



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 22 AUGUST 2006

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the Meeting open at 10.14am 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 M Walmsley		West Ward
Cr T Witney		Town Ward
Cr M Davis		Town Ward
Cr P Fitzpatrick		East Ward
Cr Z O'Reilly- Carter		Coastal 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 R Davidson		Manager Planning & Development Services
Mrs A Mason		Administration Officer - Minute Taker

APOLOGIES

Cr C Germain – Deputy Shire President - Leave of Absence	Town Ward
Cr B Heath - Leave of Absence	Town Ward

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 Davis declared an indirect interest in item 9.3.5.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 25.07.06

COUNCIL DECISION

OCM06/148

MOVED: Cr Davis

SECONDED: Cr Witney

That the Minutes of the Ordinary Council Meeting held 25 July 2006 be confirmed as being a true and correct record of proceedings.

CARRIED 6-0

8.2 SPECIAL COUNCIL MEETING – 15.08.06

COUNCIL DECISION

OCM06/149

MOVED: Cr Davis

SECONDED: Cr Witney

That the Minutes of the Special Council Meeting held 15 August 2006 be confirmed as being a true and correct record of proceedings.

CARRIED 6-0

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 MANAGER WORKS AND SERVICES

Nil

9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 INTERNATIONAL BUILDING SURVEYORS CONFERENCE

Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Officer concerned
Responsible Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Officer concerned
Proponent:	Steve Cleaver
Landowner:	N/A
Date of Report: 4 August 2006	File No: P120
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Professional Development
Financial Implications:	Registration \$1100, Airfare \$500 plus accommodation and meals. Funds included in 2006/07 Budget.
Voting Requirements	Simple majority

Proposal

To consider whether the Director Community Services attend the International Building Surveyors Conference.

Background

The Australian Institute of Building Surveyors (AIBS) 2007 International Conference – Transitions - from professional challenges to future visions will be held in Adelaide 4-7 March 2007 at the Adelaide Convention Centre.

Community Consultation

Nil

Officer's Comments

The Conference theme will explore the increasing demands placed upon Building Surveying Professionals and the importance of the profession's response to these demands. A significant number of Local Authorities in Western Australia are sending delegates to this Conference.

The Conference program will offer delegates a balanced mix of refereed and non-refereed papers presented by both key National and International identities.

Delegates, Speakers and Sponsors from Australia, Asia-Pacific, New Zealand, Africa, USA, United Kingdom and Europe will be in attendance.

The Building Surveyors did not attend any Conferences in 2005/2006 in relation to Health and Building as such these monies were unspent. There is sufficient funds budgeted in 2006/2007 to attend this Conference and attendance would be in lieu of attending the 2006/2007 State Building Surveyors Conference. In this regard the only major difference would be the cost of travel which is estimated at \$500.

COUNCIL DECISION

OCM06/150

MOVED: Cr Fitzpatrick

SECONDED: Cr Davis

That the Director Community Services attend the International Building Surveyors Conference in March 2007 to be held in Adelaide.

CARRIED 6-0

9.2.2 WORKING TOGETHER TO MANAGE EMERGENCIES – LOCAL GRANTS SCHEME

Reporting Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report: 4 August 2006	File No: 106/1, 51/2	
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Will provide backup power for Emergency Management	
Financial Implications:	\$8500 grant	
Voting Requirements	Simple Majority	

Proposal

To accept an \$8500 Grant from Attorney General for “Working Together to Manage Emergencies – Local Grants Scheme”

Background

During the Waroona fires of 2006 the Shire Chambers was utilised to coordinate the District Emergency Management Committee and Local Emergency Management Committee. During the night the Shire office was subject to significant power fluctuations resulting in PABX (telephone system) and server (computer) failing. The Shire was therefore unable to provide evacuation lists required by the Police and contact persons that were required to evacuate. Fortunately the power was restored within an hour and the normal office functions returned.

The subsequent debrief of fire resulted in the LEMC recommending that an emergency power supply to the Shire office be considered.

Community Consultation

Nil

Officer's Comments

The Shire currently has a small 3 kva generator, however it is not suitable for computers and is of insufficient capacity. An application was subsequently made to Emergency Management Australia (EMA) for a Grant to supply a Honda EM70i generator and fund installation by Council's Electrician. On 1 August 2006 the Attorney General Phillip Ruddock advised that the Shire was successful in obtaining a Grant (**Appendix 1**).

It is recommended that Council accept the Grant and authorise the Director Community Services to implement the project.

APPENDIX 1**COUNCIL DECISION**

OCM06/151

MOVED: Cr Fitzpatrick**SECENDED: Cr Walmsley****That Council:**

- a. **accepts a Grant for \$8,500 from Working Together to Manage Emergencies – Local Grants Scheme; and**
- b. **authorises the Director Community Services to implement the grant.**

CARRIED 6-09.2.3 **BUILDING LICENCE FEES - TRANSFER TO RESERVE**

Reporting Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil	
Proponent:	Nil	
Landowner:	Nil	
Date of Report: 7 August 2006	File No: 1/7	
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	\$280509.43	
Voting Requirements	Absolute Majority	

Proposal***To transfer unbudgeted Building Fees into a Reserve Account.*****Background**

On 31 July 2006 the Shire received Building Licence fees for the construction of the Alinta Co-generation Plant at Wagerup. Sinclair Knight Merz (SKM) has estimated the value of construction at \$154,280,185.00 resulting in a Building Fee of \$280,509.43.

Community Consultation

Nil

Officer's Comments

Discussions have ensued with Alinta and SKM since February 2006 where the Shire advised that it was following the precedent of Kemerton Power Plant in Harvey and the proposed Power Station in Collie which had estimated values of construction of \$148 million and \$157 million respectively. First estimates from Alinta were lower than the above amounts.

The Shire subsequently obtained a Legal Opinion from McLeods Solicitors and on this basis requested that valuations be in line with the abovementioned projects. In a letter dated 31 July 2006 Alinta advised that it did not agree with our assessment, however, have since paid the fee.

As the monies are unbudgeted, it is recommended that the full amount be transferred into a Reserve Account to facilitate the future upgrade of the Shire Administration Centre. The existing centre has reached its current staffing capacity and this is an opportunity to allow this one-off income amount to be converted into a capital asset.

COUNCIL DECISION

OCM06/152

MOVED: Cr Fitzpatrick

SECONDED: Cr Davis

That the Building Fees of \$280,509.43 associated with the Alinta Co-generation Plant at Wagerup be transferred to the Administration Centre Building Reserve.

CARRIED BY ABSOLUTE MAJORITY 5-1

9.2.4 APPLICATION FOR STRATA TITLE SUBDIVISION –LOT 6 THATCHER 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:	Links Surveying
Landowner:	Russell Burne
Date of Report: 7 August 2006	File No: ST45496
Previous Reference:	Nil
Statutory/Policy Implications:	Strata Titles Act 1985
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

That the Certificate of Local Government (Strata Titles Act 1985 Section 5B, 8A(f), 23(1) be signed by the Chief Executive Officer and forwarded to the Consulting Surveyors, Links Surveying, enabling the Strata Title Subdivision of Lot 6 on Strata Plan 45496 Thatcher Street to proceed.

Background

An application has been received by the Shire of Waroona for the Strata Plan 45496 for Lot 6 Thatcher Street Waroona to be certified by the Chief Executive Officer. – **Appendix 3**

Under the Strata Titles Act 1985 a Certificate of Local Government is to accompany a Strata Plan when it is lodged for registration – **Appendix 4.**

As no Delegated Authority exists within this Council for approval for an Officer to sign the Certificate the matter has been presented to Council.

Community Consultation

N/A

Officer's Comments

The buildings are in compliance with the Building Legislation and with Councils approval the Certificate can be issued to the Chief Executive Officer for signing on behalf of Council.

APPENDICES 3 & 4

<p><u>COUNCIL DECISION</u> <u>OCM06/153</u> MOVED: Cr Walmsley SECONDED: Cr O'Reilly-Carter</p> <p>That the Chief Executive Officer sign the Certificate of Local Government under the provisions of the Strata Titles Act 1985 Section 5B, 8A(f), 23(1) for Lot 6 of Strata Plan 45496 Thatcher Street, Waroona, and that the Certificate be forwarded to the Consultant Surveying firm Links Surveying.</p> <p style="text-align: right;"><u>CARRIED 6-0</u></p>

9.2.5 REMOVAL OF RECREATION COMPLEX FENCE

Reporting Officer / Officer's Interest:	Steve Cleaver - Director Community Service / Nil
Responsible Officer / Officer's Interest:	Steve Cleaver - Director Community Service / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 9 August 2006	File No: 44/4
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	In budget
Voting Requirements	Simple majority

Proposal

To remove the Recreation Centre fence located along Hill Street.

Background

Review of the Recreation Centre operations reveals that the fence located along Hill Street no longer serves any purpose. Further to this complaints have been received in relation to the narrow access at the road entry to the complex caused by the fence posts.

The Hill Street fence was originally designed to provide a barrier for vehicles and persons in the case of sporting events at the ovals. However since that time a further cyclone fence was installed between the Recreation Centre and the Ovals for this purpose negating the need for the Hill Street fence. (**Appendix 5**)

Community Consultation

Director Corporate Services

Officer's Comments

It is thought that the fence is a barrier to usage, is unattractive and serves no purpose having gates and sections removed for access and footpaths respectively. It is subsequently recommended that the fence be removed by Councils Works Crew.

APPENDIX 5

OFFICER RECOMMENDATION

That the western boundary fence located at No 90 and Reserve 37233 Hill Street be removed.

COUNCIL DECISION

OCM06/154

MOVED: Cr Walmsley

SECONDED: Cr O'Reilly-Carter

That no decision be made regarding the proposed removal of the western boundary fence located at No 90 and Reserve 37233 Hill Street and that further investigation be undertaken in regards to road design, school pedestrian crossing and landscaping.

CARRIED 6-0

The Council did not adopt the Officers Recommendation preferring to seek further information on the matter.

9.2.6 DEMOLITION OF TOILET BLOCKS

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
Landowner:	Shire of Waroona
Date of Report: 8 August 2006	File No: 44/12
Previous Reference:	NIL
Statutory/Policy Implications:	NIL
Strategic Implications:	NIL
Financial Implications:	In budget
Voting Requirements	Simple Majority

Proposal

To demolish dilapidated and dangerous toilet blocks at:

**Cricket Oval - 90 Hill Street Waroona
Showgrounds – South Western Highway Waroona**

Background

Following routine inspection of Councils buildings by Councils Building Surveyor two (2) toilet buildings have been found to be heavily vandalised and in a poor state. (**Appendix 6**)

Cricket Oval transportable toilets 91 Hill Street Waroona

Two transportable toilet blocks located at the Cricket Oval are in an extremely poor state with broken windows, loose wiring, broken plumbing, damaged walls, floors, ceiling fixtures and fittings. Previous advice is that the toilet blocks were located at the site for cricket matches which no longer occur. The toilet blocks are mounted on “I” beams and are easily transportable, however can be demolished on site.

Showgrounds South Western Highway Waroona

The male & female toilet block located at the former basketball site have been damaged by vandals resulting in the ridge timber being broken and numerous tiles being broken.

Community Consultation

N/A

Officer's Comments

Advice from the Shires contract carpenter is that repair of the toilets at the old basketball courts would require removal of the roof and replacement of the ridge. Estimated repair costs would be in excess of \$2,000 as multiple trades are involved. Whilst the repairs could be subject to an insurance claim previous experience is that these minor and infrequently used buildings are continually vandalised. This results in high expenditure over time due to Council's high insurance excess.

Usage of the toilet block at the showgrounds is for one day a year. Demolition and utilisation of hire facilities are proposed. Further to this, advice to Shire by Councils Building Auditors “The Tungsten Group” recommended that these buildings should not be maintained and eventually removed due to low usage.

Transportable toilet blocks for events have become more prominent in the last 15 years and now are considered the norm for large scale events. Coates/ Prestige in Bunbury hire "skid mounted" transportable toilet blocks with approximate costs of \$1,250 per event. The toilet blocks are delivered pre-cleaned and consist of five female water closets and five male urinals with one male water closet. Chemical or flushing "site" toilets can also be considered. Demolition of the existing block and preparing services would be approximately \$500. The alternative would be the repair of the existing toilets under insurance. It is estimated with insurance excess, insurance premiums, cleaning and maintenance total expenditure in 06/07 will be approximately \$2500 for this building. Demolition is therefore recommended.

APPENDIX 6

COUNCIL DECISION

OCM06/155

MOVED: Cr Walmsley

SECONDED: Cr Davis

- 1. That transportable toilet blocks located at the Cricket Oval 90 Hill Street, Waroona be demolished.**
- 2. That the former Basketball Court toilets, Reserve 8746 South West Highway Waroona block be demolished.**

CARRIED 6-0

9.2.7 **PURCHASE OF TREADMILLS**

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
Landowner:	Shire of Waroona
Date of Report: 15 August 2006	File No: 126/2
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995 6.8 (1)(b)
Strategic Implications:	nil
Financial Implications:	\$3700 ex GST
Voting Requirements	Absolute Majority

Proposal

To purchase two treadmills for the Recreation Centre gymnasium.

Background

The Shires Gymnasium "Landice" treadmills are rented through Alleasing. The lease for the machines expires on 30 September 2006 with various options now available. Lease payments in the financial year 2005/2006 totalled \$5800.

Alleasing have offered the Shire the option to purchase the residual of the treadmills for \$3700. Alternatively we can enter into a new contract for new machines or extend the existing Contract.

Community Consultation

Director Corporate Services

Officer's Comments

The Officer in Charge of the Recreation Centre advises that the existing machines are in good condition and have given good service. Outright purchase of new machines has not been costed however would be approximately \$18000. Ongoing rental of the existing machines would cost the existing \$5800. Entering into a new contract for new machines would also be expected to be more than the existing lease.

If the existing machines last more than eight months the Shire would be financially better off. On this basis purchase of the residual is recommended.

As requested information was not available for the budget as insufficient funds have been allocated. It is therefore recommended that funds be allocated from Councils Sporting Reserve to purchase these machines.

COUNCIL DECISION**OCM06/156****MOVED: Cr Fitzpatrick****SECONDED: Cr Davis**

That the 2006/2007 adopted budget be amended for the authorising additional expenditure as follows.

- 1. That the Shire purchases the two Landice treadmills in the gymnasium previously being subject to a hire purchase agreement with expenditure of \$3700 being debited to Account 7114**
- 2. That funds of \$3700 be transferred from the Sporting Reserve to Account 7135 to offset the purchase.**

CARRIED BY ABSOLUTE MAJORITY 6-0

9.2.8 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT PROSECUTION – ILLEGAL BUILDING – LOT 41 ROBERTS ROAD HAMEL

COUNCIL DECISION**OCM06/157****MOVED: Cr Fitzpatrick****SECONDED: Cr O'Reilly- Carter**

That the order of business be changed to enable both Confidential Items 9.2.8 and 9.3.8 to be considered concurrently.

CARRIED 6-0

9.3 **DIRECTOR STRATEGIC DEVELOPMENT**

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

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:	Insitu Planning and Design
Landowner:	Kagra Stud
Date of Report: 15 August 2006	File No: TPS19
Previous Reference:	Nil
Statutory/Policy Implications:	See below
Strategic Implications:	Nil
Financial Implications:	Fees and charges in accordance with Council's adopted schedule to be borne by 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 in order to facilitate a proposed 36 lot subdivision with an average lot size of 3ha and a minimum lot size of 2ha.

A copy of the Subdivision Guide Plan is contained at Appendix 7.

Background

Lot 2942 is a 117.1335ha lot situated immediately to the west of the Harvey River and north of Old Bunbury Road as shown on the locality plan at **Appendix 8** The Peel Deviation (Perth-Bunbury Highway) alignment is approximately 500m to the east.

The subject lot has been used for grazing and consequently is largely cleared, however there are number of wetlands with good remnant vegetation together with two drainage lines that should be protected. It is noted that the proposed subdivision guide plan attached to the applicant's documentation indicates that vegetation and wetland corridors are to be created to incorporate these areas as well as providing a foreshore reserve along the Harvey River.

A comprehensive submission has been prepared by the applicant and is tabled for inspection by the Council.

Statutory Implications

Amendments to local planning schemes, in this case Shire of Waroona Town Planning Scheme No. 7, are regulated by the Planning and Development Act 2005. Section 75 of that Act states that a local government may amend a local government scheme with reference to land within its district. Thereafter, sections 81, 82, 83 and 84 guide the process until section 87 which requires the amendment to be submitted to the Minister for final approval. This process is not dissimilar to that under the previous Town Planning and Development Act.

Community Consultation

Following compliance with sections 81 and 82 of the Planning and Development Act 2005, section 84 requires the local government to publicly advertise the proposed scheme amendment. Section 83 of that Act also 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 documentation submitted by the applicant indicates that, at this preliminary stage, attention has been given to addressing the environmental factors associated with the site through an environmental consultant whose report is attached to the submission. Additionally, a number of planning instruments particular to this area have been considered as part of the submission. It is anticipated that the Environmental Protection Authority and other government environmental agencies will give the proposal a thorough examination.

From Council's perspective, the major consideration is whether or not the proposal accords with the draft Local Planning Strategy, the draft Lake Clifton-Herron Structure Plan and the Coastal and Lakelands Planning Strategy. This proposal is consistent with all of these and Council's resolution to initiate the proposed Amendment is recommended.

APPENDICES 7 & 8**COUNCIL DECISION****OCM06/158****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 amending 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 President and Chief Executive Officer be authorised to sign the documentation.****
- 2. Prior to public advertising pursuant to section 84 of the Act, the documents being referred to the Environmental Protection Authority in accordance with section 81 of the Act.**
- 3. At the conclusion of public advertising a further report, including all submissions received, being presented to Council for consideration of Final Adoption.**

LOST 2-4

FURTHER MOTION

COUNCIL DECISION

OCM06/159

MOVED: Cr O'Reilly-Carter

SECONDED: Cr Walmsley

That Council advise the proponent that it supports the rezoning to Rural Residential in principle but that the subdivision guide plan should be redesigned such that the minimum lot size is 2.5 hectares.

CARRIED 5-1

9.3.2 **WAROONA COMMUNITY ART PROJECT (WCAP)**

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:	Shire of Waroona
Date of Report: 15 August 2006	File No: 126/11
Previous Reference:	Item 9.3.1 July 2006 OCM
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Proposed design falls within budget, with funds obtained from project partner Alcoa Foundation.
Voting Requirements	Simple Majority

Proposal

That Council accepts the designs endorsed by the Waroona Community Art Project Steering Committee for Drakesbrook Place as originally detailed in the models by artist Warren East and contained in Appendix 9.

The public comment period is currently proceeding. No submissions have been received to date.

Background

At the January 2006 Ordinary Council Meeting, Council agreed to accept \$52,380 from the Alcoa Foundation for a Community Art Project to create a significant piece of artwork for Drakesbrook Place. Artwork would also be created for the Moorditj Miya building at Waroona District High School.

At the July Ordinary Council Meeting, Council accepted designs from the artist Warren East for a main sculpture and a secondary series of artworks for Drakesbrook Place for the purpose of advertising.

Community Consultation

A notice was placed in the Harvey Reporter and comments invited for 21 days, closing on 18 August. The models have been on display at the Shire offices for the comment period.

At the date of writing, no formal comments had been received. Any comments received before the closing date will be presented at the Council meeting. A number of people have viewed the model and all feedback has been very positive.

Officer's Comments

In the absence of any comments, it is recommended that models be accepted as the basis for the artwork in Drakesbrook Place.

APPENDIX 9

COUNCIL DECISION

OCM06/160

MOVED: Cr Walmsley

SECONDED: Cr Witney

That Council accept the designs endorsed by the Waroona Community Art Project Steering Committee for Drakesbrook Place as originally detailed in the models by artist Warren East and contained in Appendix 9

CARRIED 6-0

9.3.3 TEMPORARY CLOSURE OF THOROUGHFARES IN CONJUNCTION WITH WAROONA MINERAL SAND MINE

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Proponent:	Iluka Resources
Landowner:	Shire of Waroona
Date of Report: 16 August 2006	File No: 132/2
Previous Reference:	Nil
Statutory/Policy Implications:	See separate heading below
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The Shire has received a request from Iluka Resources Limited to temporarily close sections of Peel Road, Bradford Street and Hill Street whilst they mine the mineral sand resources north of the Waroona townsite.

A plan provided by the proponent of the proposed closures is contained in Appendix 10.

Background

Iluka Resources have obtained approval from the Minister for the Environment to commence mining the mineral sands resource in three pits north of Waroona. Approval from the Minister of Mines is expected shortly. In order to control access to the mine site, Iluka has requested the Shire close the three public thoroughfares.

Statutory/Policy Implications

Peel Road, Bradford Street and Hill Street are public thoroughfares vested with the Shire. Clause 3.50 of the Local Government Act 1995 allows the Shire to temporarily close a thoroughfare to vehicles for a period not exceeding 4 weeks without public notice. Temporary thoroughfare closures of up to 4 years are permitted under the Act following public notice.

Community Consultation

It is proposed to give public notice of the Shire's intention to close the sections of Peel Road, Bradford Street and Hill Street for a 4 year period. A notice will be placed in the Harvey Reporter and public comment invited for 21 days.

Officer's Comments

The closure of the sections of the roads is considered acceptable and prudent given the mining activity that will be occurring in the area. The sections of Bradford Street and Hill Street are not constructed. Iluka propose to have a gate across Peel Road to restrict access to the mine site. The only lots affected that are not controlled by Iluka are immediately north of Peel Road, owned by Aintree Pty Ltd. Notice will be given to this owner, however Iluka have stated they have an agreement with this owner to lease the property for the life of the mine.

It is proposed to permit Iluka to close the roads for the 4 week period permitted without public notice. In the meantime, public notice of the Shire's intention to close the roads for a 4 year period will be given. The closure for up to 4 years will be referred to the September meeting.

APPENDIX 10

COUNCIL DECISION

OCM06/161

MOVED: Cr Walmsley

SECONDED: Cr Witney

That Council resolves:

- A. For a 4 week period to temporarily closure to all vehicles, except those associated with the mineral sands mine, the sections of Peel Road, Bradford Street and Hill Streets indicated on the plan in Appendix 10.**
- B. To give public notice of the Shire's intention to temporarily close for a 4 year period the sections of Peel Road, Bradford Street and Hill Street indicated on the plan in Appendix 10 to all vehicles except those associated with the mineral sands mine.**

CARRIED 6-0

9.3.4 PROPOSED POLICY FOR SUBDIVISION INCENTIVE FOR CASH-IN LIEU CONTRIBUTIONS FOR PUBLIC OPEN SPACE

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:	Nil
Landowner:	Nil
Date of Report: 16 August 2006	File No: 111/1
Previous Reference:	Item 9.5.5 April OCM
Statutory/Policy Implications:	It is proposed to create a new policy to be located in Division 2 of the Shire Policy Manual. The Policy will be made under Clause 2.4.5 of the Scheme as an informal administration policy, not a Scheme policy.
Strategic Implications:	Nil
Financial Implications:	The exact cost to Council of the policy will vary depending on the number of applicable subdivisions each year. The cash-in-lieu contribution (and thus the Shire incentive) is tied to the value of 10% of the land. Typically, the 50% contribution is estimated to be in the order of \$2000 per 2-3 lot subdivision.
Voting Requirements	Absolute Majority

Proposal

To create a policy of an administrative nature for dealing with cash-in-lieu contributions for public open space in the case of residential subdivisions within the Waroona townsite that result in five lots or less.

A copy of the proposed policy is at Appendix 11.

Background

As a consequence of representations by local government the Western Australian Planning Commission has accepted as a general principle that rather than providing small amounts of isolated public open space, a cash-in-lieu contribution should be sought from subdividers. In accordance with section 154 of the Planning and Development Act this money can then be applied by councils towards either the purchase of appropriate land or the improvement of existing open space.

This Council has experienced an increase in the number of infill subdivisions within the Waroona Townsite that results in the creation of only three or four small lots. The Commission, in determining these subdivisions, has seen fit to impose a condition requiring the provision of public open space with the option of the subdivider paying to Council a cash-in-lieu contribution.

A number of these small subdivisions have not been proceeded with because payment of a contribution made the subdivision uneconomically.

If it is Council's intention to encourage infill subdivision within the Waroona Townsite consideration can be given to a policy that would satisfy the requirements of the Planning and Development Act and provide Council with a workable solution to the impasse.

In April, Council considered the principle of a subdivision incentive and resolved that Council prepare a policy to provide a subsidy to small infill subdivisions and strata's to the equivalent of the cash in lieu contribution required by the WAPC.

Community Consultation

No community consultation is required for an informal policy created under Part 2.4.5 of the Town Planning Scheme.

Officer's Comments

Cash-in-lieu contributions arising from a subdivision are regulated through sections 153 and 154 of the Planning and Development Act 2005. Section 153 sets out when an owner may pay money in lieu of land being put aside for public open space and section 154, how money received for that purpose is to be dealt with.

Section 154 very specifically lays out that all money received by a local government as a cash-in-lieu payment for open space must be paid into a separate fund of the trust account. Rather more particularly, section 154(2) details how the money is to be applied and there is no ability for this money to be used for other than open space, either through purchase of land or improvement of an existing open space.

In order not to discourage infill subdivision, particularly those that create five lots or less, a policy mechanism is recommended that will satisfy the requirements of the Planning and Development Act, Council and subdividers.

The proposed policy states that Council will consider contributing an amount equal to 50% of the cash-in-lieu paid to the Shire. This subdivision incentive would be taken from General Revenue and would be separate to the cash-in-lieu received, which will be put in trust and only used for Public Open Space purchase or improvement.

It is considered that a 50% contribution is sufficient to encourage the targeted infill subdivisions to proceed. It should be noted that whilst the payments would be a new cost to Council, the creation of the lots will lead to increased rates income.

It is intended that all requests for a subdivision incentive payment be referred to the Council for determination on an individual basis.

APPENDIX 11

COUNCIL DECISION

OCM06/162

MOVED: Cr Davis

SECONDED: Cr O'Reilly-Carter

That Council, pursuant to Clause 2.4.5 of Shire of Waroona Town Planning Scheme No. 7, adopts Policy No. 2.45 as contained in Appendix 11 as an informal administrative policy.

CARRIED BY ABSOLUTE MAJORITY 6-0

ADJOURNMENT

The Chairperson adjourned the meeting at this point for morning tea the time being 11.40am.

RECONVENED

All those present at the adjournment of the Meeting were present in the room after the adjournment. The meeting reconvened at 11.50am.

Cr Davis declared an indirect financial interest in Item 9.3.5 as the Lessee of land adjacent to the proposed Amusement Parlour and left the Meeting and the Chambers at 11.50am.

9.3.5 LOT 66 (NO. 22) FOURACRE STREET, WAROONA – PROPOSED AMUSEMENT PARLOUR (VIDEO ARCADE)

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning & Development Services / Nil
Proponent:	Joseph Fray
Landowner:	Eric Fawcett
Date of Report: 14 th August, 2006	File No: TP974
Previous Reference:	Nil
Statutory/Policy Implications:	See below
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

Council received an application for planning consent on 28th June, 2006 for an Amusement Parlour (Video Arcade) at Lot 66 (No.22) Fouracre Street, Waroona. The proposed arcade includes a variety of amusements, ranging from traditional upright games to deluxe driving and ticket redemption games.

The proposed hours of operation for the Amusement Parlour are as follows:

<i>Monday – Wednesday</i>	<i>2:30pm – 7pm</i>
<i>Thursday</i>	<i>2:30pm – 9pm</i>
<i>Friday</i>	<i>2:30pm – 10pm</i>
<i>Saturday</i>	<i>10:30am – 10pm</i>
<i>Sunday</i>	<i>10:30am – 7pm</i>

A site plan and location plan is shown as Appendix 12A

Statutory /Policy Implications

The zoning classification for the site is 'Urban 1 – Town Centre Zone' under Town Planning Scheme No. 7. Council's objective is to ensure that the zone develops as the Commercial and community activity centre for the Town and the District. Council's policies aim to permit a wide range of uses which will achieve that objective while requiring development to contribute satisfactorily to the streetscape of the zone.

The proposed use is considered to be an 'Amusement Parlour' in the definitions in Town Planning Scheme No. 7, however this use is not listed in the Zoning Table and it must therefore be considered as a use-not-listed.

Clause 4.2.5 deals with uses-not-listed as follows:

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

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

Pursuant to Clause 6.8.1 of the Scheme, minimum on-site vehicle parking spaces should be provided at the discretion of Council. There are no minimum parking requirements defined under the Scheme for 'Amusement Parlour' and the applicant has not identified any parking spaces.

Community Consultation

Pursuant to Planning and Development Services Policy 1.0 'Community Consultation', public comment is required in accordance with the procedures for an 'SA' use. The use is considered only to have possible local impacts. Notice of application was given in accordance with Clause 8.2 of the Scheme and potentially affected adjoining neighbours were notified in writing and given three weeks in which to lodge a submission. The Waroona Police were specifically notified about the proposal and a notice was placed in the local newspaper giving community members the opportunity to comment.

Three submissions were received during the advertising period. Two neighbouring landowners were in objection to the proposal. A summary of the submission and officer response is provided in the Schedule of Submission(s) is depicted in Appendix 12B.

Officer's Comments

Council may, pursuant to Section 4.2.5 of the Scheme, determine that the use is consistent with the objectives of the particular zone and may therefore permit it. An Amusement Parlour can be considered a suitable commercial enterprise for the 'Urban 1 – Town Centre Zone' providing entertainment for the younger members of the community.

The proposal for an Amusement Parlour should not detract from the high development standard expected on the site, provided that colours and finishes of new buildings and landscaping is completed as per applicant specifications. To ensure a high standard of development for the site, proposed colours and finishes of the building will be required to be submitted prior to commencement.

On site toilet facilities have not been indicated on the plan however the Amusement Parlour will require Building Approval since it is a Change of Use and is pursuant to *Health (Public Buildings) Regulations 1992*. The change of use will be issued through a building licence. This will create the public building which will need to comply with the requirements of the *Health (Public Buildings) Regulations 1992*.

Pursuant to Clause 6.8 of the Scheme, on site parking was considered and a site visit conducted to see where it might be possible to include on site parking. The vacant building to the rear of the proposed Amusement Parlour on Lot 22 and the northern half of the lot are expected to be redeveloped in the near future. The younger clientele using the Amusement Parlour will not likely be driving. It is recommended that two bays be provided to accommodate staff of the Amusement Parlour. These could be incorporated into the future redevelopment of the northern side of the lot.

Some of the objections towards the Amusement Parlour relate to foretold antisocial activity expected from increased youth activity in the area. Most of the objections were based on the perception that young people in public spaces act in an antisocial manner and are often perpetrators of crimes. The degree of subjectivity in these objections made it difficult to consider them from a planning perspective, particularly when most of these objections did not specifically relate to the proposal itself. While it can be expected that the inclusion of such a facility will result in an increase of youth activity, increasing antisocial behaviour and crime is a matter to be dealt with by the Police and is not a relevant planning consideration.

The Waroona Police were notified in writing of the proposal and did not have any issues with an amusement facility in its particular location, other than its proximity to licensed premises. The licensee of the premises also had objections with the proposal however the reasons were not matters which could be addressed from a planning perspective, nor through conditions of the planning approval.

There was also an issue with opening between Monday and Wednesday due to limited Police resources. The Police believe it would be in the best interests of community safety to have Police readily available during opening hours of such a venture. It is inconclusive that an Amusement Parlour of this scale and nature will generate antisocial behaviour. An Amusement Parlour such as the one proposed will provide the younger members of the community a legitimate place to associate and socialise.

The proposed hours of operation are reasonable, given that the Video Arcade is only open from 2:30pm during the week and closes at 7pm between Monday to Friday and on Sunday. The Video Arcade closes at least 2 hours before the neighbouring licensed premises minimising the potential of conflict between the two land uses.

On this basis, it is recommended that the Amusement Parlour (Video Arcade) be approved subject to the planning conditions listed below.

APPENDIX 12A & 12B**COUNCIL DECISION**

OCM06/163

MOVED: Cr Walmsley

SECONDED: Cr Fitzpatrick

That Council resolve, with respect to the application for an Amusement Parlour at Lot 66 (No.22) Fouracre Street, Waroona 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. 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 (made at least 60 days prior to the expiry of the approval) is granted by it in writing.
3. Hours of operation for Amusement Parlour to be the following:

Monday – Wednesday	2.30pm – 7pm
Thursday	2.30pm – 9pm
Friday	2.30pm – 10pm
Saturday	10.30am – 10pm
Sunday	10.30am – 7pm
4. The provision of two car parking bays on-site.
5. Details of final colours and finishes to be submitted to Council to the satisfaction of Manager of Planning & Development Services prior to commencement.
6. A landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Manager Planning & Development Services prior to the issue of a Building Licence.
7. Landscaping to be completed prior to occupancy and thereafter maintained to the satisfaction of the Manager Planning & Development Services.

Advice to Applicant:

- a. A Building Licence must be obtained prior to any works commencing on site.
- b. Any proposed signage is subject to prior Planning Approval and will require a separate Planning Application.

CARRIED 4-1

Cr Davis returned to the Meeting and the Chambers at this point the time being 12.07pm.

9.3.6 PROPOSED RELOCATED DWELLING – LOT 72 MITCHELL ROAD, PRESTON BEACH

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:	R & R Foster
Landowner:	R & R Foster
Date of Report: 16 August 2006	File No:TP 980
Previous Reference:	Nil
Statutory/Policy Implications:	Planning Policy No. 9 – Relocated Dwellings
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

An application has been received to place a relocated dwelling on Lot 72 Mitchell Road, Preston Beach. A copy of the submission from the applicants is at Appendix 13.

Background

Lot 72 Mitchell Road, Preston Beach is an undeveloped, Urban 9-Preston Beach zoned property situated on the corner of Mitchell Road and Panorama Drive as shown on the locality plan at **Appendix 13**.

Community Consultation

Community consultation is not required for this proposal.

Officer's Comments

The objective of Planning Policy No. 9 for relocated dwellings is to ensure the style, materials, condition and design of the dwelling is in keeping with character of the area. A site inspection indicates that there is a range of styles, materials and designs with the existing dwellings in the vicinity. Generally, the existing dwellings adjacent to Lot 72 are single storey, modest in size and exhibit some variance in condition. Examination of the information provided by the applicants suggests that the relocated dwelling, once re-roofed, painted, asbestos removed, and with new veranda's installed will not necessarily look out of place.

Inspection of the dimensioned site plan submitted by the applicants indicates the proposed setbacks comply with Table 1 of the Residential Design Codes of Western Australia (R Codes) for R12.5.

Approval with appropriate conditions to control the removal of any asbestos, re-roofing with zincalume or similar, repainting, landscaping, fencing and the stumps being enclosed, is recommended.

APPENDIX 13**COUNCIL DECISION****OCM06/164****MOVED: Cr Fitzpatrick****SECONDED: Cr Davis**

That Council approves the proposed relocated dwelling on Lot 72 Mitchell Road, Preston Beach subject to the following conditions-

- 1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application, except as required to be modified below, and these shall not be altered without the prior written approval of Council.**
- 2. Any asbestos used for roofing or wall cladding shall be removed prior to the dwelling entering the Shire of Waroona.**
- 3. Re-roofing of the dwelling shall be with any new, durable material fixed in accordance with the appropriate Australian Standard.**
- 4. The dwelling is to be reclad and repainted within 60 days of practical completion to the specification and satisfaction of the Manager Planning and Development Services.**
- 5. All stormwater and drainage run-off is 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.**
- 6. Landscaping to be completed prior to occupancy of the dwelling and thereafter maintained to the satisfaction of the Manager Planning and Development Services.**
- 7. The section of the dwelling between the ground level and the finished floor level being enclosed to the satisfaction of the Manager Planning and Development Services.**
- 8. All boundary fences fronting Panorama Drive and Mitchell Road are to be visually permeable 1.2m above the above natural ground level except that a fence along the Panorama Drive boundary between the end of the dwelling and the rear boundary of the lot may be visually impermeable and constructed to a maximum height of 1.8m above the ground level to the satisfaction of the Manager planning and Development Services .**
- 9. 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 (made at least 60 days prior to the expiry of the approval) is granted it in writing.**

CARRIED 6-0

9.3.7 PLANNING & DEVELOPMENT DELEGATION OF AUTHORITY

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: 16 August 2006	File No: 111/1	
Previous Reference:	Nil	
Statutory/Policy Implications:	Clause 5.42 of the Local Government Act 1995 allows the Council to delegate its functions to the CEO.	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Absolute Majority	

Proposal

To rescind Planning and Development Policy No.3 'Delegation of Authority' and adopt new delegations related to Planning to be included in Division 10 of the Shire of Waroona Policy Manual.

The existing delegation of authority policy is contained in Appendix 14. The proposed delegations are contained in Appendix 15.

Background

In June 2003 Council adopted the Planning and Development Policy Manual, including Policy No.3 'Delegation of Authority'. The Policy provides those matters that the Manager Planning & Development Services can determine without reference to the Council. The Policy has operated satisfactorily, however the format requires some interpretation by officers and there are some matters not covered by the delegations.

Community Consultation

No consultation is required or considered necessary on this administration matter.

Officer's Comments

The proposed delegations are contained in Appendix 15. The format is a table that outlines the function delegated and the conditions of that delegation. If any of the conditions are not fulfilled, the delegation is withdrawn and the matter must be referred to Council.

It is proposed to move the list of delegations to planning and development from the Planning and Development Policy Manual by rescinding the current Policy and placing the delegations with all the other delegations by Council to the CEO in Division 10 of the Shire Policy Manual. This ensures that all the delegations are in the one location for consistency and ease of use.

With respect to the delegation of the function to approve development applications, it is proposed that all planning applications be approved under delegation except those that are an 'SA' use under the Scheme or where the proposal is not consistent with a Scheme or Policy provision and there is an objection from an adjoining owner. Similar to the current policy, there is also a list of uses that must be referred to Council for determination in all circumstances.

The following functions were covered by a delegation under the current policy and are included in the new Policy:

- responses on subdivision and strata applications (however the function has been simplified by making the delegation only for subdivisions of 20 lots or less);
- responses to the WAPC on applications made under the Peel Region Scheme;
- to provide clearance of subdivision and strata conditions;
- applications advertising signs on Thoroughfares;
- renewal of Extractive Industry licences.

New delegations are proposed for the following functions:

- advertising of development applications in accordance with the Consultation Policy;
- to issue Section 40 certificates;
- to provide responses to the WAPC on minor Region Scheme amendments;
- to renew Home Occupation permits.

With respect to appeals to the State Administration Tribunal, the function to represent the Council's interests at hearing or mediations is delegated on the conditions that the representation is consistent with Council's resolution and that the matter is referred back to Council for its direction at the first opportunity.

It should be noted that the provision in the current Policy for the proponent to request a matter determined under delegation to be referred to the Council has been removed. This is not considered to be legally permitted by the Scheme. Once an application has been determined by an officer acting as the decision-maker (Council), it can not be reconsidered.

Similarly, the delegation of the function to determine a Planning Scheme Amendment can proceed to final approval after advertising without a Council resolution is not legal and is not included in the proposed Policy.

It is proposed that the CEO delegate the planning functions to the Manager Planning & Development Services as permitted by Clause 5.44 of the Local Government Act.

Where these functions are exercised by the CEO (or delegate) they will be reported to the Council on an annual basis when the delegations are reviewed.

APPENDICES 14 & 15

COUNCIL DECISION
OCM06/165
MOVED: Cr Davis
SECONDED: Cr Walmsley
 That Council rescind Planning and Development Policy No.3 'Delegation of Authority' and that, pursuant to Clause 5.42 of the Local Government Act 1995, delegates the functions contained in the table in Appendix 15 to the Chief Executive Officer to be recorded in Division 10 of the Shire Policy Manual.

LOST 4-2
ABSOLUTE MAJORITY NOT ACHIEVED

COUNCIL DECISION
OCM06/166
MOVED: Cr Walmsley
SECONDED: Cr Fitzpatrick
 That the Meeting be closed to members of the public at this point to discuss items of a confidential nature associated with committee membership nominations (Item 9.3.8) and legal matters associated with an alleged incident of illegal building (Item 9.2.8) the time being 12.33pm

CARRIED 6-0

Cr Dew declared a Proximity Interest in the following Item 9.3.8 as he is a property owner within the Preston Beach Townsite Strategy area and left the Meeting and the Chambers, the time being 12.36pm.

As the Deputy President was absent from the meeting the Chief Executive Officer called for nominations from Councillors to Act as Chairperson during proceedings on agenda item 9.3.8.

The Council elected Cr Davis who duly took the chair.

9.3.8 **CONFIDENTIAL ITEM – PRESTON BEACH TOWNSITE STRATEGY STEERING COMMITTEE – TWO ADDITIONAL COMMUNITY REPRESENTATIVES**

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: 17 August 2006	File No: TPSP1	
Previous Reference:	Item 9.5.7 June Ordinary Council Meeting	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

To appoint two community representatives to the Preston Beach Townsite Strategy Steering Committee. A total of five (5) nominations were received. A matrix summarising the nominees submissions is contained in Appendix 16.

Background

At its June meeting, Council resolved to seek expressions of interest from interested members of the community to join the Preston Beach Townsite Strategy Steering Committee.

Notice was placed in the Harvey Reporter, sent to the Preston Beach Progress Association and FRAGLE group, and placed in the Preston Beach General Store. Nominations were open for in excess of 21 days and closed on Wednesday 16 August.

APPENDIX 16

COUNCIL DECISION

OCM06/167

MOVED: Cr O'Reilly-Carter

SECONDED: Cr Walmsley

That Council resolves to appoint David Parkinson and Bill Russell as the two additional community representatives on the Preston Beach Townsite Strategy Steering Committee.

CARRIED 5-0

Cr Dew returned to the Meeting and the Chambers and resumed the Chair the time being 12.41pm.

Cr Witney left the Meeting and the Chambers the time being 12.42pm.

9.2.8 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT PROSECUTION – ILLEGAL BUILDING – LOT 41 ROBERTS ROAD HAMEL

Reporting Officer / Officer's Interest:	Trevor Pitcher - Environmental Health /Building Officer / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil	
Proponent:	NIL	
Landowner:	NIL	
Date of Report:	10 August 2006	File No: A3043
Previous Reference:	NIL	
Statutory/Policy Implications:	Section 374 Local Government (Miscellaneous Provisions) Act 1961	
Strategic Implications:	NIL	
Financial Implications:	NIL	
Voting Requirements	Absolute Majority	

COUNCIL DECISION

OCM06/168

MOVED: Cr Walmsley

SECONDED: Cr O'Reilly Carter

That legal action is instituted against Strehle Enterprises Pty Ltd for building without a Building Licence at Lot 41 Roberts Road, Hamel in accordance with Section 374 of the Local Government (Miscellaneous Provisions) Act 1961.

CARRIED BY ABSOLUTE MAJORITY 5-0**MOTION TO PROCEED IN PUBLIC****COUNCIL DECISION**

OCM06/169

MOVED: Cr Walmsley

SECONDED: Cr O'Reilly Carter

That the meeting resume in public.

CARRIED 5-0

The Chairperson then duly read out loud the resolutions of items 9.3.8 and 9.2.8 which were adopted during the period that the meeting was closed to members of the public.

9.2.9 **ADMINISTRATION CENTRE PROPOSED REFURBISHMENT AND EXTENSIONS**
(File 44/2)

COUNCIL DECISION

OCM06/170

MOVED: Cr Fitzpatrick

SECONDED: Cr O'Reilly Carter

1. That the Council form a working group of Councillors and Senior Staff to progress the proposed refurbishment and extension to the Administration Centre and Library Building.
2. Councillors on the Working Group are Councillors Dew, Germain, Davis and Walmsley.

CARRIED 6-0

Cr Fitzpatrick left the meeting and the Chamber the time being 1.08pm.

ADJOURNMENT

The Chairperson adjourned the meeting at this point for lunch the time being 1.09pm.

RECONVENED

All those present at the adjournment of the Meeting were present in the room after the adjournment. The Meeting reconvened at 1.38pm.

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

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

Reporting Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Responsible Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report: 16 th August 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 17

<p><u>COUNCIL DECISION</u> OCM06/171 MOVED: O'Reilly Carter SECONDED: Cr Davis</p> <p>That the Monthly Statement of Financial Activity for the period 1 July 2006 to 31 July 2006 (Appendix 17) be received and noted.</p> <p style="text-align: right;"><u>CARRIED 4-0</u></p>
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9.4.2 ACCOUNTS FOR PAYMENT

Reporting Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Responsible Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Officer/Officer's Interest:	Chris Smith - Finance Officer	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:16 th August 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 18

COUNCIL DECISION

OCM06/172

MOVED: Cr Walmsley

SECONDED: Cr O'Reilly Carter

That Vouchers numbered: -

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal Trust	4248-4328 10835-10836	232,759.82 29,790.26	232,759.82 29,790.26
Electronic Transfers	3903-4054	331,561.10	331,561.10
Direct Wages	05.07.06 19.07.06 02.08.06	\$51,408.00 51,580.00 52,136.08	155,124.08
		TOTAL:	<u>\$749,235.26</u>

and attached at Appendix 18 be endorsed.

CARRIED 4-0

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**

Nil

11.1 **ELECTED MEMBERS**

Nil

11.2 **OFFICERS**

Nil

12. **CLOSURE OF MEETING**

There being no further business the Chairperson declared the Meeting closed the time being 1.50pm.