



# MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 28 NOVEMBER 2006

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**1. DECLARATION OF OPENING/ANNOUNCEMENTS**

The Chairperson declared the Meeting open at 10.04am and welcomed Members, Staff, and Members of the Public to the Meeting.

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

Cr N Dew	Shire President	Coastal Ward
Cr C Germain	Deputy Shire President	Town Ward
Cr B Heath		Town Ward
Cr T Witney		Town Ward
Cr M Davis		Town Ward
Cr Z O'Reilly Carter		Coastal Ward
Cr P Fitzpatrick		East Ward
Cr M Walmsley		West Ward
Mr I Curley		Chief Executive Officer
Mr L Tilbrook		Deputy Chief Executive Officer
Mr M Turner		Director Strategic Development
Mr S Cleaver		Director Community Services
Mr Ross Davidson		Manager Planning & Development Services
Mrs RH O'Mara		Executive Support Officer - Minute Taker

**APOLOGIES**

Nil

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

Nil

**4.1 PUBLIC QUESTION TIME**

Nil

**4.2 PUBLIC STATEMENTS**

Nil

5. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

Cr Fitzpatrick declared a Financial Interest in Item 9.3.3 and a Proximity Interest in Items 9.3.7

Cr Witney declared a Proximity Interest in Item 9.3.7

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

8. **CONFIRMATION OF MINUTES**

8.1 **ORDINARY COUNCIL MEETING – 24.10.06**

**COUNCIL DECISION**

**OCM06/223**

**MOVED: Cr Witney**

**SECONDED: Cr Heath**

**That the Minutes of the Ordinary Council Meeting held 24 October 2006 be confirmed as being a true and correct record of proceedings with an amendment to OCM06/218 which should read: Moved: Cr Witney.**

**CARRIED 8-0**

9. **REPORTS OF OFFICERS AND COMMITTEES**

9.1 **MANAGER WORKS & SERVICES**

Nil

**9.2 DIRECTOR COMMUNITY SERVICES**

Nil

**9.3 DIRECTOR STRATEGIC DEVELOPMENT****9.3.1 PROPOSED AQUACULTURE BUILDING – LOT 41 ROBERTS ROAD, HAMEL**

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Proponent:	A Strehle
Landowner:	Strehle Enterprises Pty Ltd
Date of Report:	20 November 2006   File No: TP 970
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	There are no Strategic Implications
Financial Implications:	Fees have been received
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

*An application has been received for a building intended for offices, laboratory, staff room, storage and the like in connection with the approved Aquaculture use of Lot 41. A site plan is contained at Appendix 1.*

*A plan showing the building is contained at Appendix 2.*

Background

Council will be aware that the building is presently on site, however its completion is yet to occur. There has been considerable discussion with the proponent and Council's Planning, Building and Health Services as to the utilisation of the building and this has resulted in an agreement for the uses to which the building can be put. Appropriate plans were then required from the proponent and these have now been received along with an application for Planning Consent.

Community Consultation

No community consultation was required nor has any been undertaken.

### Officer's Comments

Given that the subject Lot has an approval for an aquaculture use and the proponent has demonstrated that activities on the property have been directed toward this end, approvals for development associated with this use can be supported by Council.

An opportunity now presents itself to work with the proponent to introduce a high standard of development through appropriate approval conditions. These conditions can address such aspects as use and visual amenity of the building, provision of landscaping, vehicle parking and access.

Because there is a clear intention for the public to visit the property, provision of vehicle parking spaces, turning areas and accessways to a reasonable standard of construction is warranted. It is arguable given the location and nature of the operation whether or not these should be sealed, however there is no doubt that their construction should be to a trafficable standard in either gravel, limestone or similar.

Clause 6.8 Vehicle Parking – Table 2 of Town Planning Scheme No. 7 sets out the number of parking spaces to be provided and in particular under 'Other Uses' provides that the number is at the discretion of Council having regard to the requirements of the use. While the number of potential visitors is indeterminate, there is likely to be at least one staff member on site and Council could reasonably require the provision of 6 car parking spaces, including one disabled bay, at this time.

### OFFICER RECOMMENDATION

That Council approves the proposed Aquaculture building on Lot 41 Roberts Road, Hamel subject to the following conditions:

1. The development hereby approved shall occur in accordance with the amended plans dated 3 October 2006 and these shall not be further altered or modified without the prior written approval of Council.
2. The building hereby approved is for commercial use associated with aquaculture only and shall not be otherwise occupied without the prior written approval of Council.
3. All damage to the building hereby approved shall be repaired and the building walls repainted by 28 February 2007 or within any extension of time granted in writing by Council.
4. All stormwater and drainage run-off to be contained on site in accordance with Statement of Planning Policy No. 2.1 to the specification and satisfaction of the Council, or connected to a Council stormwater legal point of discharge.
5. A landscaping plan detailing size, location and type of planting shall be provided prior to the development hereby approved being first occupied or commencing operation and thereafter maintained, to the satisfaction of the Manager Planning & Development Services.

6. Six (6) car parking bays, one of which is to be for disabled persons, shall be provided. These bays are to measure 5.5 metres in length and 2.5 metres in width, unless where abutting a wall where they must be 2.8 metres in width. The disabled car parking bay shall be not less than 3.2 metres in width.
7. Accessways and/or turning areas shall be arranged to the satisfaction of the Manager Planning & Development Services such that all vehicles shall at all times leave or enter the street in forward gear.
8. Accessways, turning areas and parking spaces shall be constructed and drained to a trafficable condition satisfactory to the Manager Planning & Development Services.
9. This approval shall expire if the development hereby approved is not completed within two (2) years of the date hereof, or within any extension of time which upon written application to Council (made at least 60 days prior to the expiry of the approval) is granted by it in writing.

#### APPENDICES 1 & 2

#### COUNCIL DECISION

OCM06/224

MOVED: Cr Germain

SECONDED: Cr O'Reilly Carter

**That Council approves the proposed Aquaculture building on Lot 41 Roberts Road, Hamel subject to the following conditions:**

10. **The development hereby approved shall occur in accordance with the amended plans dated 3 October 2006 and these shall not be further altered or modified without the prior written approval of Council.**
11. **The building hereby approved is for commercial use associated with aquaculture only and shall not be otherwise occupied without the prior written approval of Council.**
12. **All damage to the building hereby approved shall be repaired and the building walls repainted by 28 February 2007 or within any extension of time granted in writing by Council.**
13. **All stormwater and drainage run-off to be contained on site in accordance with Statement of Planning Policy No. 2.1 to the specification and satisfaction of the Council, or connected to a Council stormwater legal point of discharge.**
14. **A landscaping plan detailing size, location and type of planting shall be provided prior to the development hereby approved being first occupied or commencing operation and thereafter maintained, to the satisfaction of the Manager Planning & Development Services.**
15. **Six (6) car parking bays, one of which is to be for disabled persons, shall be provided. These bays are to measure 5.5 metres in length and 2.5 metres in width, unless where abutting a wall where they must be 2.8 metres in width. The disabled car parking bay shall be not less than 3.2 metres in width.**
16. **Accessways and/or turning areas shall be arranged to the satisfaction of the Manager Planning & Development Services such that all vehicles shall at all times leave or enter the street in forward gear.**

17. Accessways, turning areas and parking spaces shall be constructed and drained to a trafficable condition satisfactory to the Manager Planning & Development Services.
18. This approval shall expire if the development hereby approved is not completed within One (1) year of the date hereof, or within any extension of time which upon written application to Council (made at least 60 days prior to the expiry of the approval) is granted by it in writing.
- CARRIED 7-1**

Note:

*The Officer Recommendation was changed as it was considered one (1) year would be sufficient time for the project to be completed.*

9.3.2 SUBDIVISION – LOT 57 (NO.57) DALLAS STREET, WAROONA

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Proponent:	G.I. Cole & Associates Pty Ltd
Landowner:	VJ & YA Tomlinson & MR & KP McDonald
Date of Report:	20 November 2006   File No SD 132735
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	See below
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

*An application has been received for a Proposed Subdivision of Lot 57 Dallas Street, Waroona into 3 Lots as shown on the Locality Plan at Appendix 3 and Subdivision Plan at Appendix 4.*

*Two of the proposed Lots are to be 1.01ha in area and the third is to be 2.02ha. The two smaller Lots will have a frontage to the Highway, while the larger Lot will front on to Dallas Street.*

Background

Lot 57 is a 4.04ha Rural 1-General Farming Lot with a frontage on both Dallas Street and the South Western Highway. The subject Lot is within the study area for the Waroona North Structure Plan.



### Community Consultation

No community consultation was required nor has any been undertaken.

### Strategic Implications

The subject Lot is within the area of the Waroona North Structure Plan which proposes to include the western portion in a 'Highway' zone and the eastern portion in a 'Special Residential' zone. The 'Highway' zone contemplates that Lots could be subdivided to a minimum of 1ha subject to development being setback from the highway and appropriately screened. At Steering Committee meetings it has been suggested that it might be more satisfactory to have a road along the interface between the two proposed zones affecting this property, in which case the western boundary of the Lot fronting Dallas Street would require modification and its area would be reduced accordingly.

### Officer's Comments

As matters stand at the moment, while there is no minimum Lot size set by the Town Planning Scheme for Lots in the Rural 1 zone, the draft Local Planning Strategy suggests that a suitable minimum would be 80ha. Inspection of the draft document indicates that the subject Lot is within an area identified as 'Rural Small Holdings' where minimum Lot sizes are suggested to be 1ha. In this context the Lot is clearly not subdividable as it is already well below the 80ha size for rural Lots under the Local Planning Strategy and the Lots proposed could not be reasonably used for rural purposes, but it does comply with the draft Local Planning Strategy for 1ha Lots in a proposed rural small holdings zone.

Given the recommendations of the Waroona North Structure Plan however, a very different situation emerges and in that case the proposed Lot sizes are compliant. The difficulty is that the Structure Plan still has a long way to travel and may well be subject to significant changes. For this proposal one such significant modification is provision of a hard edge between the proposed 'Highway' and 'Special Residential' zones through the introduction of a road.

At this time the subdivision could not easily be supported under the present zoning, but there is a likelihood that it may be possible in the future. To support it now would also prejudice the orderly and proper planning of the area as contemplated by the Waroona North Structure Plan, particularly if the recommendation for a road between the two proposed zones affecting the subject Lot is taken up by Council.

**APPENDICES 3 & 4****OFFICER RECOMMENDATION**

That Council advises the Western Australian Planning Commission that it does not support the proposed subdivision of Lot 57 Dallas Street, Waroona for the following reason:

1. Approval to the subdivision would create an undesirable precedent for the unplanned breakdown of other Lots in the vicinity and give rise to Lots that are smaller than those generally prevailing in the area.

**Advice to Commission:**

The Commission is advised that the subject Lot is within the area of the draft Waroona North Structure Plan. It is possible under this Plan that the Lots in this vicinity will be able to be subdivided in the future and in this case the proposed subdivision is at the moment premature.

**COUNCIL DECISION****OCM06/225****MOVED: Cr Walmsley****SECONDED: Cr Germain**

**That it be recommended to the Western Australian Planning Commission that the proposed Subdivision of Lot 57 (No.57) Dallas Street, Waroona be deferred until the Waroona North Structure Plan has received final endorsement from the Western Australian Planning Commission.**

**CARRIED 8-0****Note:**

*The Officer Recommendation was not proceeded with as Council wished to defer the matter so it could be considered in relation to the requirements of Waroona North Structure Plan, once the Plan had received endorsement from the WAPC.*

**Cr Fitzpatrick declared a Financial Interest in the following Item 9.3.3 being the Proponent/Landowner and left the Meeting the time being 9.51am.**

9.3.3 LOT 101 (NO. 282) HALL ROAD, WAROONA– TIME EXTENSION ON PLANNING APPROVAL – HOLIDAY ACCOMMODATION (TWO CHALETS AND CONVERSION OF EXISTING SINGLE DWELLING AND ANCILLARY ACCOMMODATION TO CHALETS

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil	
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services / Nil	
Proponent:	P. F. Fitzpatrick	
Landowner:	P. F. Fitzpatrick	
Date of Report:	20 <sup>th</sup> November 2006	File No: TP800
Previous Reference:	Nil	
Statutory/Policy Implications:	Council may at its discretion and in accordance with the requirements of its Policy, limit the period of time for which Planning Consent remains valid under Clause 8.3.3 - 'Determination of Application' of the Scheme. Council may grant Planning Approval for any period of time deemed appropriate to complete a development.	
Strategic Implications:	Nil	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

Proposal

*Council received a request to apply for a fresh approval for Holiday Accommodation (Two Chalets and Conversion of Existing Dwelling and Ancillary Accommodation to Chalets) at Lot 101 (No. 282) Hall Road, Waroona. The applicant has advised that development is not likely to be completed in the 2 year period specified in the Planning Consent and seeks approval to extend the above application for another 2 years.*

*The applicant has applied within 60 days of the expiry of the Planning Approval therefore this request may be considered.*

*A Location Plan, and details relating to the proposal are contained at Appendix 5. The applicant's letter requesting the fresh approval is contained at Appendix 6.*

### Background

In October 2004 Council received an application for Planning Consent for 2 new chalets and the conversion of existing single dwelling and a 'granny flat' to chalets at Lot 101 (No. 282) Hall Road, Waroona. After a period of public advertising, Planning Consent was granted by Council.

The Planning Consent was valid for a period of 2 years only. The applicant was advised in the Planning Consent that a fresh approval must be obtained before commencing or continuing with the development.

### Statutory/Policy Implications

Council may at its discretion and in accordance with the requirements of its Policy, limit the period of time for which Planning Consent remains valid under Clause 8.3.3 - 'Determination of Application' of the Scheme. Council may grant Planning Approval for any period of time deemed appropriate to complete a development.

### Community Consultation

No consultation is required on the request for a time extension.

### Officer's Comments

The applicant advises that the non-completion of works within the specified time period is due to 'unexpected growth' in the Peel region over the past two years causing delays in having projects in the Waroona area completed within their specified time limits. Upon a site inspection, it was apparent that no works had commenced for the development. The applicant has advised that a single residential development on the adjacent Lot is 14 months behind the original contracted deadline.

It is therefore recommended that Council approves the extension of the Planning Consent, subject to a time limit condition of the permit to give the applicant no more than 14 months extension on the project. This should allow sufficient time to complete the development or be at a reasonable stage of completion.

**APPENDICES 5 & 6**

**COUNCIL DECISION**

**OCM06/226**

**MOVED: Cr Heath**

**SECONDED: Cr O'Reilly Carter**

**That Council resolve, in pursuance of own Planning Scheme No. 7, to approve the Extension of Planning Consent for Holiday Accommodation (Two Chalets and Conversion of Existing Dwelling and Ancillary Accommodation to Chalets) subject to the following conditions:**

- 1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.**
- 2. All stormwater and drainage run-off to be contained on site in accordance with Statement of Planning Policy No. 2.1 to the specification and satisfaction of Council, or connected to a Council stormwater legal point of discharge.**
- 3. This approval shall expire if the development hereby approved is not completed within 14 months of the date hereof, or within any extension of time which upon written application to Council (made at least 60 days prior to the expiry of the approval) is granted by it in writing.**

**CARRIED 7-0**

**Cr Fitzpatrick returned to the Meeting the time being 9.55am**

**9.3.4 LOT 25 (NO. 11) HOLMES ROAD, LAKE CLIFTON – TOWN PLANNING SCHEME AMENDMENT NO. 20 ‘ADDITIONAL USE - PUBLIC AMUSEMENT’ FOR FROG FARM**

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services / Nil
Proponent:	Deirdre L Whiting
Landowner:	Deirdre L Whiting
Date of Report: 13 <sup>th</sup> November 2006	File No: TPS Amendment No. 20
Previous Reference:	TP900
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

### Proposal

*Council initiated Scheme Amendment No. 20 for an 'Additional Use' in January 2006 under Town Planning Scheme No. 7 for Lot 25 (No. 11) Holmes Road, Lake Clifton. The Additional Use seeks to accommodate a 'Public Amusement' component for a Council approved Aquaculture (frog farm) use on the site.*

*This proposal is for the final adoption of Scheme Amendment No. 20 for the 'Additional Use – Public Amusement' at the Frog Farm.*

*A Location Plan and Scheme Amendment Map is contained at Appendix 7.*

### Background

In November 2005, Council received an application for Planning Consent for a Frog and Flora and Fauna Rehabilitation Farm at the Lot 25 (No.11) Holmes Road, Lake Clifton. The Frog Farm is aimed at re-generating the Western Green Tree Frog (*Litoria Moorei*) species currently on the Endangered Species List through a breeding program and is the first CALM licenced dedicated Frog Farm in Western Australia.

Council approved an application for Planning Consent for a Nursery (Water Plants) and Aquaculture (Frog Farm) for the site at the Ordinary Council Meeting on 28 March 2006. This has allowed the farm to open and serve as a Breeding Facility and Water Plant Nursery until Amendment No. 20 is granted final approval.

The Town Planning Scheme Amendment No. 20 was initiated by Council at the Ordinary Council Meeting held on 10 January 2006. The proposal was subsequently advertised for public comment.

### Statutory/Policy Implications

The zoning classification for the site is 'Rural 3B – Coastal Highway'. The research of frogs in their habitats and re-generation of frog numbers is considered to be an 'Aquaculture' use. This aspect of the proposal is classified as an (AA) use in the Scheme zoning provisions, which has allowed Planning Consent for the breeding of the protected frog species to be granted by Council.

An intended purpose of the Frog Farm is to serve as a community educational facility for the protected frog species. This will facilitate the amusement or entertainment of the public and is subsequently considered a 'Public Amusement' use under Town Planning Scheme No. 7.

'Public Amusement' is a use not permitted in the 'Rural 3B – Coastal Highway' zone and is defined in the Scheme as "land and buildings used for the amusement or entertainment of the public, with or without charge". According to the provisions of Tables 1 and 2 of the Scheme, the objectives for 'Rural 3B – Coastal Highway' zone is to "ensure the 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".

Council may at its discretion and in accordance with the requirements of its Policy, permit additional uses appropriate to the objective and to the location of the zone including establishment of commercial uses in accordance with the provisions of the zoning tables in Lots in the zone, in accordance to Section 4.4 of the Scheme, and subject to "satisfactory advice from the Department of Environment and Conservation, that the proposed use will not impact detrimentally on Yalgorup National Park."

#### Community Consultation

Pursuant to Regulation 25 of the Town Planning Regulations 1967, public inspection was required for the Scheme Amendment. Amendment No. 20 was advertised for a period of 42 days. During this advertising period, only one public submission was received from Main Roads supporting the proposal. A schedule of submissions is contained at **Appendix 8**.

#### Officer's Comments

After consideration of the information sent by Council, the Environmental Protection Authority considered the proposed Amendment No. 20 does not need to be assessed under Part IV Division 3 of the Environmental Protection Act 1986. Department of Environment (now Department of Environment and Conservation [DEC]) have since met with the proponent and provided supplementary information regarding nutrient management. DEC is satisfied that the proponent has met the previous condition requiring the preparation of a Nutrient and Irrigation Management Plan.

Main Roads do not have any objection with the proposed Scheme Amendment No. 20. Given there were no objections from the community during the 42 day advertising period, it can be understood that there would not likely be any foreseen negative community impacts as a result of adopting Amendment No. 20.

The 'Public Amusement' use in this instance is considered to be appropriate given similar activities such as Restaurants, Wineries and other Tourism/Visitor based uses are located within close proximity of the site along Old Coast Road. The Frog Farm should bring an acceptable level of visitors from students, tourists and passers by travelling along Old Coast Road having a positive impact on the local economy and should be an engaging feature of the Lake Clifton area.

The additional use is recommended to be supported by Council as the scale and nature of the proposal would not have any foreseen impacts on the environment, ecology and landscape of Yalgorup National Park and neighbouring Regional Open Space and traffic management requirements of Old Coast Road. Final adoption of Scheme Amendment No. 20 is therefore recommended to Council without modification.

**APPENDICES 7 & 8**

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM06/227</b>  <b>MOVED: Cr Walmsley</b>  <b>SECONDED: Cr Germain</b></p> <p><b>That Council resolve, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), to finally adopt Amendment No. 20 to Town Planning Scheme No. 7 without modification.</b></p> <p style="text-align: right;"><b><u>CARRIED 8-0</u></b></p>
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9.3.5 **MODIFICATION TO PLANNING POLICY 9.0 - RELOCATED DWELLINGS**

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Proponent:	Shire of Waroona
Landowner:	Nil
Date of Report:	20 November 2006   File No: 111/1
Previous Reference:	OCM 05/119
Statutory/Policy Implications:	Clause 2.4 TPS No. 7 Policies-Council
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Absolute majority</b>

Proposal

*To modify Planning Policy 9.0 - Relocated dwellings to include the statement that Council will not approve relocated dwellings within the boundaries of any gazetted townsite.*



### Background

Since this Policy was created by Council in September 2005, it has become evident that the existing standard of development and related level of amenity maybe being compromised by relocated dwellings not meeting a high standard of appearance and condition, despite the controls required by the existing Policy.

### Community Consultation

Clause 2.4 of the Town Planning Scheme treats modifications to Policies in the same manner as Policies themselves, so public advertising is required.

### Officer's Comments

In recent times there has been some evidence of an increasing number of applications for relocated dwellings, particularly within Waroona Townsite and the experience, confirmed in conversations with other Local Governments, is that these do not always result in any improvement to the amenity of the area.

It is quite apparent from the existing Policy that Council was mindful of the issue and took steps to try to overcome the situation through appropriate conditions, that were to provide clear standards as to what constitutes an acceptable type of relocated dwelling.

The modification proposed does not entirely prohibit relocated dwellings within the Shire area, only within townsites where the impact of less than successful dwellings not only detracts from the amenity, but also involves adjacent landowners and Council in lengthy exercises to correct the situation.

Council will be aware that Clause 2.4.3 of the Town Planning Scheme specifically states that a Town Planning Scheme Policy does not bind the Council in respect of any application, so in the event that Council wishes to approve a relocated dwelling within a townsite the mechanism exists to do so.

Other avenues that have been explored have included the introduction of a bond that is to be lodged with Council and returned to the owner when all conditions of approval have been complied with. While this may serve in many cases, the administration of bonds creates a significant cost for Council. Additionally there is some thought concerning the legality of requiring these bonds, since they may in some instances be considered as a levy or tax.

It is open to Council under the existing Policy to refuse all located dwellings within townsites. The danger here is that the refusal could be subject to appeal to the State Administrative Tribunal and if the reasons for the refusal are not sufficiently robust, the Tribunal will uphold the Appeal. If a number of Appeals are successful, Council would have to consider taking the kind of action being considered by this Report.

While relocated dwellings are not a major issue at the moment it is evident that it has potential to be so, in which case it is recommended that steps be taken now rather than later to address the matter.

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM06/228</b>  <b>MOVED: Cr Walmsley</b>  <b>SECONDED: Cr Davis</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Resolves by Absolute Majority to modify Planning Policy 9.0 - Relocated Dwellings to include the words 'Council will not approve relocated dwellings within the boundaries of any gazetted townsite'.</b></li> <li><b>2. Advertises the proposed modification in accordance with Clause 2.4 TPS No 7 Policies – Council.</b></li> <li><b>3. At the conclusion of public advertising a further report, including all submissions received, being presented to Council for consideration of Final Adoption of the modification.</b></li> </ol> <p style="text-align: right;"><b><u>CARRIED BY ABSOLUTE MAJORITY 8-0</u></b></p>
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9.3.6 UNAUTHORISED RELOCATED DWELLING – LOT 108 SOUTHERN ESTUARY ROAD, LAKE CLIFTON

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning & Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson/ Manager Planning & Development Services / Nil
Proponent:	PW Carter
Landowner:	PW Carter
Date of Report:	21 November 2006
	File No: TP 991
Previous Reference:	Nil
Statutory/Policy Implications:	Planning Policy 9.0 Relocated Dwellings, under Acceptable Development, states that 'the dwelling does not contain asbestos' and in a further explanation states that 'where a second hand dwelling proposed to be relocated contains asbestos materials, such material is to be removed from the building prior to its transportation'.
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Absolute majority</b>

### Proposal

*To relocate a dwelling containing asbestos products to Lot 108 Southern Estuary Road, Lake Clifton shown at the locality and site plans contained at Appendix 9.*

### Background

In September of this year it was brought to the attention of Council officers that a dwelling had been placed on a site adjacent to the Lake Clifton Tavern. A site inspection on 13 September by Council officers confirmed that the dwelling was in fact on site, that it was temporarily sitting on stumps and that the building contained asbestos products. Photos of the dwelling are contained at **Appendix 10**.

Investigation revealed that it was proposed the dwelling be located on Lot 108 Southern Estuary Road, Lake Clifton, for which an application had been received on 5 September 2006. It now appears that the dwelling was not relocated to Lot 108 in one move and has been temporarily stored on site at the Lake Clifton Tavern property.

Subsequent contact with the owner of the dwelling has resulted in a request to Council for the asbestos to be removed once the dwelling is finally located on Lot 108. A copy of the submission from the owner is contained at **Appendix 11**.

### Community Consultation

Community consultation is not required for this proposal.

### Officer's Comments

The requirements of Council Policy 9.0 are clear and a copy of the Policy is attached to any request to bring a relocated dwelling into the Shire area. The applicant had also previously discussed the matter with Planning staff and it seems clear that there would have been some awareness of the Policy requirements.

It is open to Council to either approve the location of the dwelling on Lot 108 Southern Estuary Drive, Lake Clifton with asbestos still in place, or to refuse it and require that the dwelling be removed from the Shire area.

Clause 2.4.3 of Town Planning Scheme No. 7 states;

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

In determining this application, Council should be mindful of any undesirable precedent that would be created as a consequence of approving the proposal contrary to the Policy. Officers are not aware of any relocated dwelling containing asbestos that has been allowed to enter the Shire unless the asbestos has first been removed.

There are compelling reasons for consistency to be applied in dealing with relocated dwellings and in the circumstances of this application it is recommended that it be refused.

**APPENDICES 9, 10, & 11**

**COUNCIL DECISION**

**OCM06/229**

**MOVED: Cr Walmsley**

**SECONDED: Cr Germain**

**That Council:**

1. Refuses the proposed relocated dwelling on Lot 108 Southern Estuary Road, Lake Clifton for the following reason:
  - a. The dwelling contains asbestos products contrary to the requirements of Planning Policy 9.0 Relocated Dwellings
2. The owner of the dwelling be required to remove the dwelling presently stored on Lot 19 Old Coast Road, Lake Clifton from the municipal area of the Shire of Waroona within 30 days of the date hereof; and
3. If the dwelling has not been removed within the period specified in 2 above, Council authorises the Chief Executive Officer to commence legal action in accordance with Section 218 of the Planning and Development Act 2005.

**CARRIED BY ABSOLUTE MAJORITY 6-2**

**Crs Fitzpatrick and Witney left the Meeting due to a Proximity Interest in the following Item 9.3.7 being Landowners within the area covered by the Waroona North Structure Plan, the time being 11.15am**

9.3.7 WAROONA NORTH STRUCTURE PLAN – FINAL ADOPTION

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil	
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil	
Proponent:	Shire of Waroona	
Landowner:	Various	
Date of Report:	21 November 2006	File No: TPSP2
Previous Reference:	Item 9.5.1 March 2006 OCM	
Statutory/Policy Implications:	The Shire has adopted the draft Structure Plan as draft Town Planning Scheme Policy No.17 in accordance with the provisions of Clause 2.4 of the Scheme.  Once finalised, the Structure Plan will be forwarded to the WAPC for their endorsement.	
Strategic Implications:	The Structure Plan will provide strategic guidance of rezoning proposals, subdivision applications and development applications within the area covered by the Structure Plan.	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

Proposal

*The draft Waroona North Structure Plan (February 2006) is recommended by the Waroona North Structure Plan Steering Committee to Council for final adoption following advertising. A copy of the draft Structure Plan was circulated under separate heading to Elected Members in March.*

*The Structure Plan map is included at Appendix 12.*

Background

In June 2004 Council resolved to commence preparation of the Waroona North Structure Plan and a brief was adopted to appoint Consultants to undertake the process. Money was made available in the 2004-2005 Budget, with Iluka contributing 50% of the project costs. A Steering Committee was formed comprising Elected Members, Shire Officers, Landowners, Community Members and an Iluka Representative.

At its meeting in December 2004, Council appointed Belton-Taylforth to prepare the Structure Plan. They commenced this in January 2005.

At the March 2006 Ordinary Council Meeting, Council resolved to adopt the draft Structure Plan as Planning and Development Policy No.17 and to advertise it for public comment for 28 days.

The purpose of the Structure Plan is to:

- Guide land use and development within the Study Area during mineral sand mining (up until 2011-2012).
- Provide a longer-term plan for the Study Area post-mining.

### Community Consultation

In accordance with Clause 2.4 of the Scheme and Council's resolution of March 2006, the draft Structure Plan was advertised for a 28 day period and via the following mediums:

- Notice in the Harvey Reporter for two consecutive weeks.
- Copies of the draft Report on the Shire's website and at the Shire's Administration Office.
- Notice to all landowners within and adjacent to the study area.
- Notice to all the relevant government stakeholders inviting comments.

A total of five (5) submissions were received, including three (3) from landowners in the Study Area and one from Main Roads and the Environmental Protection Authority. All supported the Structure Plan but had comments on aspects of the document and Plan. A summary of the submissions and a response to each is contained at **Appendix 13**.

The process of preparing the Structure Plan has also included extensive consultation. In addition to the direction provided by the community members of the Steering Committee, a visioning workshop was held in February 2005 to guide the broad direction of the Structure Plan. In April 2005 two broad land use options were advertised for public comment. The options and the outcomes of this advertising are included in the draft Structure Plan.

### Officer's Comments

The Waroona North Structure Plan Steering Committee has recommended to Council that it adopt the Waroona North Structure Plan as contained in Version 1 – February 2006 with the 12 modifications detailed in the summary at **Appendix 14**. The Steering Committee considered the submissions on the draft Structure Plan.

The major changes recommended are a new Section 17.9 that outlines the advice of the EPA with respect to future detailed investigations that are required into water management, acid sulphate soils, geotechnical investigations, and foreshore reserves. The other significant change is to the minimum Lot size of the "Hills Landscape protection" area. This was advertised at 20 hectares. However, it is recommended that it be lowered to 10 hectares. It is considered that at 10 hectares the scarp landscape is still protected but allows some subdivision to occur. It is noted that the Shire of Murray has minimum Lot sizes of 4 hectares along sections of the Scarp. All proposals for subdivision would require a visual assessment. If Council adopts this change, this would need to be reflected in the Shire's Local Planning Strategy which currently has the minimum Lot size for that area as 20 hectares.

It is recommended that the Waroona North Structure Plan be adopted with the modifications detailed at **Appendix 14**.

**APPENDICES 12, 13, & 14**

**COUNCIL DECISION**

**OCM06/230**

**MOVED: Cr Walmsley**

**SECONDED: Cr Davis**

**That Council resolve:**

- A. Pursuant to Clause 2.4 of Town Planning Scheme No. 7, to adopt Planning and Development Policy No. 17 'Waroona North Structure Plan' as per Version 1 – February 2006 with the modifications contained in the Schedule of Modifications at Appendix 14.**
- B. The Officer Comments in the Schedule of Submissions contained at Appendix 13 be adopted as Council's consideration of the submissions.**
- C. Notify the public pursuant to Clause 2.4 of the Scheme of the adopted Policy.**

**CARRIED 6-0**

**ADJOURNMENT**

The Chairperson adjourned the meeting at this point for morning tea the time being 11.25am

**RECONVENED**

With the exception of the Manager Planning & Development Services those present at the adjournment of the Meeting were present in the room after the adjournment. Crs Fitzpatrick and Witney rejoined the Meeting which reconvened at 11.35am

9.3.8 YOUTH CENTRE (OLD TENNIS CLUB) BUILDING – RESERVE 8746 SOUTH WESTERN HIGHWAY, WAROONA – PAINTING OF BUILDING AND MURALS

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Proponent:	Waroona Community Centre Youth Worker
Landowner:	Shire of Waroona
Date of Report: 22 November 2006	File No: 191/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

*The Waroona Youth Centre has received funding to seal the brickwork and paint the exterior of the building used by the Youth Centre and then apply murals reflecting its use by young people. It is proposed that the base colour be 'Faded Olive'. The designs for the murals are to be designed by the young people using the Youth Centre, with help from local artist Vicki Anderson. This design has not been done to date and will be separately presented to Council for consideration at a future meeting.*

*Photos of the building as it exists and with the application of the base colour paint are contained in Appendix 15.*

Background

The building was built by the Waroona Tennis Club, which is not functioning as a Club at the present time. The Tennis Club lease the site and building to the Waroona Community Centre for the use of the Youth Centre.

Community Consultation

No consultation is necessary on this matter.

Officer's Comments

It is considered that the painting and murals will improve the appearance of the building and signify its use by young people. The base colour of 'faded olive' should match the surrounding area. It is a light colour that will not stand out and will be a good canvas for the murals. The design of the murals will be presented to Council at a later meeting for its consideration.



APPENDIX 15**COUNCIL DECISION****OCM06/231****MOVED: Cr O'Reilly Carter****SECONDED: Cr Walmsley**

**That Council resolves, with respect to the painting of the Youth Centre Building on Reserve 8746 South Western Highway Waroona, that it approves, subject to there being no objection from the Waroona Tennis Club, the sealing and painting of the exterior of the building in the colour 'faded olive' and that it also approves in principle the application of murals to the building, subject to the designs being approved by Council.**

**CARRIED 8-0**9.3.9 HAMEL ECO-HISTORIC PRECINCT INTERPRETATION PLAN FUNDING

Reporting Officer/Officer's Interest:	Maree Ellis - Community Development Officer / Nil
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	20 November 2006   File No: 115/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The project is included in the Shire's 2006/07 Budget, with expenditure up to \$27,840. Income for the project includes \$15,000 from LotteryWest, \$12,340 from Alcoa and \$500 from the Shire.
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

*That the Waroona Shire Council accept the amount of \$15,000 from the LotteryWest Interpretation of Cultural Heritage funding for the development of an Interpretation Plan for the Hamel Eco-Historic Precinct.*

Background

Although in the last 6 years significant progress has been made within the Hamel Eco-Historic Precinct, there is limited information readily available for the local community, tourists and other visitors on the history of Hamel and what they might find there, nor are there any structured activities or educational programs. The need to develop these areas is a major part of the charter of the Hamel Eco-Historic Precinct Working Group.

The Interpretation Plan will provide the next layer of planning and management of the precinct, following on from the Concept Plan (Blackwell & Assoc.) and the Conservation Plan (Palassis Architects). The Interpretation Plan will enable the Shire, in association with the Working Group, to continue developing, promoting and enhancing this important and valued place for the local community and for visitors, tourists and interest groups in a responsible and meaningful way.

#### Community Consultation

The proposal to prepare an application for funds to develop an Interpretation Plan was supported by the Hamel-Eco Historic Precinct Working Group.

#### Officer's Comments

Recent project development has led to an enhanced landscape and infrastructure changes that are now in need of Interpretation to give meaning and increase the educational and tourism potential of the area.

This project will assist with the planning for the development of trails and trail markers, interpretive signage, art projects and collection and display of historical collections and items. The precinct will obviously be greatly enriched by quality interpretation, which will in turn assist in promoting and managing increased tourism.

LotteryWest favour the development of Interpretation Plans prior to funding Interpretation projects as it supports a coordinated approach and long term planning.

The preparation of the Interpretation Plan was included in the Shire's 2006-07 budget. The LotteryWest funding, along with funds from Alcoa will allow consultants to be engaged to progress the Plan. The appointment of consultants and preparation of the Plan will not occur until early to mid 2007.

#### **COUNCIL DECISION**

**OCM06/232**

**MOVED: Cr Fitzpatrick**

**SECONDED: Cr Germain**

**That Council resolve to develop in 2007 an Interpretation Plan for the Hamel Eco-Historic Precinct and accepts the amount of \$15,000 from the LotteryWest Interpretation of Cultural Heritage for the purpose.**

**CARRIED 8-0**

9.3.10 SMALL GRANTS PROGRAM 2006/07 FOR COMMUNITY GROUPS – JAZZAMATAZ WAROONA DANCE CLUB APPLICATIONS

Reporting Officer / Officers interest	Maree Ellis - Community Development Officer / Nil
Responsible Officer /Officers Interest	Matthew Turner – Director Strategic Development / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report:	22 November 2006 File No: 66/1
Previous Reference:	October 2006 OCM
Statutory /Policy Implications	Nil
Strategic Implications:	One of the six goals of our Community Strategic Plan under the heading of Community Participation is:  "To retain and expand on the level of community pride and enthusiasm that encourages strong family values and community involvement by volunteers of all ages."
Financial Implications:	A budget allocation of \$5,200 allowing for an annual allocation of: 4 x Youth Development Grants @ \$500 4 x Arts & Culture Development Grants @ \$800
Voting Requirements:	<b>Simple Majority</b>

Proposal

*Council is asked to approve the Small Grant application for 2006/07 for a Youth Development Grant from the Jazzamataz Waroona Dance Club.*

*Jazzamataz Waroona Dance Club have made three (3) applications:*

<i>Promotional Signage:</i>	<b>\$400</b>
<i>Purchase of a Sound System:</i>	<b>\$500</b>
<i>Performance Costumes:</i>	<b>\$500</b>

Background

At the Ordinary Meeting of Council in June 2004, Council resolved to provide an amount of Five thousand two hundred dollars (\$5,200) in the 2004/05 Budget to initiate a Youth Development Grants Program, and Arts & Culture Development Grants Program to assist Community Groups in the Shire of Waroona. Due to the success of this program, it was carried forward to 2006/07.

At the Ordinary Meeting of Council in October 2006, Council resolved to approve all other grant applications with the exception of those from the Jazzamataz Waroona Dance Club. The applications from the Jazzamataz

Waroona Dance Club for Youth Development grants were referred back to the Small Grants Committee for further consideration.

### Community Consultation

The grants were advertised to the Community through a media release. Consultation and assistance where required with applicants was made available through the Community Development Officer.

### Officer Comments

The Small Grants Committee will meet to consider the Jazzamataz applications prior to the November Council meeting and a recommendation from the Committee will be presented to the Council meeting.

The Officer has recommended that the Jazzamataz Waroona Dance Club application for promotional signage be approved. It is a sound principle for all clubs and organisations to be encouraged to promote themselves to increase membership improve their profile in the community and recognise their sponsors. The Dance Club's application for purchase of a sound system and performance costumes are not recommended for funding. It is considered that performance costumes should be the responsibility of the parents. With respect to the sound system, it is a better use of resources for a sound system to be purchased and owned by the Shire so that it can be utilised by other groups if required. The Officer will work with the group and other potential users to make sure that purchase of this type of equipment meets the user requirements.

It must also be noted that the Dance Club is not at present an Incorporated Body therefore there would be no guarantee that any equipment purchased would remain the property of the Shire should the group fold. The Community Development Officer is working with the group to encourage their incorporation and assist them with the task. The Dance Club now have a formalised committee and will be known as the "Jazzamataz Waroona Dance Group". Further steps towards incorporation will be progressed in early 2007.

### **COUNCIL DECISION**

**OCM06/233**

**MOVED: Cr Witney**

**SECONDED: Cr Heath**

**That Council grant the Jassamataz Waroona Dance Group a 2006/07 Youth Development Grant of \$500 to be used for the purpose of Signage identified in their application and for the costs incurred in becoming an Incorporated body.**

**The Grant component for the signage is subject to the Incorporation first being completed.**

**CARRIED 8-0**

**9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

**9.4.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2006 TO 31 OCTOBER 2006**

Reporting Officer / Officer's Interest:	Joe Dineley – 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:	23 November 2006	File No: 1/1
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

**APPENDIX 16**

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM06/234</b>  <b>MOVED: Cr Germain</b>  <b>SECONDED: Cr Fitzpatrick</b></p> <p><b>That the Monthly Statement of Financial Activity for the period 1 July 2006 to 31 October 2006 (Appendix 16 ) be received and noted.</b></p> <p style="text-align: right;"><b><u>CARRIED 8-0</u></b></p>
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**9.4.2 ACCOUNTS FOR PAYMENT**

Reporting Officer / Officer's Interest:	Joe Dineley – 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:	23 November 2006	File No: 1/3
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

APPENDIX 17**COUNCIL DECISION**

OCM06/235

MOVED: Cr Germain

SECONDED: Cr Heath

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal	4449-4487	65,455.95	65,455.95
Trust	10838	25.00	25.00
Electronic Transfers	EFT4315-4404	178,553.25	178,553.25
Direct Wages	25.10.06	49,818.80	
	08.11.06	<u>54,560.00</u>	104,378.80
		<b>TOTAL:</b>	<b><u>\$348,413.00</u></b>

and attached at Appendix 17 be endorsed.

**CARRIED 8-0**9.4.3 ANNUAL AUDIT 2005/2006

Reporting Officer / Officer's Interest:	Laurie Tilbrook - Deputy Chief Executive Officer/Director Corporate Services / Nil		
Responsible Officer / Officer's Interest:	Laurie Tilbrook - Deputy Chief Executive Officer/Director Corporate Services/ Nil		
Proponent:	Shire of Waroona		
Landowner:	N/A		
Date of Report:	6 November 2006	File No:	15/1
Previous Reference:	Nil		
Statutory/Policy Implications:	Local Government Act & Audit Regulations		
Strategic Implications:	Nil		
Financial Implications:	Nil		
<b>Voting Requirements</b>	<b>Simple Majority</b>		

Proposal

*Following completion of the on-site Audit a meeting was held with the Shire President.*

*The Auditor advised that in all areas a very successful outcome has been achieved, with no Statutory Compliance concerns raised.*

*Minor management issues raised by the Auditors are addressed on an ongoing basis.*

*Following receipt of the official Report (this Report was unable to be tabled at the October Ordinary Council Meeting as it was not available) and is now included with this Report – Appendix 18. The document will be presented to Electors together with detailed Financial Statements.*

*It is also a requirement of the Audit that a copy be forwarded to the Department of Local Government.*

### Background

#### Staff Policy

*The Council is required to prepare its Annual Accounts by September 30 each year. This is followed by formal acceptance of the Audit Report and subsequent incorporation of the Audit Report into the Annual Report which is to be presented to the Electors.*

The Council's Auditors, Anderson Mountford Down (AMD) have completed the 2005/06 Annual Audit.

### Community Consultation

In accordance with Statutory requirements of both the Local Government Act & Audit Regulations.

### Officer's Comments

The Council in accordance with its Policy has arranged to hold the Annual Meeting of Electors on Thursday 14 December 2006 commencing at 7.30pm at the Waroona Health & Community Resource Centre (due to unavailability of Council Chambers).

This will require the "draft" Annual Report for 2005/06 to be tabled at the November Ordinary Council Meeting prior to a 2 week public advertising period.

The Council's Finance & Audit Committee is also required to meet with the Auditor. It is proposed that this meeting be arranged immediately prior to either the November or December Ordinary Council Meeting depending on the availability of Mr Tim Partridge, Partner with AMD Bunbury.

**APPENDIX 18****COUNCIL DECISION****OCM06/236****MOVED: Cr Fitzpatrick****SECONDED: Cr Witney**

**That the Audit Report for the books of account of the Shire of Waroona for the 2005/06 Financial Year as attached at Appendix 18 be received.**

**CARRIED 8-0****9.4.4 ADOPTION OF 2005/06 ANNUAL REPORT**

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil	
Responsible Officer /Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil	
Proponent:	Shire of Waroona	
Landowner:	Shire of Waroona	
Date of Report: 16 November 2006	File No.: 8/1	
Previous Reference:	Nil	
Statutory/Policy Implications:	Local Government Act 1995	
Strategic Implications:	Nil	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

**Proposal**

*The 2005/06 Annual Report (provided under separate cover) is to be presented to the Annual Meeting of Electors on Thursday 14 December 2006.*

**Officer's Comments**

In accordance with Sections 5.54 and 5.55 of the Local Government Act the Report is to be accepted by the Council and will be available for the general public from Friday 30 November 2006 (by both hard copy and on the Shire's Website).

**COUNCIL DECISION****OCM06/237****MOVED: Cr Germain****SECONDED: Cr Witney**

**That the 2005/2006 Annual Report for the Shire of Waroona be adopted.**

**CARRIED 8-0**



9.4.5 RATES WRITE-OFF

Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil	
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	17 November 2006	File No: 86/1
Previous Reference:	Nil	
Statutory/Policy Implications:	An Absolute Majority decision of the Council is required to approve the write-off. A delegation cannot be made by the Council for a decision which requires an Absolute Majority (Local Government Act 1995 S.5.43)	
Strategic Implications:	Nil	
Financial Implications:	The total amount of \$64.14 relates to penalty interest on rates and is not a loss of direct rate income.	
<b>Voting Requirements</b>	<b>Absolute Majority</b>	

Proposal

*The Council is requested to approve a rate Write-Off of \$64.14 being penalty interest on overdue rates relating to A1191.*

Background

The property in question, 34 Hesse Street, Waroona owned by JM Scott was subject to a transfer error during settlement of the property.

This resulted in the rates not being paid by the settlement agent even though all normal procedures were followed ie the settlement agent had been holding, but did not release the funds.

As the effort had been beyond the control of the Council and the new owner, the amount is proposed for Write-Off (being interest accumulated during the period of negotiation on releasing of the funds).

Community Consultation

N/A

Officer's Comments

The amount is proposed to be written off in accordance with 6.12(1)(c) of the Local Government Act 1995.

**COUNCIL DECISION**

OCM06/238

MOVED: Cr Walmsley

SECONDED: Cr Germain

That Council approve the Write-Off of rates penalty interest totalling \$64.14 for the 2006/07 financial year in respect of Assessment A1191.

**CARRIED BY ABSOLUTE MAJORITY 8-0**

The Manager Planning & Development Services returned to the Meeting the time being 11.56am

**9.5 CHIEF EXECUTIVE OFFICER**

Nil

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

Nil

**11. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION****11.1 ELECTED MEMBERS**

Nil

**11.2 OFFICERS**

Nil

**12. CLOSURE OF MEETING**

In closing the Shire President thanked Councillors and Staff for their efforts during the year and wished them and their families a Merry Christmas and a Happy New Year, and declared the meeting closed the time being 12.55pm