



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 24 OCTOBER 2006

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the Meeting open at 2.10pm and welcomed Members and Staff to the Meeting.

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

Cr N Dew	Shire President	Coastal Ward
Cr C Germain from 2.20pm	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
Mr I Curley		Chief Executive Officer
Mr L Tilbrook - 2.10pm to 3pm		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

Cr M Walmsley	West Ward
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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 Heath declared an Interest affecting Impartiality in Item 9.3.8

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 DEPUTATION IN RELATION TO PROPOSED SUBDIVISION LOT 2942 OLD BUNBURY ROAD - SEE ITEM 9.3.1

The Chairperson welcomed Planning Consultant Dave Jones, Principal of insitu Planning & Design, and Environmental Consultant Dale Putland from ENV Environmental Consultants who gave a presentation to Council outlining the Environmental constraints in relation to Item 9.3.1 for the proposal, and how these were to be addressed through the amendment documentation.

Messrs Jones and Putland left the Meeting at 2.25pm.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 26.09.06

COUNCIL DECISION

OCM06/194

MOVED: Cr Witney

SECONDED: Cr Fitzpatrick

That the Minutes of the Ordinary Council Meeting held 26 September 2006 be confirmed as being a true and correct record of proceedings.

CARRIED 7-0

8.2 SPECIAL COUNCIL MEETING – 12.10.06

COUNCIL DECISION

OCM06/195

MOVED: Cr Germain

SECONDED: Cr Heath

That the Minutes of the Special Council Meeting held 12 October 2006 be confirmed as being a true and correct record of proceedings.

CARRIED 7-0

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 MANAGER WORKS & SERVICES

9.1.1 ANNUAL TENDERS 2006/2007 – WORKS & SERVICES

Reporting Officer/Officer's Interest:	Charlie Eatts – Manager Works & Services / Nil	
Responsible Officer/Officer's Interest:	Charlie Eatts – Manager Works & Services/ Nil	
Proponent:	Shire of Waroona	
Landowner:	Shire of Waroona	
Date of Report:	20 October 2006	142/1 & 142/3
Previous Reference:	Nil	
Statutory/Policy Implications:	Compliance with Local Government Tender Regulations	
Strategic Implications:	Nil	
Financial Implications:	All Financial costs relating to these Tenders have been costed into this year's adopted Budget.	
Voting Requirements	Absolute Majority	

Proposal

Tenders were called this year and closed at 4pm October 16, 2006.

A meeting was held by the Works & Services Committee on 19 October 2006 to discuss and accept Recommendations resulting from the Tenders received by the Council.

Background

The Manager Works & Services called for Tender prices for the supply of Bitumen, Aggregate, Gravel, Limestone, and Plant Hire required for the annual Financial Year Road Program.

Community Consultation

Nil

Officer's Comments

The Tenders were opened at 4pm 16 October 2006 and assessed. The tenders will then be placed in order of preference and a Recommendation was put to the Works & Services Committee at the meeting on 19 October 2006.

COUNCIL DECISION**OCM06/196****MOVED: Cr Fitzpatrick****SECONDED: Cr Witney****That Council:****BITUMEN TENDER NO 1 - 2006/07**

1. Accept the Tender from Boral Asphalt for the supply of hot bitumen to various locations throughout the Shire:
 - a) Approximately 126,000 litres 90/10 with 0.5% anti stripping agent @ 79.7 cents per litre inc GST.
 - b) Approximately 135,000 litres 95/5 with 0.5% anti stripping @ 72 cents per litre inc GST

AGGREGATE TENDER NO 2 - 2006/07

1. Accept the Tender from Hanson for the supply and delivery of approximately 2100 tonnes of 10mm Granite Main Road Specification Aggregate at the following prices:

Old Bunbury Road	620 tonnes @ \$29.48 inc GST
Shire Depot	1480 tonnes @ \$29.48 inc GST

GRAVEL SUPPLY TENDER NO. 3 – 2006/07

1. Accept the Tender from Charles Hull Contracting for the supply of approximately 8700m³ Main Road specification Gravel @ \$9.50/m³ loaded at the pit plus GST.
2. Accept the Tender from Charles Hull Contracting for the supply of approximately 15000m³ crushed limestone as per specifications @ \$9.00/m³ loaded at the pit plus GST.

PLANT HIRE TENDER NO. 4 - 2006/07

1. Accept the Tender from Charles Hull Contracting for the supply of Plant Hire as and when required at the following prices plus GST:

WET HIRE

<u>Equipment</u>	<u>Rate (Hr)</u>
Semi Tippers - Tri Axle	\$95
Excavator (30 tonne)	\$130
Dozer (D10)	\$225
Dozer (D7)	\$140
Loaders (966 with scales)	\$95 or \$1.00m ³
No Mob/.Demob on Semi Tippers	
Mob/Demob to be assessed on the day	

DRY HIRE

<u>Equipment</u>	<u>Rate (Daily)</u>
Roller	\$250 + GST

Mobilisation cost \$200 each way if a float is needed.

CARRIED BY ABSOLUTE MAJORITY 7-0

9.2 **DIRECTOR COMMUNITY SERVICES**

9.2.1 **ACTIVE AFTER SCHOOL 2007**

Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Proponent:	Shire of Waroona Recreation Advisory Committee	
Landowner:	N/A	
Date of Report:	5 October 2006	File No: 126/2
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Increased Physical Activity	
Financial Implications:	Up to \$10,000 funded by Australian Sports Commission	
Voting Requirements	Simple majority	

Proposal

To endorse an application for Active After-school communities.

Background

Following a presentation of the Active After Schools Program to the Chief Executive Officer at Local Government Week 2006 a meeting was held between the Shire, Australian Sports Commission, St Josephs School, Waroona District High School, and Department of Community Development.

Community Consultation

Waroona Police.

Officer's Comments

The program as explained in the fact sheet (**Appendix 1**) proposes that activities are run for school age children after school for 1 hour to keep them active. The children are escorted from the school to the Recreation Centre, given a healthy snack and participate in activity sessions. It is possible to incorporate dance and some other already running activities in the program, however further research is required into this.

It is initially proposed to run sessions for years 1-3 and 4-7 in Term One 2007. The proposed time line for implementation of the program is for commencement in February 2007 with coaches and coordinators to undergo training in Waroona. It is intended that existing Shire Staff may participate in the program as coaches/deliverers.

APPENDIX 1

COUNCIL DECISION

OCM06/197

MOVED: Cr Fitzpatrick

SECONDED: Cr O'Reilly Carter

That the Active After Schools program be implemented in Term One 2007.

CARRIED 7-0

9.2.2 RECREATION ADVISORY COMMITTEE - TERMS OF REFERENCE

Reporting Officer / Officer's Interest:	Steve Cleaver , Director Community Services / Nil
Responsible Officer / Officer's Interest:	Steve Cleaver , Director Community Services / Nil
Proponent:	Shire of Waroona Recreation Advisory Committee
Landowner:	N/A
Date of Report: 4 October 2006	File No: 126/2
Previous Reference:	OCM06/145; OCM 06/175
Statutory/Policy Implications:	Shire of Waroona Policy Manual
Strategic Implications:	To determine the role of Recreation Advisory Committee
Financial Implications:	Nil
Voting Requirements	Absolute Majority

Proposal

To consider the Terms of Reference for the Recreation Advisory Committee.

Background

The Terms of Reference for the Recreation Advisory Committee were reviewed at the Ordinary Council Meeting 27 July 2006, (**Appendix 2**).

In light of the YMCA review in 2006 Council further resolved.

"That Council adopts the key recommendations of the YMCA report namely:

1. *That the position of Manager Recreation Services be created.*
2. *That Council endorse the Shire's new Corporate Structure as contained in Appendix 3.*
3. *That the Director Community Services provide further reports on budgetary matters for the 2007/2008 financial year and Five (5) year Financial Plan."*

The YMCA report recommended that the reference to Waroona Recreation and Aquatic Centre Management Plan be removed and that the committee focus on recreation matters Shire wide.

Community Consultation

Nil

Officer's Comments

The YMCA report summarised recommendations into 10 areas.

- Management Practices
- Staff
- Kiosk
- Information technology
- Operating Income and Expenditure
- Operating Deficit.
- Sponsorship
- Fees
- Forward planning.
- Recreation Centre Activities.

Whilst it is generally the role of committees to focus on strategic initiatives the role of Council Senior Staff is on leading, managing and organising. It is proposed that the committee focus efforts predominantly on strategic issues. Council's resolution is for the committee to provide a governance role in line with the recommendations of the YMCA report 2006. It has also been recommended that the Director Community Services provide Business Plans and Financial Plans for the committees and subsequently Council's approval.

APPENDIX 2**COUNCIL DECISION****OCM06/198****MOVED: Cr Germain****SECONDED: Cr Witney**

That the Terms of Reference for the Recreation Advisory Committee be amended by deletion of clause:

3.(e) Waroona Recreation & Aquatic Centre – Management Policies, Performance Assessment, Financial Reviews, Jorgensen Management Report.

CARRIED BY ABSOLUTE MAJORITY 7-0

9.2.3 APPROVAL TO KEEP THREE DOGS – 9 BIRCH STREET, WAROONA

Reporting Officer / Officer's Interest:	Steve Cleaver , Director Community Services / Nil
Responsible Officer / Officer's Interest:	Steve Cleaver , Director Community Services / Nil
Proponent:	Tim Beattie
Landowner:	Tim Beattie
Date of Report: 18 October 2006	File No: A820, 45/1
Previous Reference:	Nil
Statutory/Policy Implications:	Dog Act 1976, Waroona Dog Local Laws 2001
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

To consider a request from Mr Tim Beattie of 9 Birch Street, Waroona to allow the keeping of three (3) dogs. Clause 3.2 of the Shires Dog Local Law allows only for the keeping of two (2) dogs in the townsite.

Background

Mr Tim Beattie has applied to keep a third dog called "Tank". Mr Beattie has obtained the Bull Mastiff x Ridgeback through K9 rescue. Currently the owner has two Kelpie X dogs "Bonney" and "Ted" who are both 5 years of age. Both of the existing dogs are registered.

Community Consultation

Neighbours on adjoining sides are agreeable to the application.
Councils Ranger is agreeable to the application.

Officer's Comments

Approval is recommended for Tank and the existing dogs to remain, and should a dog be removed then the approval lapses. Sterilisation of the third dog (Tank) is recommended.

It is also Shire Policy for the Council Ranger to check the property annually for compliance with Council's recommendation.

<p><u>COUNCIL DECISION</u> OCM06/199 MOVED: Cr O'Reilly Carter SECONDED: Cr Heath</p> <p>That Mr Tim Beattie of 9 Birch Street, Waroona is permitted to keep three (3) dogs subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Approval is for Tank (Bull Mastiff/Ridgeback), Ted 5 year old (Kelpie X) and Bonney 5 year old (Kelpie X) only. 2. Should a dog be removed the approval lapses. 3. Inspection by Councils Ranger annually. 4. Tank is to be sterilised and registered within 60 days of this approval. <p style="text-align: right;"><u>CARRIED 6-1</u></p>

<p><u>COUNCIL DECISION</u> OCM06/200 MOVED: Cr Fitzpatrick SECONDED: Cr Germain</p> <p>That the order of business be changed to deal with Item 9.4.1 to 9.4.4 as the Deputy CEO had other commitments and required to leave the meeting early.</p> <p style="text-align: right;"><u>CARRIED 7-0</u></p>
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9.4.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2006 TO 30 SEPTEMBER 2006

Reporting Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report: 19 October 2006	File No: 1/1	
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
Voting Requirements	Simple Majority	

APPENDIX 13**COUNCIL DECISION**

OCM06/201

MOVED: Cr Witney

SECONDED: Cr Germain

That the Monthly Statement of Financial Activity for the period 1 July 2006 to 30 September 2006 (Appendix 13) be received and noted.

CARRIED 7-09.4.2 ACCOUNTS FOR PAYMENT

Reporting Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Officer/Officer's Interest:	Chris Smith - Finance Officer	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:	19 October 2006	File No: 1/3
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
Voting Requirements	Simple Majority	

APPENDIX 14**COUNCIL DECISION**

OCM06/202

MOVED: Cr Heath

SECONDED: Cr Witney

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal Trust	4388-4448	226,399.43	226,399.43
Electronic Transfers	--	--	--
	EFT4127-4314	313,218.73	313,218.73
Direct Wages	13.09.06	52,213.20	
	27.09.06	<u>49,948.20</u>	102,161.40
		TOTAL:	<u>\$641,779.56</u>

and attached at Appendix 14 be endorsed.

CARRIED 7-0

9.4.3 QUARTERLY REPORT FOR THE PERIOD ENDING 30.09.06

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:	Shire of Waroona
Date of Report: 18 October 2006	File No: 1/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

The following information is provided as a result of analysis of the 2006/2007 adopted Budget as at 30.09.06.

No areas of concern in relation to budget expenditure have been identified. This is to be expected given that only 3 months of the financial year have lapsed and the majority of proposed capital expenditure is yet to commence.

The report should be considered in conjunction with details financial statements provided at Item 9.4.1.

The following information is however drawn to the Council's attention.

1. Operating Statement Explanation of Variances

Town Planning

Expenditure of \$10,394 has been made to the Shire of Esperance for long service leave commitments due to former employee Mrs E Gude.

This amount however can be recouped from a cash backed reserve account specifically for this purpose and will be determined prior to year end.

Building

Income well in excess of budget associated with a major Building Licence (Alinta (\$280,510) has been received.

This amount has been transferred to the Admin Centre Redevelopment Reserve account.

2. Statement of Financial position

Cash position as at 30.09.06

Municipal - \$1,297,185
(Of which \$1,103,564 is invested)

Reserve - \$1,552,476
(Full amount invested)

Details of individual Reserve Accounts attached at **Appendix 15**.

Rate collection has continued to be increasing with 72% collected at time of preparing this Report. This leaves a Sundry Debtor balance of \$544,820.

3. Capital Expenditure

No expenditure on capital projects has occurred for the reporting period to date.

4. Other

The following amendments to the 2006/2007 adopted Budget have been approved by the Council.

1. Purchase of emergency generator \$8,500 from Grant funds received – OCM06/151.
2. Transfer of Building Fees associated with Alinta Co-generation Plan \$280,510 to the Administration Centre Building Reserve – OCM06/152.
3. Purchase of two (2) Treadmills previously subject to Hire Purchase Agreement \$3,700 with funds to be transferred from Sporting Reserve Account OCM06/156.

APPENDIX 15

COUNCIL DECISION

OCM06/203

MOVED: Cr O'Reilly Carter

SECONDED: Cr Davis

That the Quarterly Financial Report for the period ending 30 September 2006 be received and noted.

CARRIED 7-0

9.4.4 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:	18 October 2006 File No: 15/1
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act & Audit Regulations
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

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 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 is required to formalise arrangements to hold the Annual Meeting of Electors. By Policy this would normally be the second Thursday of December at 7.30pm.

A date has therefore been set for Thursday 14 December 2006 at the Waroona Community & Health 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.

OFFICER RECOMMENDATION

1. That the Audit Report for the books of account of the Shire of Waroona for the 2005/06 financial year be received.
2. That the Annual Meeting of Electors for 2005/06 be held at the Waroona Community Health & Resource Centre on Thursday 14 December 2006 commencing at 7.30pm.

COUNCIL DECISION

OCM06/204

MOVED: Cr Germain

SECONDED: Cr Witney

That the Annual Meeting of Electors for 2005/06 be held at the Waroona Community Health & Resource Centre on Thursday 14 December 2006 commencing at 7.30pm.

CARRIED 7-0

Note:

The Officer Recommendation was changed due to the unavailability of the Audit Report from the Auditors at the time of the Meeting.

Mr Laurie Tilbrook left the Meeting and the Chambers at this point the time being 3pm.

9.3 DIRECTOR STRATEGIC DEVELOPMENT

9.3.1 PROPOSED REZONING – LOT 2942 OLD BUNBURY ROAD, LAKE CLIFTON FROM RURAL 1 - GENERAL FARMING TO RURAL 6 - RURAL RESIDENTIAL

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:	insitu Planning and Design
Landowner:	Kargra Stud
Date of Report: 17 October 2006	File No: TPS 19
Previous Reference:	Item 9.3.1. Sept 06 OCM 06/176
Statutory/Policy Implications:	Planning and Development Act 2005
Strategic Implications:	Nil
Financial Implications:	Fees to be borne by the applicant
Voting Requirements	Simple majority

Proposal

To rezone Lot 2942 Old Bunbury Road, Lake Clifton from Rural 1 – General Farming to Rural 6 – Rural Residential to facilitate a proposed 36 Lot Subdivision with an average Lot size of 3ha and a minimum Lot size of 2ha.

Background

Council, at the Ordinary Meeting on 2 August 2006, resolved to advise the proponent that while it supports the rezoning of Lot 2942 in principle, the Subdivision Guide plan should be redesigned such that the minimum Lot size is 2.5ha. A modified Guide Plan was received and considered by Council at the Ordinary Meeting of 26 September 2006 where it was resolved that the matter be deferred until the October meeting and the proponent be invited to give Council a presentation.

Community Consultation

Section 84 of the Planning and Development Act 2005 requires the Local Government to publicly advertise a proposed Scheme Amendment and Section 83 calls on the Local Government to make reasonable endeavours to consult with persons who are likely to be affected by the proposal.

Officer's Comments

Examination of the modified Guide Plan indicates that generally public open space to protect wetlands and drainage lines has been retained, however within proposed Lots 19, 20 and 21 it has proven difficult to excise the drainage line and maintain the minimum Lot size being sought by Council. The applicants propose that within these three Lots conservation covenants be created that will both protect the drainage line and allow for re-vegetation.

Apart from resulting in a redesign of the road network, the modification has reduced the Lot yield from the original 36 Lots to 34. The amount of land being set aside for open space has also correspondingly reduced.

The modified proposal is still consistent with all the structure planning documents, including the draft Local Planning Strategy, draft Lake Clifton-Herron Structure Plan and Lakelands Planning Strategy, that have been endorsed by Council.

After some consideration at the September Council Meeting, there was a view that the original Subdivision design would in fact provide a better planning solution to the management of wetlands, provision of open space and other environmental issues than the modified design. In the light of this, the original Subdivision Guide Plan is at **Appendix 3** for Council's consideration.

It should be noted that the original plan is also consistent with all the Council endorsed structure plans for this area.

APPENDIX 3

COUNCIL DECISION

OCM06/205

MOVED: Cr Fitzpatrick

SECONDED: Cr Davis

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt for initiation and advertising the proposed rezoning of Lot 2942 Old Bunbury Road, Lake Clifton from Rural 1 – General Farming to Rural 6 – Rural Residential subject to:-
 - i. Preparation of 5 sets of amended documentation to the satisfaction of the Manager Planning and Development Services
 - ii. Payment by the applicant of fees and charges in accordance with Council's adopted Schedule of Fees and Charges.
 - iii. The Shire President and Chief Executive Officer be authorised to sign the documentation.
2. Prior to public advertising pursuant to Section 84 of the Planning and Development Act 2005, the documents be referred to the Environmental Protection Authority in accordance with Section 81 of that Act.
3. At the conclusion of public advertising a further report, including all submissions received, be presented to Council for consideration of Final Adoption.

CARRIED 7-0

9.3.2 PROPOSED PLANNING POLICY NO. 18 – SEA CONTAINERS

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:	N/A
Date of Report: 18 October 2006	File No: 111/1
Previous Reference:	OCM 06/136
Statutory/Policy Implications:	Clause 2.4 of Town Planning Scheme No. 7 - Policies
Strategic Implications:	Nil
Financial Implications:	Cost of public advertising
Voting Requirements	Absolute Majority

Proposal

To finally adopt Town Planning Scheme Policy No.18 to introduce controls for the use of sea containers within the Shire of Waroona and to regulate the zones in which they may be used. A copy of draft Policy "18.0 – Sea Containers" is at Appendix 4

Background

At the Ordinary Council Meeting on 25 July 2006, Council resolved to advertise a draft Policy to control the use of sea containers within the district.

Community Consultation

Advertising was carried out in a newspaper circulating in the district in accordance with Clause 2.4.1 (a) of Town Planning Scheme No. 7. At the close of the advertising period on 16 October 2006 no public submissions had been received.

Officer's Comments

While there has not been a significant number of sea containers appearing in the Shire to date, the experience of other Local Governments indicates there is a need for the introduction of controls before this occurs.

At present within the Shire of Waroona there is no ability to regulate the use of sea containers as de facto sheds or secure storage for a variety of goods. One of the principal concerns is that in their original form they rarely contribute positively to the amenity of the area in which they are located. Recognising this, Council resolved to prepare and advertise a draft Policy for the control of sea containers within the district.

Given there were no submissions received, it is recommended that the Policy be adopted unaltered.

APPENDIX 4

<p><u>COUNCIL DECISION</u> OCM06/206 MOVED: Cr O'Reilly Carter SECONDED: Cr Heath</p> <p>That Council pursuant to Clause 2.4 TPS No. 7 Policies – Council resolves to finally adopt Policy 18 – Sea Containers as attached at Appendix 4 and thereafter act in accordance with Clause 2.4.1 (c) of the Town Planning Scheme to advertise final adoption of the Policy.</p> <p style="text-align: right;"><u>CARRIED BY ABSOLUTE MAJORITY 7-0</u></p>

9.3.3 **LOTS 4 & 16 THATCHER AND JACKSON STREETS – SUBDIVISION - CASH-IN-LIEU PAYMENTS FOR PUBLIC OPEN SPACE**

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:	Nil
Landowner:	TP and JR Leach
Date of Report: 18 October 2006	File No: SD 128745
Previous Reference:	OCM 06/162
Statutory/Policy Implications:	Council Policy 2.45 Cash-in-Lieu Payments
Strategic Implications:	Nil
Financial Implications:	\$20,500 cash-in-lieu contribution received.
Voting Requirements	Simple majority

Proposal

To return to the Subdivider of Lots 4 and 16 Thatcher and Jackson Streets, Waroona (WAPC Ref: 128745) an amount of 50% of the required cash-in-lieu contribution for public open space in accordance with Council Policy 2.45. (Copy of proposed Subdivision is attached at Appendix 5

Background

At the Ordinary Council Meeting on 22 August 2006, Council resolved to adopt Policy 2.45 to create a mechanism for Council to consider giving subdivision incentives to subdividers where the Western Australian Planning Commission allows a cash-in-lieu contribution for public open space to be provided.

Community Consultation

No community consultation was required nor has any been undertaken.

Officer's Comments

The subdivision is to create three Lots within the Waroona townsite, which accords with the Policy parameter of 5 Lots or less and an amount of \$20,500 has been received by Council from the subdivider as the cash-in-lieu contribution for public open space. The open space area has been determined by the Western Australian Planning Commission as being 176.8m². A report was received from Valuation Partners (WA) Pty Ltd, a licensed valuer company, that valued the area of open space at \$20,500

On the basis that the proposal accords with Council's new Policy on Open Space, it is recommended that an amount of \$10,250 (50%) be paid to the subdivider as a subdivision incentive.

APPENDIX 5

<p><u>COUNCIL DECISION</u> OCM06/207 MOVED: Cr Davis SECONDED: Cr Germain</p> <p>That Council resolves to return to the subdivider of Lots 4 and 16 Thatcher and Jackson Streets, Waroona an amount of \$10,250 as a subdivision incentive in accordance with Council Policy 2.45.</p> <p style="text-align: right;"><u>CARRIED 7-0</u></p>
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9.3.4 LOT 86 (No. 113) SOUTH WESTERN HIGHWAY, WAROONA – PROPOSED SHED EXTENSION – BUS SHELTER

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services / Nil
Proponent:	Colin Meares
Landowner:	Colin S and Carol A Meares
Date of Report: 17 October 2006	File No: TP987
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

An application for Planning Consent has been received by Council on 29 August 2006 to construct a bus shelter on Lot 86 South Western Highway, Waroona. The bus shelter is proposed to have dimensions of 14.5 metres long and 4.5 metres wide with a vertical height of approximately 4.0 metres.

The proposed bus shelter has an 800mm setback along the western side boundary, and 1500mm setback along the northern rear boundary.

The Location Plan and details relating to this application are attached as Appendix 6.

The applicant has advised that the shed will be used to park a school bus. There is an existing dwelling on the site.

Statutory/Policy Implications

The subject site is currently zoned 'Urban 1 – Town Centre Zone' under Town Planning Scheme No. 7. The objectives and policies of Council for the zone are:

“to ensure that the zone develops as the Commercial and community activity centre for the Town and the District and that the functional and visual qualities of the zone are commensurate with that status”.

Section 6.11 of the Scheme entitled 'Outbuildings' sets the height and area requirements for sheds in the Shire. There are however, no provisions in the Scheme for outbuilding height or area for the 'Urban 1 – Town Centre Zone', which is interpreted to mean that the Council does not wish to control the height and size of Outbuildings in this zone.

Nil setbacks from Lot boundaries can be applied for uses other than residential purposes under Part 4.5.2 of the Scheme. Storage of a school bus is deemed to be a commercial use and should be assessed accordingly.

Community Consultation

Comments of adjoining land owners were initially sought due to the shed not complying with height and setback provisions in the Residential Design Codes. The adjoining property owner adjacent to the subject site was informed of the proposal and given 14 days to make comment. During this period, a response was received. A schedule of the submission is contained as **Appendix 7.**

Council was subsequently informed by the applicant that the shed is to be used for the sole purpose of storing a school bus. This is a commercial use and therefore the R-Codes do not apply and the proposal is consistent with all Scheme provisions.

Officer's Comments

The proposal does not exceed the requirements of Town Planning Scheme No. 7 and may be deemed appropriate, given the zoning of the site. A shed of this scale and nature would not have any foreseeable negative impacts on surrounding properties or the streetscape of the zone, in particular the frontage of South Western Highway.

The neighbour had no objections to the shed as long as it conformed to the regulations.

Given that the proposed bus shelter complies with the provisions set out by the Scheme, it is recommended that the shed extension be approved by Council.

APPENDICES 6 & 7

COUNCIL DECISION

OCM06/208

MOVED: Cr Davis

SECONDED: Cr Germain

That Council resolve, with respect to the application for a Shed Extension – Bus Shelter at Lot 86 South Western Highway Waroona received by Council on 29 August 2006, to approve the Shed 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. The Shed Extension (Bus Shelter) is to be used for commercial purposes only.**
- 3. 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.**
- 4. Building materials to be of a colour not detrimental to the character of the natural landscape of the locality, that is colours to be non-reflective, of muted tones and in sympathy with those of the existing shed.**
- 5. This approval shall expire if the development hereby approved is not completed within 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.**

CARRIED 7-0

9.3.5 LOT 14 (NO.20) JACKSON STREET, WAROONA – GROUPED DWELLING (6 RESIDENTIAL UNITS)

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services / Nil
Proponent:	Stephen Peck Homes
Landowner:	Mr Alan Bradshaw
Date of Report: 18 October 2006	File No: TP971
Previous Reference:	None
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	None
Financial Implications:	None
Voting Requirements	Simple Majority

Proposal

An application for Planning Consent was received by Council on 15 June 2006 for six Grouped Dwellings on Lot 14 (No. 20) Jackson Street, Waroona. The units are proposed to be subject to a survey strata subdivision and have been assessed as such. The proposed strata lot areas range between 271m² and 276m². The average site area per unit is 337m² including the access way and common property areas.

The submitted site plan and elevations are contained in Appendix 8.

A Location Plan is attached at Appendix 9.

Statutory/Policy Implications

The subject site is currently zoned 'Urban 4 – Residential Zone' under Town Planning Scheme No. 7, with the 'R30' density code applying to group dwellings. The objectives and policies of Council for the zone are:

“to ensure that the residential areas in Waroona develop in a manner which will provide adequately for the variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resources and a high level of urban amenity”.

A grouped dwelling is deemed to be an 'AA' use under the Scheme and are discretionary, therefore subject to application and planning consent from Council.

Community Consultation

While the proposal is deemed to comply with the Scheme and the R Codes, it was considered that the proposed grouped dwelling development possibly could have an impact on a neighbouring property warranting consultation. The adjoining property owners adjacent to the subject site were informed of the proposal and given 14 days to make objections. The submission period ends on Friday 20 October, 2006. To date, no submissions have been received by Council. Any submissions received up to the closing time will be tabled at the meeting.

Officer's Comments

The proposal does not exceed the requirements of the R-Codes and should not detract from an appropriate level of amenity required for the Urban 4 – Residential Zone.

Element 10 of the R-Codes identifies incidental facilities that are essential in grouped dwellings to achieve a superior level amenity. It was identified that the original plans had no rubbish bin storage areas and the applicant was asked to include an area for external rubbish storage. However, this resulted in a boundary wall for the carport to Unit 1. It is recommended that the units have individual bin storage areas instead and that the common bin storage area be removed so that the boundary wall is not required and the amenity of the streetscape is improved.

Given that the proposed grouped dwelling complies with the provisions set out by the Scheme and the R-Codes, it is recommended that the six Grouped Dwellings be approved by Council.

APPENDICES 8 & 9**COUNCIL DECISION****OCM06/209****MOVED: Cr Germain****SECONDED: Cr Heath**

That Council resolve, with respect to the application for Six Grouped Dwellings at Lot 14 (No. 20) Jackson Street, Waroona received by Council on 15th June 2006, to approve the application 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. Common bin storage area highlighted in red on the approved plan in to be removed and individual bin storage areas to be provided for the units.
4. The common wall for Unit 1 highlighted in red on the approved plan to be repositioned 1m off the neighbouring boundary.
5. This approval shall expire if the development hereby approved is not completed within 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.

Advice to applicant

- a. Amended Plans addressing Conditions 3 and 4 to be submitted to Council prior to the issue of a Building Licence.

CARRIED 7-0

9.3.6 LOT 24 (NO.7) LOGUE STREET, WAROONA – APPLICATION TO CARRY ON A COTTAGE INDUSTRY (WOODCRAFT/CABINETMAKER)

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services / Nil
Proponent:	Mark Felsch
Landowner:	V Chapman & M Felsch
Date of Report: 18 October 2006	File No: HO31
Previous Reference:	TP872
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

Application for Renewal of Permit for a Cottage Industry (Woodcraft/Cabinetmaker) has been sought to continue operations at Lot 24 (No. 7) Logue Street, Waroona. The Cottage Industry includes manufacturing wood counter tops and kitchen cupboard doors at the premises using equipment including a table saw, thicknesser, planer, drill press, sander and an air compressor.

The hours for the use of machinery are limited to 10am to 2pm Monday to Friday, as per Council's original condition.

The location plan and details relating to this application are attached as Appendix 10.

Background

Application was made to conduct the Cottage Industry from an existing shed behind the dwelling at No. 7 Logue Street Waroona in September 2005 and was subsequently approved at the Ordinary Council Meeting held on 25 October 2006. It was recommended by the Officer to refuse the application on the basis that the use would adversely affect the amenity of the residential locality by way of noise levels, however Council decided to grant the application subject to conditions.

The conditions were imposed to limit potential noise created by the Cottage Industry and mitigate impacts on neighbouring properties. Noise attenuation measures were required to the satisfaction of Manager Planning and Development Services.

The final condition was that the approval was limited to 12 months and once that period had ended, Application for Renewal shall be considered by Council.

Statutory/Policy Implications

The subject site is zoned 'Urban 4 Residential' under Town Planning Scheme No. 7. A Cottage Industry is an 'AA' use under the Scheme allowing it to be approved at the discretion of Council.

The definition of a Cottage Industry in the Scheme is as follows:

"Industry - Cottage: - means an industry which produces arts and crafts goods which cannot be carried out under the provisions relating to a "home occupation" and that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash dust, grit, oil, liquid wastes or waste products;*
- b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's household normally resident on the land;*
- c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m².*
- d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and*
- e) does not display a sign exceeding 0.2m² in area."*

Planning and Development Services Policy No.11 'Home Based Business' applies to the subject application. Clause 7 is relevant, as follows:

"7. Provided that Council is satisfied that:

- a) the proposal will conform to the conditions of operation in the definition of Home Occupation or Cottage Industry;*
- b) the amenity of the area, and the interests of householders in the locality will not be adversely affected; and*
- c) in considering an application for a Home Based Business, Council is to consider the effect on similar businesses in the Waroona Town Centre;*

Council may issue a permit for a Home Occupation or Cottage Industry."

Community Consultation

In accordance with Planning and Development Services Policy No.1 'Community Consultation', notice of the application was originally sent to the surrounding five landowners in September 2005. There have been no changes in the operation, scale and nature of the Cottage Industry therefore community consultation was not required for the Renewal of the Permit.

Officer's Comments

There have been no complaints received by Council from surrounding residents however, and therefore it can be assumed that conditions on the original Planning Consent have sufficiently dealt with noise concerns.

Despite there having been no complaints, the Home Occupation is recommended to be reviewed by Council annually and therefore the conditions previously imposed in this regard are still recommended.

On this basis, it is recommended that the application for Renewal of a Permit for Cottage Industry be approved by Council.

APPENDIX 10**COUNCIL DECISION****OCM06/210****MOVED: Cr Fitzpatrick****SECONDED: Cr Davis**

That Council resolve, with respect to the Application for Renewal of Permit for Cottage Industry (Woodcraft/Cabinetmaker) received by Council on 9th October 2006, to Renew the Permit subject to the following conditions:

- 1. Use of machinery shall be restricted to the hours of 10am to 2pm Monday to Friday.**
- 2. Standard conditions applied to a Cottage Industry to be adhered to being:**
 - a. The undertaking of the Cottage Industry does not entail employment of any person not a member of the occupier's household.**
 - b. The proposal does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.**
 - c. The Cottage Industry does not display a sign exceeding 0.2m² in area.**
- 3. This approval is limited to 12 months. Application for Renewal shall be considered by Council.**

CARRIED 7-0

9.3.7 PROPOSED PORTABLE DIRECTION SIGNS

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: 18 October 2006	File No: TP 826
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

Approval of nine (9) portable direction signs to be placed on thoroughfares as shown on the applicant's drawing and site plan at Appendix 11.

Background

In March 2005 Lot 41 Roberts Road, Hamel received a conditional planning approval for commercial aquaculture. Part of the proposal was to provide for members of the public to be able to visit the property and observe the process as well as being able to purchase fish.

The applicant proposes to use 0.6m by 0.72m triangular 'coreflute' plastic signs to direct clients to the property. The signs will display the words 'Trout, Barramundi Fishing' along with an arrow and in some cases a distance. These signs were proposed to be displayed during the hours the business is open to the public and on weekends especially.

Statutory Implications

Advertising signs, including portable direction signs, are regulated by Part 3 of the Thoroughfares Local Laws and in particular for portable direction signs, clauses 3.2 and 3.4.

Community Consultation

No community consultation is required and none has been undertaken.

Officer's Comments

Without some knowledge of the district, locating the property could involve a degree of difficulty for clients and others. It is the intention of the applicant to direct clients or visitors to the property from the highway, along Cornucopia Road, across the railway line, along Burney Road and then into Roberts Road. Without either local knowledge or some form of directional signage, this could be a confusing route as it is not straightforward.

The issue for Council is that while the proposal does comply with the majority of the Local Law requirements, it does not accord with 3.2 (2) in respect of the size of the proposed signs or with 3.4 (v) which states that portable signs not be erected in any position other than immediately adjacent to the building or business to which the sign relates.

There is an apparent anomaly between a portable direction sign under 3.2 (2) and the conditions for a portable sign under 3.4 (v) that can be explained only in that 3.4(v) is attempting to deal with signs such as 'sandwich board' signs usually placed outside premises and these are therefore not directional signs in the accepted sense of the term.

It is therefore open to Council to consider the intent of the Policy requirements and if it sees fit, to deem the proposal as falling within that intent, at least as far as Council's local roads are concerned.

Signage along the highway is a different matter and the applicant was advised that any signs along the highway would require the approval of Main Roads WA as this road is under their control. Furthermore, it can be argued that signs are not required to find Hamel, which can be located on any number of mapping publications available from many outlets and there is no compelling reason for a multiplicity of signage along the highway.

OFFICER RECOMMENDATION

That Council

- A. Approves the four portable direction signs proposed to be placed on Cornucopia Road, Burney Road and Roberts Road, subject to the following conditions;
- i. The proposed signs hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered without the prior written approval of Council.
 - ii. The signs hereby approved shall be removed each day at the close of business and not be erected again until the business next opens for trading.
 - iii. The signs hereby approved shall not individually be greater than 0.5m² in area.
 - iv. No sign shall be erected within 3 metres of any constructed carriageway.
 - v. No sign shall be placed so as to obstruct or impede the reasonable use of a thoroughfare by pedestrians or vehicles and shall be moved or removed as required by Council in order to comply with this condition.
 - vi. All signs shall be maintained in good condition to the satisfaction of the Manager Planning and Development Services.
 - vii. All signs are to be freestanding and no sign shall be affixed to any tree, power pole or the like.
 - viii. Current public liability insurance of not less than \$5,000,000 shall be carried by the advertiser at any time the signs hereby approved are in use; and
- B. Refuses the 5 portable direction signs proposed to be placed on the South Western Highway for the following reason:
- i. Council is not convinced that there is a demonstrated need for directional signs to be placed on the South Western Highway and that approval for these signs will create an undesirable precedent.

APPENDIX 11**COUNCIL DECISION**

OCM06/211

MOVED: Cr Fitzpatrick

SECONDED: Cr O'Reilly Carter

That Council

- A. Approves the three portable direction signs proposed to be placed on Cornucopia Road, Burney Road, and Roberts Road, subject to the following conditions;**
- i. The proposed signs hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered without the prior written approval of Council.**

- ii. The signs hereby approved shall be removed each day at the close of business and not be erected again until the business next opens for trading.
 - iii. The signs hereby approved shall not individually be greater than 0.5m² in area.
 - iv. No sign shall be erected within 3 metres of any constructed carriageway.
 - v. No sign shall be placed so as to obstruct or impede the reasonable use of a thoroughfare by pedestrians or vehicles and shall be moved or removed as required by Council in order to comply with this condition.
 - vi. All signs shall be maintained in good condition to the satisfaction of the Manager Planning and Development Services.
 - vii. All signs are to be freestanding and no sign shall be affixed to any tree, power pole or the like.
 - viii. Current public liability insurance of not less than \$5,000,000 shall be carried by the advertiser at any time the signs hereby approved are in use; and
- B. Refuses the 6 portable direction signs proposed to be placed on the South Western Highway for the following reason:
- i. Council is not convinced that there is a demonstrated need for directional signs to be placed on the South Western Highway and that approval for these signs will create an undesirable precedent.

Advice to Applicant:

That Council would be prepared to consider approving a permanent directional sign at the junction of South West Highway and Cornucopia Road, Hamel in accordance with Main Roads specifications.

CARRIED 7-0

Note:

The Officer Recommendation was changed to indicate Council only approve 3 portable directional signs instead of 4 in part A; and refuses 6 instead of 5 portable signs in part B.

In relation to the following Item 9.3.8, Cr Heath declared an Interest Affecting Impartiality as the Deputy Chairperson of the Waroona Historical Society,

9.3.8 SMALL GRANTS PROGRAM 2006/07 FOR COMMUNITY GROUPS

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:	N/A	
Date of Report:	18 October 2006	File No: 66/1
Previous Reference:	Nil	
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	Simple Majority	

Proposal

Council is asked to approve the Small Grants for 2006/07 as recommended by the committee comprising the Chief Executive Officer, Community Development Officer, Cr Germain, Cr Walmsley and Cr Davis.

The program has once again attracted a positive response from the community and a total of seven (7) applications have been received, three (3) for Arts & Culture and four (4) for Youth Development. The following applications were received:

Community Arts/Cultural and Community Service Grants

- *Waroona Senior Citizens: \$800
Requesting funds to assist with the operation of the Waroona Community Car.*
- *Waroona Agricultural Society: \$800
Requesting funds to assist with a portable seating project for the log chop area at the showgrounds.*
- *Waroona Historical Society: \$800
Requesting funds to assist with promotional signage and picture framing.*

Youth Development Grants

- **Waroona Amateur Swimming Club: \$500**
Requesting funds to assist with running a short course clinic.
- **Waroona District High School P&C: \$500**
Requesting funds to assist with the building of an outdoor exclusive use area for year tens.
- **Waroona Youth Advisory Council: \$500**
Requesting funds to assist with the running of the final of the "Battle Of The Bands" series in Waroona.
- **Jazzamataz Dance School:**
Have identified three projects: Promotional Signage: \$400; Purchase of a Sound System: \$500; Performance Costumes: \$500.

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.

Community Consultation

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

Officer Comments

The committee met on Thursday 12 October 2006 to consider all applications with the exception of those from the Jazzamataz Dance School. The Jazzamataz Dance School applications had inadvertently been placed in the Tender box and were not available for consideration by the Committee.

The Committee recommended that the following applications be approved:

Community Arts/Cultural and Community Service Grants :

Waroona Senior Citizens:	\$800
Waroona Agricultural Society:	\$800
Waroona Historical Society:	\$800

Youth Development Grants

Waroona Amateur Swimming Club:	\$500
Waroona District High School P&C:	\$500
Waroona Youth Advisory Council:	\$500

The Officer is recommending that the Jazzamataz Dance School application for promotional signage (\$400) also 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 School's applications for purchase of a sound system and performance costumes are not recommended for funding. It is considered that the costume purchase should be the responsibility of the parents. With respect to the sound system, it is a better use of resources for this type of equipment 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 dance group and other potential users to make sure that purchase of this type of equipment meets the user requirements.

It is also noted that the Jazzamataz Dance Group are not at present an Incorporated Body therefore there would be no guarantee that any substantial equipment would remain for the use of the 'community' into the future. The Community Development Officer is working with the group to encourage their Incorporation and assist them with the task.

<u>COUNCIL DECISION</u>	
OCM06/212	
MOVED: Cr Germain	
SECONDED: Cr Davis	
1. That Council approve the Small Grants applicants for 2006/07 as recommended by the committee comprising of the Chief Executive Officer, Community Development Officer and three (3) Councillors as follows:	
<i>Community Arts/Cultural and Community Service Grants:</i>	
Waroon Senior Citizens	\$800
Waroon Agricultural Society:	\$800
Waroon Historical Society:	\$800
<i>Youth Development Grants</i>	
Waroon Amateur Swimming Club:	\$500
Waroon District High School P&C:	\$500
Waroon Youth Advisory Council:	\$500
2. That the application from the Jazzamataz Dance School for a Youth Development Grant of \$400 for promotional signage be referred back to the Small Grants 2006/07 Committee for further consideration.	
<u>CARRIED 7-0</u>	

OFFICER RECOMMENDATION

That the Council approve the application by the Jazzamataz Dance School for a Youth Development Grant of \$400 for promotional signage.

Note:

The Officer Recommendation was changed to include the Jazzamataz Dance School application to be referred back to the Small Grants Committee for further consideration.

Ian Curley left the Chambers the time being 3.38pm.

Cr O'Reilly Carter left the Chambers the time being 3.38pm.

Ian Curley returned to the Chambers the time being 3.40pm.

Cr O'Reilly Carter left the Chambers the time being 3.41pm.

9.3.9 LOT 218 (NO. 51) SOUTH WESTERN HIGHWAY, WAROONA – PROPOSED SHOP AND SIGNAGE – MENS HAIRDRESSER & BRIC A BRAC

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services / Nil
Proponent:	John Windberg
Landowner:	John Windberg
Date of Report: 18 October 2006	File No: TP1011
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

An application for Planning Consent was received by Council on 17 October 2006 to establish a Shop and signage at Lot 218 (No. 51) South Western Highway, Waroona. The large shop will be divided into two, leaving a shop of approximately 100m² for a Men's Hairdressing Salon, Secondhand goods and Bric a Brac. This section of the Shop connects onto the house at the rear of the site and has its own entrance door, toilet and washroom facilities.

The remaining 80m² of shop floorspace is expected to be leased out in the future.

Signage details for the shops lodged as part of the application propose 3 zinc aluminium sheet signs 0.675m² and a single 'barbers pole' which is illuminated and moving.

The applicant has advised that the shop will be open for only 2 days a week, Wednesday and Saturdays between 2pm and 9pm.

The Location Plan and details relating to this application are attached as Appendix 12.

Statutory/Policy Implications

The subject site is currently zoned 'Urban 1 – Town Centre Zone' under Town Planning Scheme No. 7. The objectives and policies of Council for the zone are:

“to ensure that the zone develops as the Commercial and Community Activity Centre for the Town and the District and that the functional and visual qualities of the zone are commensurate with that status”.

The proposed use is considered to be 'shop' under Town Planning Scheme No. 7 and is deemed a 'P' use, meaning it may be permitted provided that it complies with the relevant standards and conditions set out in the Scheme.

Pursuant to Clause 6.8.1 of the Scheme, minimum on-site vehicle parking spaces for Shops shall be provided at a rate of 1 space for each 30m² of gross leasable area, unless otherwise required by Council.

Planning and Development Policy 6.0 – 'Advertising Signage' deals with the requirements for erecting, maintaining and displaying signage. Section 7.2.3 of the Scheme deals with the consideration of applications for advertising signage and states that :

“Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed”.

Community Consultation

No consultation was required or considered necessary on this matter.

Officer's Comments

The proposal does not surpass the requirements of Town Planning Scheme No. 7 and may be deemed appropriate, given the zoning of the site and the type of use proposed. A shop of this scale and nature would not have any foreseeable negative impacts on surrounding properties or the streetscape of the zone, in particular the frontage of South Western Highway.

The signage proposed by the applicant meets all the requirements of the Scheme and Planning and Development Policy 6.0 'Advertising Signage' and is deemed acceptable in terms of appearance and impact on the streetscape. The illuminated barbers pole complies with Part 6.8 'Illuminated Signs' of the Policy and is not likely to detriment the streetscape or amenity of the zone.

An easement along the northern side of the site allows access to approximately four bays behind the shop, however this is two bays short of the Scheme provision for a shop with 180m² leasable area. The parking area at the back of the shop is deemed adequate for staff.

There are no provisions in the Scheme to waive on-site parking requirements where it is not physically possible to provide spaces, however in this instance it is recommended that Council gives special dispensation from the parking provisions as it is impossible for the applicant to comply with the Scheme provisions.

Given that the shop will be open for only 14 hours per week, the shop is not expected to put unwanted pressure on street parking along South Western Highway. It is therefore recommended to Council that the application be approved, and that dispensation from the parking provisions is considered.

APPENDIX 12

COUNCIL DECISION

OCM06/213

MOVED: Cr Fitzpatrick

SECONDED: Cr O'Reilly Carter

That Council resolve, with respect to the application for a Shop and Signage at Lot 218 (No. 51) South Western Highway Waroona received by Council on 17 October 2006, to approve the Shop 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. This approval shall expire if the development hereby approved is not completed within 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.**

CARRIED 7-0

ADJOURNMENT

The Chairperson adjourned the meeting at this point for afternoon tea the time being 3.42pm

RECONVENED

All those present at the adjournment of the Meeting were present in the room after the adjournment. The Meeting reconvened at 3.55pm.

9.3.10 **COMMUNITY DEVELOPMENT OFFICER – PERMANENCY OF POSITION**

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 18 October 2006	File No: 54/4
Previous Reference:	Nil
Statutory/Policy Implications:	One of the Shire's five objectives as stated in the Shire's Strategic Plan (2005-2025) is to "maintain a strong sense of community whilst experiencing social change". The position of Community Development Officer is integral to delivering on this objective.
Strategic Implications:	Nil
Financial Implications:	Funds to continue the employment of a Community Development Officer are contained in the Shire's 2006/2007 budget.
Voting Requirements	Simple Majority

Proposal

It is proposed to confirm the permanency of the Community Development Officer (CDO) position within the structure of the Shire of Waroona.

A proposed Position Description for the CDO is attached at Appendix A. This has been reworked to reflect the current needs for the role and to remove reference to direct oversight of the Recreation Services and Recreation Centre, which have been taken on in the new Manager Recreation Services role.

The Objectives for the position are as follows:

- “1. To encourage greater participation by all Shire residents in their community.*
- 2. To enhance the Identity, Spirit and Diversity of the Shire and the individual communities within it.*
- 3. To promote, develop and implement programs and activities in all areas of community development within the Shire of Waroona that reflect the needs of the local community and are consistent with Shire objectives and strategies.*
- 4. To facilitate the access of the community to improved resources, including assistance to access funding sources.*
- 5. To build the capacity and skills of local groups and individuals to be self-sufficient, sustainable and effective.*
- 6. To assist the Council and community organisations to deliver selected services and facilities in a coordinated manner or advocate for improved services and facilities.”*

A diagrammatic representation of the work of the CDO is contained in Appendix B.

Background

The CDO role was established in 2003, with Maree Ellis, previously employed at the Recreation Centre, taking up the role in November 2003. Maree was given a three year Contract, with the position to be reviewed by the Council at the end of that period.

A list of funding brought in by the CDO over the past three years is contained at Appendix C. The role has brought in directly in excess of \$400,000 in the three year period. The CDO has also assisted numerous other community organisations within the Shire to obtain new resources.

Community Consultation

No consultation is necessary on this matter.

Officer's Comments

It is considered that the role of CDO has offered a great deal to the Shire and the community and should be confirmed, following the initial three year 'trial' period, as a permanent position within the Shire of Waroona. In addition to the funding obtained and in some cases administered by the position, the role has offered great support to other Shire staff and community groups. The role is increasing taking an important advocacy role for improved services and resources for the community. It has become a vital link or first contact point for the Shire and the community groups.

The CDO has successfully overseen numerous projects in the past three years, including the Hamel Eco-Historic Precinct, the creation of the Youth Spaces adjacent to the Recreation Centre, the Crime Prevention Plan and Group, the Youth Advisor Group, the preparation of the Cultural Plan, the Community Art Projects, the Volunteer and Emergency Service Volunteer Thankyous, physical activity projects, the Waroona Heritage Pathway.

The incumbent has completed a successful performance review and therefore if Council confirms the position is to remain the CEO will offer a new three year Contract to Maree Ellis.

APPENDICES A,B, & C

COUNCIL DECISION

OCM06/214

MOVED: Cr Fitzpatrick

SECONDED: Cr Heath

That Council resolves to confirm the permanency of the position of Community Development Officer within the Corporate Structure of the Shire of Waroona on the basis of the Position Description in Appendix A.

CARRIED 7-0

Note:

Council congratulated Maree Ellis on her success as Community Development Officer since the creation of the position in 2003.

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

Items under 9.4 were dealt with after Item 9.2.3 – Page 13.

9.5 CHIEF EXECUTIVE OFFICER

COUNCIL DECISION

OCM06/215

MOVED: Cr Germain

SECONDED: Cr Heath

That the meeting be closed to members of the public at this point the time being 4.10pm to allow Council to consider Item 9.5.1 - Nominations for the Premier's Australia Day Active Citizenship Awards.

CARRIED 7-0

9.5.1 PREMIER'S AUSTRALIA DAY ACTIVE CITIZENSHIP AND EVENT AWARDS 2007

Reporting Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	18 October 2006	File No: 12/1
Previous Reference:	Ordinary Council Meeting 10 January 2006	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

To select the 2007 recipients of the Premier's Australia Day Active Citizenship Awards and Community Group or Event Award to be presented at the 26 January 2007 Australia Day BBQ Breakfast to be held at Drakesbrook Place.

Background

The 2006 recipients of the awards were :

- *Premier's Australia Day Active Citizenship Award – Dr Geok Ong*
- *Premier's Australia Day Active Community Group Award – Coastal Planning and Management Committee.*

The 2005 recipients of the awards were :

- *Premier's Australia Day Active Citizenship Award – Mrs Carol Culling*
- *Premier's Australia Day Active Community Group Award – Waroona Basketball Club "Wildcats Event".*

Community Consultation

Public nominations have been invited for the 2007 awards and details of the nominations are provided under Confidential Cover.

COUNCIL DECISION

OCM06/216

MOVED: Cr Germain**SECONDED: Cr Fitzpatrick**

That Council accept the nomination of Mr John Twaddle for the 2007 Premier's Australia Day Active Citizenship Award for a Person of 25 years or older, and refer unsuccessful nominations to the 2007 Meritorious Awards process.

CARRIED 7-0**COUNCIL DECISION**

OCM06/217

MOVED: Cr Heath**SECONDED: Cr Fitzpatrick**

That Council accept the nomination of The Waroona Golf Club Inc. for the conduct of the "State Sand Greens Championships" held in August 2006 for the 2007 Premier's Australia Day Active Citizenship Award for a Community Group or event.

CARRIED 7-0**COUNCIL DECISION**

OCM06/218

MOVED: Cr Walmsley**SECONDED: Cr Davis**

That the Meeting proceed in public the time being 4.30pm.

CARRIED 7-0

The Chairperson then duly read allowed the resolutions of Item 9.5.1 which were adopted during the period that the meeting was closed to members of the public.

9.5.2 DECEMBER/JANUARY COUNCIL MEETING

Reporting Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	18 October 2006	File No: 35/1
Previous Reference:	OCM November 2005 Item 11.1.2 OCM05/167	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

To consider not conducting a December 2006 Council Meeting, scheduled for Tuesday December 26, and conduct the following Council Meeting on Tuesday 9 January, 2007.

Background

Due to additional work commitments of Councillors during the peak December period, Council last year, did not conduct a December Council Meeting and held a Meeting on 10 January 2006. Council does have the opportunity of conducting a Special Meeting if any urgent business arises during the extended gap between Meetings.

Community Consultation

Public notice to be given on any change to Council meeting date or time.

<p>COUNCIL DECISION OCM06/219 MOVED: Cr Fitzpatrick SECONDED: Cr Davis</p> <p>That Council publicly advertise that the December 2006 Ordinary Council Meeting scheduled for Tuesday December 26, will not be held and the next Ordinary Council Meeting will be conducted on Tuesday 9 January, 2007.</p> <p style="text-align: right;"><u>CARRIED 7-0</u></p>

9.5.3 REVIEW OF THE WARD SYSTEM, WARD BOUNDARIES AND THE NUMBER OF OFFICES OF COUNCIL

Reporting Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	18 October 2006	File No: 35/1
Previous References:	May 2006 Council Meeting/ April 1998 Council Meeting	
Statutory/Policy Implications:	Local Government Act 1995 Schedule 2.2	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Absolute Majority	

Proposal

To consider altering the current Ward boundaries following advice from the Local Government Advisory Board that the current Ward structure does not provide balanced representation across the Shire.

Background

Earlier this year Council, in accordance with the Local Government Act 1995 conducted a review of its current Ward boundaries and number of Councillors representing the Wards. A review was previously conducted in 1998 and the current Wards were created following that review.

Briefing notes (**Appendix 16**) were made available and the public was invited to comment on the Ward structure. No public comments were received.

In May 2006 Council resolved the following :

OCM06/108; MOVED: Cr Germain; SECONDED: Cr Heath

That Council as a result of undertaking a review of the Ward System, Ward Boundaries and the number of offices of Council, pursuant to Schedule 2.2 of the Local Government Act 1995, advise the Local Government Advisory Board that it intends no change be made to the current Ward system, Ward Boundaries or number of offices of Council.

CARRIED BY ABSOLUTE MAJORITY 5-1

The results of the review were forwarded to the Local Government Advisory Board, and the Board has since analysed the results and advised that the existing Ward structure does not provide balanced representation across the shire as indicated below.

Ward	No Crs	No of Electors	Cr : Elector Ratio	% Ratio Deviation
Coastal	2	493	1:247	+18.61%
West	1	225	1:225	+25.71%
Town	4	1511	1:378	-24.72%
East	1	194	1:194	+35.95%
TOTAL	8	2423	1:303	

The table shows the Coastal, West and East Wards to be over-represented and the Town Ward to be under-represented, and that all 4 Wards are outside the + or - 10% tolerance level set by the Board.

A map of the current Wards and boundaries is attached at **Appendix 17**.

The options available to Council to correct the Ward imbalance are :

- a) Alter current Ward boundaries to capture more electors in the three (3) over-represented Wards;
- b) reduce the number of Wards and re-distribute electors;
- c) cease operating on the Ward system and become a "No-Ward" Council.

Officer's Comments

If Council wishes to consider options (a) or (b) above then specific research would be required to analyse electors in each area to fit the expected Councillor/Elector ratio in each Ward. It would require shifting the boundaries of the Ward until it captures enough electors. This would probably require some of the town streets being included in the East and West Wards to increase the numbers. It would be difficult to shift the Coastal Ward boundary to capture enough electors. This would probably need to be done at every review (every 8 years) to cater for future changes in numbers of electors.

My recommendation endorses option (c) as this appears to be the most logical outcome. If the Council is a "No Ward" Council then it is not required to carry out a review every 8 years and would require no further change to Councillors representation under current Legislation.

The Local Government Advisory Board advises the following :

- it would consider an application from the Council if it anticipates rapid population growth in a Ward (ie. Coastal Ward) should be taken into account in relation to councillor/elector ratio.
- Council may request, if it elects a "No Ward" arrangement, that those Councillors whose terms are set to expire in 2009 continue in office and represent the district as a whole after the 2007 Election (ie. A total spill would the not be required).
- Recent amendments to the Act allow Councils with "No Wards" to operate with up to 20% of the Councillor positions left vacant until the next Ordinary Elections, instead of conducting an Extra-Ordinary Election to fill a vacancy that occurs mid-term.

Community Consultation

The review process was advertised for public comment prior to the May 2006 Ordinary Council Meeting. No public submissions were received.

APPENDICES 16 & 17**COUNCIL DECISION**

OCM06/220

MOVED: Cr Fitzpatrick

SECONDED: Cr Heath

That, in accordance with Schedule 2.2 of the Local Government Act (1995), the Shire of Waroona propose to the Local Government Advisory Board the making of an order under Section 2.2(1), 2.3(3) and 2.18(3) to:

- a. discontinue the Ward system and delete the existing Wards – Coastal; East; West; and Town;
- b. retain the current number of Officers of Councillor at eight (8); and
- c. seek approval for those Councillors whose terms are set to expire in 2009 to continue in office and represent the district as a whole after the 2007 Election.

CARRIED 7-09.5.4 ALCOA MEMORANDUM OF UNDERSTANDING

Reporting Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Proponent:	Alcoa of Australia Ltd
Landowner:	N/A
Date of Report: 17/10/2006	File No: 7/1
Previous Reference:	April 2006 Ordinary Council Meeting
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Additional income not included in current budget or forward financial planning.
Voting Requirements	Simple Majority

Proposal

To formally accept the long-term funding arrangements between the Shire of Waroona and Alcoa of Australia Ltd and authorise the Shire President and Chief Executive Officer to apply the common seal of the Shire to the Memorandum of Understanding (MoU).

Background

In April 2006 Council resolved to accept the offer of long-term funding from Alcoa. A Memorandum of Understanding between Alcoa and the Shire has been drafted and is attached at **Appendix 18**.

OCM06/096 MOVED: Cr Germain SECONDED: Cr Walmsley

That Council accept the long-term funding proposal offered by Alcoa World Alumina Australia based on the following conditions, and subject to it being governed by a suitable written agreement:

- *annual ex gratia (untied) payment of \$100,000 to continue and to be increased to \$200,000 per annum with environmental approval for the Wagerup Refinery expansion, reviewed after a period of 10 years.*
- *\$300,000 further funding towards the Town Centre upgrade - \$150,000 in 2007/2008 and \$150,000 in 2008/2009.*
- *establishment of a Wagerup Sustainability Fund. At current Wagerup Refinery production, the Sustainability Fund will receive \$400,000 per year and Alcoa agrees the funds will be split 50% - 50% between the Shires areas of Waroona and Harvey. With the expanded production that would come with Wagerup 3 this will increase to approximately \$800,000 per annum. The fund will operate for a period of 20 years. To assist in capital accumulation, Alcoa has also agreed an additional \$1 million will be contributed at implementation of the Wagerup Unit 3 project. The value of the Fund is in the order of \$17 million over 20 years.*

CARRIED 6-0

Community Consultation

Details of the long-term funding proposal have been documented in the media by Alcoa since April 2006.

APPENDIX 18

COUNCIL DECISION

OCM06/221

MOVED: Cr Fitzpatrick

SECONDED: Cr Germain

That Council accept the terms and conditions of the long-term funding offered by Alcoa of Australia Ltd and authorise the Shire President and Chief Executive Officer to apply the Common Seal of the Shire of Waroona to execute the Memorandum of Understanding as attached at Appendix 18.

CARRIED 7-0

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

COUNCIL DECISION

OCM06/222

MOVED: Cr Davis

SECONDED: Cr Heath

That a Shire of Waroona Health and Medical Committee be formed, comprising Crs Witney, Germain, O'Reilly Carter, Fitzpatrick, Dew, & Walmsley, and Terms of Reference be prepared to guide the Committee to investigate Health and Medical issues affecting the Shire following the closure of the Yarloop Hospital and other.

CARRIED BY ABSOLUTE MAJORITY 7-0

Cr Witney left the Meeting and the Chambers the time being 4.49pm.

11.2 OFFICERS

Nil

12. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.18pm.