 15(5) for making submissions, consider all submissions to the Scheme and in respect of each submission shall consider whether the Scheme should be modified accordingly or whether that submission should be rejected.

Regulation 17 (2) states that after considering the submissions made within the period specified the responsible authority shall pass a resolution either —

- (a) that the Scheme be adopted with or without modification; or
- (b) that it does not wish to proceed with the Scheme.

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

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

Shire of Waroona Local Planning Strategy 2009 (LPS)

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

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

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

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



STRATEGIC IMPLICATIONS

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

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

POLICY IMPLICATIONS

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

The amendment documentation is to be stamped with the Shire of Waroona Common Seal in accordance with Policy 1.26 – Application of Shire of Waroona Common Seal.

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.

FINANCIAL IMPLICATIONS

In the 2011/2012 financial year \$7 500 was expended on Planning Consultant fees on this project. Advertising costs associated with the amendment were \$408. Other costs include budgeted staff costs for the duration of the amendment.

COMMUNITY CONSULTATION

Pursuant to regulation 15 of the Town Planning Regulations 1967 the amendment was publicly advertised. A notice was placed in the Harvey-Waroona Reporter (7 and 14 April 2015) and letters were sent to Government agencies. Within the allocated advertisement period no public submissions were received. Comments were received from two Government / Referral Agencies. See summary of comments the Schedule of Submissions at **APPENDIX 9.2.1C**.

OFFICER'S COMMENTS

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

Increased consistency with Model Scheme Text provisions

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

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

Since the gazettal of the TPS a number of changes have occurred to legislation and policies. Numerous local planning policies and local laws have been created by Council which require reinforcement through updated scheme provisions. State legislative



changes have also occurred with new requirements now applicable to planning matters. Agency titles have also been changed, creating referencing issues within the TPS. Amendment 32 proposes to update the TPS to ensure that all new legislative, policy and other requirements are addressed and agency names are up to date.

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

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

Review and update definitions and the Zoning Table to ensure consistency

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

Include empowerment and adoption process for structure plans

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

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

Incorporate appropriate references and assessment functions of the Residential Design Codes

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

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

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

Set out the aims of the TPS



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

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

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

Update provisions for non-conforming uses

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

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

A number of recurring issues are proposed to be addressed through Amendment 32 including the above. These matters have caused a number of issues for Council since the gazettal of the TPS. In order to address these issues and provide a statutory basis for the implementation of Councils objectives new provisions are proposed. These new provisions will provide greater clarity and power in dealing with these and other recurring issues within the Shire.

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

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

Modify, delete and add a number of interpretations

A number of interpretations (definitions) currently conflict with one another and provide areas of uncertainty when classifying a proposed use. In addition, the current interpretations do not cover a number of uses and have inaccurate references to legislation, policy and agencies. Amendment 32 proposes to add, delete and update interpretations where required to provide a clear and comprehensive list. A list of the interpretations proposed to be added, deleted and updated is included in **APPENDIX 9.2.1A**.

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

Amendment 32 proposes new scheme provisions which give further guidance and information in relation to the process and requirements of a review by the State Administrative Tribunal. Given that a review by the State Administrative Tribunal is the

formal process for the review of determinations made under the TPS, it is appropriate for information relating to reviews to be included within the TPS.

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

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

Conclusion

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

| | | |
|-----------------------------|------------|---------------------------------------|
| Appendices Attached: | Yes | Appendices Numbers: 9.2.1A,B,C |
|-----------------------------|------------|---------------------------------------|

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM15/06/060

MOVED: CR WRIGHT

SECONDEC: CRSCOTT

- 1. That, in relation to the proposed Amendment 32 to Town Planning Scheme No. 7 1996 and pursuant to regulation 17 (2) of the Town Planning Regulations 1967, Council Resolves to:**
 - A. Adopt for final approval, with modifications, Amendment 32 to the Shire of Waroona Town Planning Scheme No. 7 1996 in accordance with *Appendix 9.2.1A*.**
 - B. Authorise the Shire President / Deputy Shire President and the Chief Executive Officer / Deputy Chief Executive Officer to sign and seal the Amendment documents in accordance with Policy 1.26.**
 - C. Forward a copy of the Amendment to the Western Australian Planning Commission seeking final approval of the Minister for Planning.**

CARRIED 6/0



9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

| 9.3.1 ACCOUNTS FOR PAYMENT | |
|---|--|
| Reporting Officer / Officer's Interest: | Kathy Simpson, 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: 11/6/15 | File No.: 1/3 |
| Previous Reference: | N/A |
| Policy Implications: | N/A |
| Statutory Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |
| Voting Requirements | Simple Majority |

| | | | |
|-----------------------------|------------|----------------------------|--------------|
| Appendices Attached: | Yes | Appendices Numbers: | 9.3.1 |
|-----------------------------|------------|----------------------------|--------------|

COUNCIL RESOLUTION**OCM15/06/061****MOVED: CR LOOK****SECONDED: CR SALERIAN****That Vouchers numbered:**

| <u>ACCOUNT</u> | <u>CHEQUE NOS.</u> | <u>TOTAL \$</u> |
|--|--|----------------------------|
| Municipal | Cheques 8050 - 8068 | \$35,552.42 |
| Trust (Cheque/EFTs) | EFT 20423 Chqs: 11052 - 11053 | \$10,881.45 |
| Electronic Transfers Municipal Fund | EFT 20380 to 20603 | \$581,094.25 |
| Direct Wages | 01/5/2015 – 31/5/2015 inclusive | \$168,791.26 |
| Direct Debits | 1/5/15 – 31/5/15 | \$1,618.68 |
| GRAND TOTAL: | | <u>\$797,938.06</u> |

and attached at Appendix 9.3.1 be endorsed.**CARRIED 6/0**

| 9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 31 MAY 2015 | |
|---|--|
| 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: 20/5/15 | File No.: 1/1 |
| Previous Reference: | N/A |
| Policy Implications: | N/A |
| Statutory Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |
| Voting Requirements | Simple Majority |

| | | | |
|-----------------------------|------------|----------------------------|--------------|
| Appendices Attached: | Yes | Appendices Numbers: | 9.3.2 |
|-----------------------------|------------|----------------------------|--------------|

COUNCIL RESOLUTION**OCM15/06/062****MOVED: CR DEW****SECONDED: CR SCOTT**

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

CARRIED 6/0

| 9.3.3 APPLICATION TO KEEP THREE DOGS LOT 25 (No.16) HILL STREET WAROONA | |
|--|---|
| Reporting Officer / Officer's Interest: | Sarah Cope – Shire Ranger/Nil |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services /Nil |
| Proponent: | Karen Ishiguchi |
| Landowner: | Karen Ishiguchi |
| Date of Report: 15/06/15 | File No.: 45/2 |
| Previous Reference: | N/A |
| Policy Implications: | Shire of Waroona Dogs Local Law |
| Statutory Implications: | Dog Act 1976 Dog Amendment Regulations 2014 |
| Strategic Implications: | Nil |
| Financial Implications: | Nil |
| LINKED TO STRATEGIC OBJECTIVE NUMBER <i>THEME 6: Good Governance</i> | |

PROPOSAL SUMMARY

An application has been made requesting the keeping of 3 dogs at 16 Hill Street Waroona.

BACKGROUND/INITIAL COMMENTS

Currently, 2 dogs are registered on the property, a male Maltese (“Max” – Registration 1700159), and a female Australian Cattle Dog (“Bella” – Registration LT00067). Both the registered dogs are sterilised and also microchipped.

The third dog is a female Mastiff cross (“Viper”), the property owners have detailed a family member is returning home due to personal matters, the dog is that family members pet.

There are no complaints on file for matters relating to the dogs on the property, and subject of this report.

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

The Shire Ranger has doorknocked all 6 neighbouring properties with no objections being received.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The Shire Ranger inspection report detailed the property is well maintained, the dogs have adequate facilities for exercising and the property is fully fenced and secure. The inspection report details the 3 dogs are well cared for and placid in nature.

Based on the above, it is considered by the Officer that the application be granted on the grounds that the dogs are well cared for, the yard is secure and 2 dogs are sterilised and microchipped.

| | | | |
|-----------------------------|-----------|----------------------------|------------|
| Appendices Attached: | No | Appendices Numbers: | N/A |
|-----------------------------|-----------|----------------------------|------------|

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM15/06/063

MOVED: CR SCOTT

SECONDED: CR SALERIAN

Council resolve that the application to keep three (3) dogs at No.16 Hill Street, Waroona be approved, subject to the following conditions:

- 1. All dogs at the property being registered;**
- 2. Permission applies only to the dogs specified;**
- 3. A review being conducted after each twelve (12) month period;**
- 4. The owners be notified that the Council retains the right to revoke or vary the approval at any time.**

CARRIED 6/0

9.4 CHIEF EXECUTIVE OFFICER**COUNCIL RESOLUTION****OCM15/06/064****MOVED: CR LOOK****SECONDED: CR SALERIAN**

That the order of business be changed so that Item 9.4.3 be considered after Item 9.4.1 as Cr's Witney and Look have declared an interest in these items.

CARRIED 6/0

Crs Look and Witney declared a financial interest in Item 9.4.1 and Item 9.4.3, as they are employees of the Waroona Community Resource Centre, and left the meeting the time being 4.25 pm.

Mr Dunlop left the meeting the time being 4.25 pm and did not return.

COUNCIL RESOLUTION**OCM15/06/065****MOVED: CR DEW****SECONDED: CR WRIGHT**

That the unopposed nomination for Cr Scott as Presiding Member for Items 9.4.1 and 9.4.3 be accepted.

CARRIED 4/0**9.4.1 WAROONA COMMUNITY RESOURCE CENTRE – RECEPTIONIST FUNDING**

| | |
|---|--|
| Reporting Officer / Officer's Interest: | Ian Curley, Chief Executive Officer / Nil |
| Proponent: | Waroona Community Centre Inc |
| Landowner: | Shire of Waroona |
| Date of Report: 09 June 2015 | File No: 192/1 |
| Previous Reference: | OCM 06/144 July 2006; OCM 07/012 January 2007; OCM09/093 June 2009; OCM 11/08/097 Aug 2011 & OCM June 2013 13/06/056 |
| Statutory/Policy Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | \$56,000pa |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No 6 Active Civic Leadership, Good Governance, & Excellence in Management</i> | |

PROPOSAL SUMMARY

To continue to provide funding to the Waroona Community Centre Inc (WCC) for the purpose of providing full-time reception service at the Waroona Health & Community Resource Centre.



BACKGROUND / INITIAL COMMENTS

The Waroona Health & Community Resource Centre opened in October 2004. Since January 2007 Council has provided on-going funding to the WCC to enable it to provide full-time receptionist services at the centre from Mondays-Fridays. Council had previously provided partially funded the position since it opened.

Since the implementation of the funding agreement with the WCC it has been providing a valuable and consistent service to residents of the shire and the WCC has consistently met its obligations under the terms of the agreement. The current funding arrangements cease as of 30 June 2015.

The WWC has written requesting Council consider a continuation of the funding arrangements. (**APPENDIX 9.4.1**).

Council's June 2013 resolution -

COUNCIL RESOLUTION

OCM13/06/056

MOVED: Cr Scott

SECONDED: Cr Mason

That Council resolves to continue to provide on-going funding to the equivalent of funding a full-time Reception position at the Waroona Health & Community Resource Centre as per the following conditions:

- a) Funding to be paid directly to the Waroona Community Centre Inc.*
- b) The amount to be up to \$52,850 per annum (based on 2012/13 figures and indexed with inflation), including any grants that are obtained to assist the funding of the position.*
- c) Funding can be utilised by the WCC to engage other employees for the Centre, providing that it agrees to provide and maintain full-time reception duties in the Centre either by paid employees, volunteers or other such means as the WCC is able to arrange.*
- d) The current agreement is re-signed, with or without modification.*
- e) This funding commitment is for 2 (two) years commencing 1 July 2013. The WCC, during this time, is to continue to make endeavours to have the Reception position self-funded.*

CARRIED 6/0

Further to the above motion, Council resolved at the April 2015 meeting

COUNCIL RESOLUTION

OCM15/04/041

MOVED: CR WRIGHT

SECONDED: CR MASON

That, on the recommendation of the Finance and Audit Committee, Council advise the CEO that the biennial agreement between the Shire and Community Centre Board, which is due to be consideration for renewal on 1 July 2015, be considered on a basis that the annual amount not include an escalation for CPI.

CARRIED 5/0

Council included the amount of \$56,000 in the 2014/2015 budget. Council's budget for the Waroona Community Health Resource Centre for this year is -

Expenditure

| | |
|--|-----------------|
| General maintenance | \$19,487 |
| Utilities-water power etc (less contribution from WCC still to be calculated) | \$16,000 |
| Insurance | \$3,856 |
| Contribution to WCC | <u>\$56,000</u> |
| | \$95,343 |

Income

| | |
|------------------------------------|------------------|
| Lease charges, Doctor etc | <u>-\$54,340</u> |
| Overall budgeted cost for the year | \$41,003 |

PLANNING – STRATEGIC IMPLICATIONS

N/A

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

COMMUNITY CONSULTATION

Nil recommended.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Included in Council's agreement with the WCC the following key areas have been agreed to:

The Shire agrees to –



- Not to charge rental to the WCC for its use of the Centre;
- Provide building and contents insurance on the Centre, excluding contents that are in the ownership of the Board and others;
- Pay for the ordinary maintenance of the Centre, garden maintenance, water rates and refuse removal.

The Board agrees to -

- Provide reception duties to the Centre generally between the hours of 9am and 4pm, 5 days per week, excluding public holidays.
- To be responsible for its own occupational health & safety training and management for all staff under its control and invited guests into the building;
- To submit to the Shire, upon request, an annual report on the activities of the Centre.
- Provide the Shire with free use of available areas throughout the Centre. Any additional costs associated with the hire will be paid by the Shire;
- Engage and pay a cleaner for area under its control as defined on annexure 2;
- Pay all utility accounts in relation to the area under control – power, water, telephone etc and charge other building users for portion attributable to them,
- Take bookings and receive and retain money for casual hire of the centre. This clause excludes the area under agreement with the Department for Child Protection and long-term leases contained in the medical wing of the Centre, unless those areas are available and hired out on a casual basis;
- Provide after hours access for hirers;
- Provide contents insurance cover for equipment owned by the Board;
- Provide public liability insurance cover for activities conducted by the Board.

| | | | |
|-----------------------------|------------|----------------------------|--------------|
| Appendices Attached: | Yes | Appendices Numbers: | 9.4.1 |
|-----------------------------|------------|----------------------------|--------------|

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council resolves to continue to provide on-going funding to the equivalent of funding a full-time Reception position at the Waroona Health & Community Resource Centre as per the following conditions:

- Funding to be paid directly to the Waroona Community Centre Inc.
- The amount to be up to \$56,000 per annum (based on 2014/15 figures and not indexed with inflation), including any grants that are obtained to assist the funding of the position.
- Funding can be utilised by the WCC to engage other employees for the Centre, providing that it agrees to provide and maintain full-time reception duties in the Centre either by paid employees, volunteers or other such means as the WCC is able to arrange.
- The current agreement is re-signed, with or without modification.

- e) This funding commitment is for 2 (two) years commencing 1 July 2015. The WCC, during this time, is to continue to make endeavours to have the Reception position self-funded.

COUNCIL RESOLUTION**OCM15/06/066****MOVED: CR DEW****SECONDED CR WRIGHT**

That Council resolves to continue to provide on-going funding to the equivalent of funding a full-time Reception position at the Waroona Health & Community Resource Centre as per the following conditions:

- a) **Funding to be paid directly to the Waroona Community Centre Inc.**
- b) **The amount to be up to \$56,000 for 2015/16 (based on 2014/15 figures and not indexed with inflation) and \$46,000 for 2016/17 (and not indexed with inflation), including any grants that are obtained to assist the funding of the position.**
- c) **Funding can be utilised by the WCC to engage other employees for the Centre, providing that it agrees to provide and maintain full-time reception duties in the Centre either by paid employees, volunteers or other such means as the WCC is able to arrange.**
- d) **The current agreement is re-signed, with or without modification.**
- e) **This funding commitment is for 2 (two) years commencing 1 July 2015, with the first year funding being \$56,000 reducing to \$46,000 in the second year, and the WCC, during this time, is to continue to make endeavours to have the Reception position self-funded as future funding may be further reduced.**

CARRIED 4/0

The Officers recommendation was not adopted in full as Councillors felt it appropriate in the current economic climate to reduce the current level of funding and foreshadow to the WCC that future year's funding may also be reduced further.



| 9.4.3 LEASE OF COUNCIL PROPERTY – YOUTH CENTRE: WAROONA COMMUNITY CENTRE | |
|---|---|
| Reporting Officer / Officer's Interest: | John Crothers; Co-Ordinator Corporate Planning; No Interest |
| Responsible Officer / Officer's Interest | Ian Curley, Chief Executive Officer; No Interest |
| Proponent: | Not Applicable at this time |
| Landowner: | Shire of Waroona |
| Date of Report: 11 June 2015 | File No.: 44/1: Legal Document No. 147 |
| Previous Reference: | |
| Policy Implications: | None |
| Statutory Implications: | Section 5 of Strategic Community Plan |
| Financial Implications: | Minimal |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 “Asset Management – Responsible Stewardship of Council Assets” | |

PROPOSAL SUMMARY

For Council to adopt a Lease proposal to be entered into with the Waroona Community Centre Incorporated, with regard to the use of a Council property, being part of Crown Reserve 8746 of Lot 316, Waroona, for Youth Activities.

BACKGROUND/INITIAL COMMENTS

There is currently no Lease Agreement in force with the ‘Youth Centre’ and it is considered that a formal lease should be effected.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

There are no significant financial implications emanating from this proposal. The proposed lease is merely for an annual amount of \$200, with the proposed term being for 5 years.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

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

LEGAL ISSUES/IMPLICATIONS

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

COMMUNITY CONSULTATION

No community consultations are seen as necessary on this matter.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution on the proposed Lease is now sought.

| | | |
|-----------------------------|------------|----------------------------------|
| Appendices Attached: | Yes | Appendices Numbers: 9.4.3 |
|-----------------------------|------------|----------------------------------|

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM15/06/067

MOVED: CR DEW

SECONDED: CR SALERIAN

1. That the proposed Lease Agreement with the Waroona Community Centre Incorporated, as attached at Appendix 9.4.3, for the lease of part of Crown Reserve 8746, being part of Lot 316, Waroona, being used as a Youth Centre, with an annual lease of \$200 for a period of 5 years be adopted;
2. That the Common Seal of Council be affixed to the Lease Agreement;
3. That the Shire President and CEO be authorised to sign and complete all matters relating to this Lease Agreement.

CARRIED 4/0

Cr's Witney and Look returned to the meeting the time being 4.45 pm.

Cr Witney resumed her seat as Presiding Member, the time being 4.45 pm.

| 9.4.2 ALCOA WAROONA SUSTAINABILITY FUND | |
|--|--|
| Reporting Officer / Officer's Interest: | Ian Curley Chief Executive Officer, Chairperson of AWSF Advisory Committee |
| Proponent: | Alcoa Waroona Sustainability Fund Advisory Committee |
| Date of Report: 10 June 2015 | File No.: AWSF File |
| Previous Reference: | N/A |
| Policy Implications: | N/A |
| Statutory Implications: | <i>AWSF Deed of Agreement</i> |
| Financial Implications: | N/A |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |

PROPOSAL SUMMARY

To consider and give effect to the recommendations of the Alcoa Waroona Sustainability Fund to approve of a grant funding round from the Alcoa Waroona Sustainability Fund (AWSF) in accordance with the AWSF Deed of Agreement and to approve the grant applications forms and guidelines.

BACKGROUND/INITIAL COMMENTS

The AWSF is a fund established and contributed to by Alcoa of Australia Ltd and administered by the Shire of Waroona. The funds are held in the Shire's Trust Account and totalled \$1,147,024 as of 04/05/2015.

The AWSF is governed by a Deed of Agreement and the deed states its purpose is "to fund facilities and projects with enduring value for the communities surrounding the Wagerup refinery. Funds from the AWSF will be allocated to community organisations, initiatives, processes and activities that contribute to the local government region known as the Shire of Waroona".

The AWSF Committee is established under the deed and operated under the Terms of Reference for the Committee. The Deed states "an Advisory Committee will be established by Alcoa and the Shire in accordance with this deed and the terms of reference to advise the Shire in making distributions for the purpose of the AWSF. The Advisory Committee will have the power to make recommendations to the Shire in regard to the granting of funds from the AWSF. Provided the implementation of a recommendation of the Advisory Committee would not, in the shire's reasonable opinion, result in the Shire being breach of its obligations under this deed or under any Law, the Shire must give effect to the recommendation".

The Deed allows for grant funding to be made provided that at all times the capital balance is not less than 50% of the contributions made by Alcoa. Based on current Alcoa contributions the account balance cannot reduce below \$548,000.

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

There is no cost of Council, other than the minimal costs of administering the fund.

COMMUNITY CONSULTATION

Community consultation not required at this stage. Grant application forms and guidelines to be advertised to the local community.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The draft AWSF grant guidelines and application forms are attached at **APPENDIX 9.4.2** and are drafted in accordance with the requirements of the AWSF Deed of Agreement and Terms of Reference for the Advisory Committee and are recommended for approval by the Council. The AWSF has requested, since its meeting of 29 May 2015, that the grant closing date be brought forward to 9 October 2015 so that grant applications can be dealt with by the existing committee before the next Committee member cycle.

| | | | |
|-----------------------------|------------|----------------------------|--------------|
| Appendices Attached: | Yes | Appendices Numbers: | 9.4.2 |
|-----------------------------|------------|----------------------------|--------------|

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM15/06/068

MOVED: CR LOOK

SECONDED: CR DEW

That Council endorse the recommendation from the Alcoa Waroona Sustainability Committee to advertise a grant funding round from the Alcoa Waroona Sustainability Fund to close 9 October 2015 and that the grant application form and guidelines, as attached at APPENDIX 9.4.2, be approved for circulation.

CARRIED 6/0

10. CONFIDENTIAL REPORTS

Nil

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

| | |
|---|--|
| 11.1 NOTICE TO RESCIND PORTION OF MOTION OCM15/04/039 - PUBLIC BBQS | |
| Reporting Officer / Officer's Interest: | Ian Curley, Chief Executive Officer, Nil |
| Proponent: | Cr Larry Scott |
| Landowner: | Shire of Waroona |
| Date of Report: 10 June 2015 | File No.: 87/1 |
| Previous Reference: | May 2015 Ordinary Council meeting |
| Policy Implications: | N/A |
| Statutory Implications: | <i>Rescission in accordance with the LGA & Regulations</i> |
| Strategic Implications: | N/A |
| Financial Implications: | \$3,500pa |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |

PROPOSAL SUMMARY

That Council rescind portion of Council resolution OCM15/04/039 from the April 2015 Council meeting clause –

- i) Public BBQs in the Shire be decommissioned between 30 April and 1 November each year, except for the BBQs at Preston Beach and one at Centennial Park.

And proposing the following recommendation:

Public BBQs in the Shire be decommissioned between 30 April and 1 November each year, except for the BBQs at Preston Beach, Drakesbrook Weir and one at Centennial Park.

BACKGROUND/INITIAL COMMENTS

At a Finance & Audit Committee meeting of 23 March 2015 the Committee considered a number of cost cutting measures to recommend to Council for implementation. The following resolution was adopted by the Committee at the meeting:

FINANCE COMMITTEE RECOMMENDATION:

MOVED: Cr Scott

SECONDED: Cr Dew

That the Finance Committee recommend the following to the Council:

- a) *That the Waste Advisory Committee investigate refinements to the biennial bulk rubbish collection and report to Council prior to forming the 2015/16 budget. Refinements to consider the appropriateness and cost effectiveness of the current delivery of this program and potential improvements that may better target the program to areas of need. Eg only accessible to pensioners; pre-booked collections instead of all out on the verge etc.*



- b) *That the Waste Management Advisory Committee investigate the potential to release more space to be available for rubbish disposal at the Buller Road Refuse site to improve income for the site.*
- c) *That the Waroona Visitor Centre Working Group analyse the annual budget and deliverable service at the Visitors Centre and report findings to Council prior to the 2015/16 budget.*
- d) *That the following initiatives be enacted and come into effect as of 1 July 2015 so as to be included in the 2015/16 budget –*
 - i) *That public BBQs in the Shire be decommissioned between 1 November and 30 April each year to reflect a potential saving of approximately \$7,500pa, except for the BBQs at Preston Beach and one at Centennial Park.*
 - ii) *That Council attendance at the annual Local Government Week Conference be limited to 4 full registrations and up to 4x1 day registrations. Potential saving of approximately \$8,000pa.*
 - iii) *That King Park, Piscoeneri Park and Hamel Park be turned into dry parks at a potential saving of approximately \$8- 10,000pa.*
 - iv) *That the transfer of \$60,000 from the municipal fund to the waste reserve fund be reduced to \$30,000 to offset the reduced income at the Buller Road refuse site projected for 2014/15.*

(Cr Witney left the meeting at 10.00am)

- e) *That the biennial agreement between the Shire and Community Centre Board, which is due to be considered for renewal on 1 July 2015, be considered on a basis that the annual amount not include an escalation for CPI.*
- f) *That the following initiatives be considered by the Council –*
 - i) *Investigate utilising the Drakesbrook Despatch for the Shire newsletter and withdrawing from the Sea to Scarp publication in the Harvey Waroona Reporter at a cost of \$9,800pa and articles be submitted to newspapers circulating the district.*
 - ii) *Turning the top cricket oval into a dry park. Council has previously made this decision but not acted on it.*
- g) *That the Recreation Advisory Committee further investigate the option of closing the swimming pool from 1 April 2015 to 30 August 2015.*
- h) *That the Works & Services Committee further investigate the cost of the cemetery gardens.*
- i) *That the Recreation Advisory Committee conduct a review of the Waroona Show gate fee and the assistance provided to event preparation.*

CARRIED 3/0

At the Ordinary Council meeting of 28 April 2015 Council considered the recommendation from the Finance & Audit Committee and resolved the following:

COUNCIL RESOLUTION

OCM15/04/039

MOVED: CR WRIGHT

SECONDED: CR MASON

That, on the recommendation of the Finance and Audit Committee, the following initiatives be enacted and come into effect as of 1 July 2015 so as to be included in the 2015/16 budget –

- v) *Public BBQs in the Shire be decommissioned between 30 April and 1 November each year, except for the BBQs at Preston Beach and one at Centennial Park.*
- vi) *Council attendance at the annual Local Government Week Conference be limited to 4 full registrations.*
- vii) *King Park, Piscoeneri Park and Hamel Park be turned into dry parks for a trial period of 12 months.*

CARRIED 5/0

At the Ordinary Council meeting of 26 May 2015 Cr Scott raised concerns expressed by the Waroona Lions Club of the Council's decision to decommission the BBQ's at the Drakesbrook Weir between 30 April and 1 November each year (OCM15/04/039 Item



(i). Cr Scott requested Council reconsider this decision due to the popularity of the Drakesbrook Weir all year round.

Cr Scott foreshadowed his intention to propose a motion at the June 2015 Council meeting requesting Council rescind its decision from the May 2015 Ordinary Council Meeting to decommission the BBQs. The notice of motion was supported by Cr Mason and Cr Wright in accordance with the provisions of clause 10 of the Local Government (Administration) Regulations 1996.

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

An additional \$3,500 will need to be included in the 2015/16 budget for costs related to maintaining BBQs at the Drakesbrook Weir from 1 April to 1 November.

COMMUNITY CONSULTATION

Advertising in local papers has not occurred, pending the outcome of this report.

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| Appendices Attached: | No | Appendices Numbers: |
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VOTING REQUIREMENTS

Absolute Majority to rescind motion OCM15/04/039(i).
Simple Majority for foreshadowed recommendation.

Cr Scott tabled a letter from the Waroona Lions Club regarding the decommissioning of the BBQ's at the Drakesbrook Weir during the winter months.

The Presiding Member sought an indication of support from at least one-third of Councillors for the rescission to be considered.

As Cr's Scott, Salerian and Wright indicated support the Presiding Member then called for the rescission motion to be moved.

COUNCILLOR MOTION

OCM15/069

MOVED: CR SCOTT

SECONDED: CR SALERIAN

SUPPORTED: CR WRIGHT

That Council rescind Council resolution OCM15/04/039 clause –

- i) Public BBQs in the Shire be decommissioned between 30 April and 1 November each year, except for the BBQs at Preston Beach and one at Centennial Park.**

CARRIED BY ABSOLUTE MAJORITY 6/0



COUNCIL RESOLUTION**OCM15/06/070****MOVED: CR SCOTT****SECONDED: CR WRIGHT**

That public BBQs in the Shire of Waroona be decommissioned between 30 April and 1 November each year, except for the BBQs at Preston Beach, Drakesbrook Weir and one at Centennial Park.

CARRIED 6/0**12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION****12.1 ELECTED MEMBERS****12.1.1 Proposed St John Ambulance Inter Depot Simulated Training Exercise**

The Chief Executive Officer tabled an email received from Waroona St John Ambulance requesting an Item be put on the next meeting of LEMC (Local Emergency Management Committee).

The email outlined a proposed interagency drill to be conducted by St John Ambulance on Sunday 20th September which would involve the closing of Coronation Road (at the Rail crossing) and surrounding area.

The CEO noted that the date of the proposed drill was the same day as the Vintage Machinery Show and requested Councillors consider the implications of supporting a road closure for a drill on a day when visitors to the town will be increased.

COUNCIL RESOLUTION**OCM15/06/071****MOVED: CR SCOTT****SECONDED: CR WRIGHT**

That the Waroona St John Ambulance be advised that the Council does not support the inter depot simulated training exercise being held on the same day as the Vintage Machinery Rally, Sunday 20th September 2015, as a large number of visitors are expected to attend the rally and would be unnecessarily inconvenienced by the exercise. Further, Council does not approve the closure of Coronation Road or use of Council controlled property for the purpose of the exercise if held on 20 September 2015. Council will, however, support the exercise being held on an alternate date.

CARRIED 6/0**12.2 OFFICERS**

Nil



13. CLOSURE OF MEETING

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

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 28 JULY 2015 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER
.....
DATE

