



MINUTES

SPECIAL COUNCIL MEETING

MONDAY 15 OCTOBER 2007

(Held at the Waroona Health & Community Resource Centre)



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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the Meeting open - the time being 4.02pm

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

Cr N Dew	Shire President	Coastal Ward
Cr C Germain	Deputy Shire President	Town Ward
Cr M Davis		Town Ward
Cr T Witney - 4.02pm to 6.06pm		Town Ward
Cr M Walmsley		West Ward
Cr Z O'Reilly Carter		Coastal Ward
Mr I Curley		Chief Executive Officer
Mr L Tilbrook - 4.02pm to 6.06pm		Deputy Chief Executive Officer
Mr M Turner		Director Strategic Development
Mr D Davey		Director Technical Services
Mrs RH O'Mara		Executive Support Officer - Minute Taker

APOLOGIES

Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

Nil

9. REPORTS OF OFFICERS AND COMMITTEES**9.1 DIRECTOR TECHNICAL SERVICES**

Nil

9.2 DIRECTOR COMMUNITY SERVICES

Nil

9.3 DIRECTOR STRATEGIC DEVELOPMENT

Cr Witney declared a financial interest in the following Item 9.3.1 being an employee of the Waroona Health & Community Resource Centre and left the meeting and the room the time being 4.06pm.

Cr Germain declared an interest affecting impartiality in the following Item 9.3.1 being Chairperson of the Waroona Health & Community Resource Centre Board and remained in the meeting.

Cr O'Reilly Carter declared an interest affecting impartiality in the following Item 9.3.1 being a member of the Lake Clifton Herron Progress Association and remained in the meeting.

Cr Walmsley declared an interest affecting impartiality in the following Item 9.3.1 being closely associated with an office bearer of the Historical Society and remained in the meeting.

Ian Curley declared an interest affecting impartiality in the following Item 9.3.1 being closely associated with an office bearer of the St Joseph's P&F and remained in the meeting.

Maree Ellis declared an interest affecting impartiality in the following Item 9.3.1 being Treasurer of the Historical Society and remained in the meeting.

9.3.1 SMALL GRANTS PROGRAM 2007/08 FOR COMMUNITY GROUPS

Reporting Officer/Officer's Interest:	Maree Ellis - Community Development Officer /	
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report: 9/10/07	File No: 98/1	
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 2007/08 as recommended by the Small Grants committee comprising of the Chief Executive Officer, Community Development Officer, Crs Germain, Walmsley and Davis.

The program has once again attracted a positive response from the community and a total of Ten (10) applications have been received, eight (8) for Arts, Cultural and Community Services and two (2) for Youth Development. The following applications were received:

Community Arts, Cultural and Community Services Grants:

<u>Waroona Senior Citizens Community Car</u>	\$800
<u>Waroona Community Centre Emergency Relief Stock</u>	\$800
<u>Event Assist Inc. "Event Assist Project" a broad based Events Tourism Initiative for Waroona and the Lower Peel Region.</u>	\$750
<u>Preston Beach TeleCentre Access (TAP) (Preston Beach Progress Ass.) TAP Centre Development giving the people of Preston Beach access to internet, email and training.</u>	\$800
<u>Preston Beach Golf Club Kitchen Refurbishments</u>	\$800
<u>Waroona Playgroup Quiet Room Facilities</u>	\$758
<u>St Joseph's P&F Dancesport</u>	\$800
<u>Waroona Historical Society Oral history project</u>	\$345

Youth Development Grants:

<u>Waroona Community Centre</u> <u>Youth Centre equipment</u>	\$500
<u>Lake Clifton Herron Progress & Sporting Association</u> <u>Developing Local Youth Group</u>	\$500

Background

At an 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, Cultural and Community Services Development Grants Program to assist Community Groups in the Shire of Waroona. Due to the success it has become an annual program.

Community Consultation

The grants were advertised to the Community through a media release and a notice in the Sea to Scarp. Assistance where required for applicants was made available by the Community Development Officer.

Officer Comments

The Small Grants committee met on Monday 8th October 2007 to consider all applications. (Summary of which is at **Appendix 1**)

Due to the popularity of the scheme the program was oversubscribed this year with request for funds outweighing the total budget amount by \$1,653.

Committee Recommendations

The committee has made the following recommendations:

1. Council commit to a re-current annual payment of \$800 to the Waroona Senior Citizens for the community car out of its regular donations account No. 2532, and that the group not be required to submit an application each year. \$1,500 was allocated in the 2007-08 budget towards the Small Business Centre, however that funding is no longer required leaving the funds available to pay this year's contribution for the community car.
2. Community Arts/Cultural and Community Service Grants:

Waroona Community Centre (The Community Centre has not finalised how this funding will be utilised and it is recommended that funding approval be subject to further detailed information being provided)	\$800	Recommended for approval
Event Assist Inc. (Part payment of \$350 is recommended as Council also provides free venue hire [approx \$250] additional rubbish bins and collection and toilet cleaning during the event.)	\$750	Recommended for part payment approval
Preston Beach TeleCentre Access (TAP)	\$800	Recommended for approval

Preston Beach Golf Club Council has recently provided a grant of \$5,000 towards the golf course synthetic greens and provided access to a self-support loan. Council also provided use of backhoe and operator, at no cost, during the course of installing the greens.	\$800	Not Recommended for approval
Waroona Playgroup	\$758	Recommended for approval
St Joseph's P&F	\$800	Recommended for approval
Waroona Historical Society (Council also provides a \$500 annual grant for maintenance and pays the cost of building insurance for the group)	\$345	Recommended for approval

3. Youth Development Grants:

Waroona Community Centre/Youth Services	\$500	Recommended for approval
Lake Clifton Herron Progress & Sporting Association	\$500	Recommended for approval
TOTAL GRANT PAYMENTS RECOMMENDED (\$347 to remain in the fund for emergency applications)		\$4,853

APPENDIX 1

<u>COUNCIL DECISION</u>	
SCM07/165	
MOVED: Cr Davis	
SECONDED: Cr Walmsley	
That Council endorse the recommendations of the Small Grants committee, comprising the Chief Executive Officer, Community Development Officer, Crs Germain, Walmsley and Davis, for the 2007/2008 Small Grants funding program as follows:	
1. Council approve an \$800 contribution to the Waroona Senior Citizens for the community car out of its regular donations account No. 2532 and commit to a re-current annual payment of \$1,000 to the group and that they not be required to submit an application for these annual funds.	
2. Council approve the following grant applications:	
<u>Arts/Cultural and Community Service Grant:</u>	
Waroona Community Centre:	\$800
Event Assist:	\$350
Preston Beach TAP:	\$800
Waroona Playgroup:	\$758
St Josephs P&F:	\$800
Waroona Historical Society:	\$345
<u>Youth Development Grants:</u>	
Waroona Community Centre/ Youth Services:	\$500
Lake Clifton Herron Progress & Sporting Association:	\$500
3. Council not approve the following grant application:	
Preston Beach Golf Club	\$800
	<u>CARRIED 5-0</u>

Note:

The Officer Recommendation was accepted with the amendment in italics – ie the recurrent annual payment to the Waroona Senior Citizens being raised from \$800 to \$1,000.

CONFIDENTIAL ITEM**COUNCIL DECISION****SCM07/166****MOVED: Cr Walmsley****SECONDED: Cr Germain**

That the Meeting be closed to members of the public at this point – 4.13pm to allow Council to consider Item 9.3.2 – Honorary Freeman of the Shire.

CARRIED 5-0

Cr Witney returned to the room and the meeting the time being 4.14pm

9.3.2 HONORARY FREEMAN OF THE SHIRE**REPORT PROVIDED UNDER CONFIDENTIAL COVER**

Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil Maree Ellis – Community Development Officer/Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	10 October 2007	File No: 58/1
Previous Reference:	N/A	
Statutory/Policy Implications:	Council Policy 1.25	
Strategic Implications:	N/A	
Financial Implications:	N/A	
Voting Requirements	Absolute Majority	

COUNCIL DECISION**SCM07/167****MOVED: Cr Germain****SECONDED: Cr O'Reilly Carter**

That Council resolves to bestow the honorary title of Freeman of the Shire on Dr Geok Ong for exemplary services to the residents of the Shire of Waroona 1979 to 2007 pursuant to Council Policy 1.25 and that the award be presented at a community function to be arranged.

CARRIED BY ABSOLUTE MAJORITY 6-0

COUNCIL DECISION**OCM07/168****MOVED: Cr Walmsley****SECONDED: Cr Germain****That the meeting proceed in public the time being 4.19pm.****CARRIED 6-0**

Pursuant to the Shire of Waroona Standing Orders Local Law the Chairperson read aloud Council Decision SCM07/167.

Maree Ellis left the meeting and the room at this point the time being 4.20pm

9.3.3 PROPOSED CAR PARKING AND RECREATION AREA –FOURACRE STREET (OPPOSITE LOT 500), WAROONA

Reporting Officer / Officer's Interest:	Mike Critch Town Planner /Nil	
Responsible Officer / Officer's Interest:	Matthew Turner – Director of Strategic Development /Nil	
Proponent:	L & M Sgambelluri	
Landowner:	Shire of Waroona	
Date of Report: 5 th October 2007		File No:
Previous Reference:	TP1064	
Statutory/Policy Implications:	See Heading in report	
Strategic Implications:	See Heading in report	
Financial Implications:	Nil	
Voting Requirements	Simple majority	

Proposal

Details for a car parking and recreation area along the western side of Fouracre Street (opposite Waroona IGA & Waroona Hotel) has been received by Council.

The details of the parking and realignment of Fouracre Street was required to be finalised by Council prior to lodging an application for Planning Consent under the Peel Region Scheme.

Background

An Application for Planning Consent for additions to the shopping centre at Lot 500 Fouracre Street, Waroona was approved by Council at its July 2007 Ordinary Council Meeting.

A parking area was proposed along the current Fouracre Street alignment. The existing road layout was proposed to be realigned to accommodate parking, pedestrian and goods access to the shopping complex. One hundred and two (102) parking bays are required in total along with 2 goods entry points to the supermarket and shops. A copy of the proposed plan is at **Appendix 2**.

Community Consultation

Advertising was initially undertaken in accordance with Planning and Development Policy 1.0 – Community Consultation for the original proposal for extensions to the Shopping Complex.

Statutory/Policy Implications

Clause 4.7.6 of the Scheme deals specifically with vehicle parking in the zone and states that vehicle parking shall be provided on-site in accordance with the provisions of Clause 6.8, Table 2 of the Scheme. In accordance with Table 2, the number of parking spaces required for the development was 102.

Pursuant to Clause 6.8.2 of the Scheme, the applicant sought approval to make a cash-in-lieu payment since the Shopping Centre development application (TP1064) provided no on site parking. The applicant is required to make a cash-in-lieu contribution, which as per the Scheme provision is the full construction costs (eg. draining, sealing & line-marking, lighting and landscaping) plus the cost of the area of land needed to accommodate the required parking.

The land cost component has been determined by a licensed property valuer, which the Shire engaged.

The area proposed for car parking is reserved under the Peel Region Scheme as 'Railway'. The proposed works for the car parking area is not for the purpose or in connection with the railway and as such requires approval under the Peel Region Scheme. The Shire of Waroona must apply to the Western Australian Planning Commission to use the land reserved for 'Railway' for the purpose of a car park and recreation area.

Officer's Comments

The submitted plan demonstrates the realignment of Fouracre Street, developing a portion of Fouracre Street and area of Railway Reserve for car parking. The proposed parking and recreation area considers the primary objectives of the Town Centre Strategy, and facilitate a balance between car parking and recreation areas anticipated for the area. The proposed scenario provides the 102 bays required to support the Shopping Complex and surrounding uses and sets aside a good quantity of land for a recreation area.

An area in excess of 4,500m² has been set aside for recreation in the southern half of the Reserve, opposite the Waroona Hotel. The recreation area will be accessed by a raised pedestrian footpath which traverses through the car parking area, enhancing the safety for pedestrians crossing Fouracre Street to access recreation facilities.

The street trees along Fouracre Street were identified as significant and the plan retains, where possible, the Cape Lilac and Ficus Trees to accommodate the recreation, parking and access areas. There are FOUR (4) Cape Lilacs required to be removed, as well as four less significant trees, to allow for the road realignment and access to loading bays.

It is not expected that such removal will severely affect the amenity of the surrounding area. All of the significant Ficus trees that provide shade and the 'boulevard' affect along Fouracre Street shall be retained and incorporated within the parking and recreation areas.

It is recommended that Council resolve to support the proposed car parking and recreation area layout and proceed with the submission of the application for approval of the Parking and Recreation area under the Peel Region Scheme.

APPENDIX 2

COUNCIL DECISION

SCM07/169

MOVED: Cr Walmsley

SECONDED: Cr O'Reilly Carter

That Council resolve the following:

A. To adopt the *amended* plan at Appendix A as the basis for the proposed Car Parking and Recreation Area along Fouracre Street, Waroona *subject to the following modifications:*

- 1. Fouracre Street to be continued north into the Car Park, with a raised pavement entry at that point;*
- 2. Entry off Coronation Rd to the realigned Fouracre Street to be redesigned to avoid the power pole;*
- 3. Extra Disabled Car Parking bays to be located near the Hotel and the Op Shop.;*
- 4. Additional parallel Parking bays to be located on Coronation Road.*
- 5. Mountable kerbing being installed along Fouracre Street adjacent to the Recreation Area to enable vehicle access to it.*

The final construction being to the satisfaction of the CEO and DSD.

B. To submit an application for planning consent under the Peel Region Scheme for approval of the Car Parking and Recreation Area along Fouracre Street, Waroona.

VOTE TIED 3-3

**The Shire President exercised his casting
Vote and voted against the motion**

LOST 3-4

Note:

The Officer Recommendation was amended to include modifications as detailed in italics.

COUNCIL DECISION**SCM07/170****MOVED: Cr Witney****SECONDED: Cr Davis**

The amended plan at Appendix A for the proposed Car Parking and Recreation Area along Fouracre Street, Waroona be modified as follows:

- 1. Fouracre Street to be continued north into the Car Park, with a raised pavement entry at that point;**
- 2. Entry off Coronation Rd to the realigned Fouracre Street to be redesigned to avoid the power pole;**
- 3. Extra Disabled Car Parking bays to be located near the Hotel and the Op Shop.;**
- 4. Additional parallel Parking bays to be located on Coronation Road.**
- 5. Mountable kerbing being installed along Fouracre Street adjacent to the Recreation Area to enable vehicle access to it.**
- 6. The opportunity Shop to be shown on the plan as remaining.**

The modified plan to be presented back to Council, along with a Master Plan detailing the future location of the By-pass, railway and railway station. The proponent to be requested to consider reducing the number of loading docks for the development to only one.

CARRIED 5-1

Cr O'Reilly Carter left the room the time being 5.55pm.

9.3.4 LOT 5 (NO. 40) HAUB ROAD, LAKE CLIFTON- PROPOSED ARBORICULTURE (TREE CARE) BUSINESS

Reporting Officer / Officer's Interest:	Mike Critch - Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson/ Manager Planning and Development Services / Nil
Proponent:	Wayne Goring
Landowner:	Wayne Goring
Date of Report: 10 th October 2007	File No: TP1058
Previous Reference:	TP1058
Statutory/Policy Implications:	See Heading in report
Strategic Implications:	See Heading in report
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

An application for an Arboriculture Business at Lot 5 (No. 40) Haub Road, Lake Clifton was received by Council. The proposal seeks approval to conduct administration duties and provide storage for some machinery for the business. Mulch and firewood produced by the business is expected to be stored towards the rear of Lot 40 in an area approximately 1000m² in area.

Equipment and machinery needed for the business includes a 5 tonne tip truck, wood chipper, cherry picker, trailer with stump grinder and a sea container used for the storage of chainsaws and safety gear. The number of employees is expected to be up to four and the site will accommodate parking for their vehicles.

A site plan and details of the proposal are contained at Appendix 3.

Background

The application was considered at the August 2007 Ordinary Council Meeting where Council determined that the proposed Use is consistent with the objectives of the 'Rural 3B - Coastal Highway' Zone and follow the "SA" procedures of Clause 8.2 in considering the Application for Planning Approval.

It was resolved that at the close of the advertising period the proposal would be put to Council for final approval.

Community Consultation

Advertising was initially undertaken in accordance with Planning and Development Policy 1.0 – Community Consultation for the original proposal for extensions to the Shopping Complex. The Use was designated 'SA' and was considered to have local impacts. Owners and occupiers within close proximity of Lot 5 were given 21 days to respond to the proposal. During the advertising period, no submissions were received by Council.

Statutory/Policy Implications

The subject site is zoned 'Rural 3B – Coastal Highway' zone under Town Planning Scheme No.7. Part 4.14.8 of the Scheme deals with Council's objectives and policies for the 'Rural 3B – Coastal Highway' zone.

Clause 4.14.8(a) states that Council may permit, at its discretion in accordance with the requirements of its Policy, other uses, additional, or special uses, appropriate to the objective and to the location of the zone including the establishment of commercial uses in accordance with the provisions of Tables 1 and 2 on lots in the zone subject to advice from the Department of Environment and Conservation that the proposed use will not impact detrimentally on Yalgorup National Park.

An Arboreal (tree care) business was determined by Council to be consistent with the objective of the location at the August 2007 OCM.

Officer's Comments

The proposal is considered to be of a suitable standard for the zone and should not have any unforeseen negative impacts on neighbouring properties. A business of this scale and nature is suitable for the Lake Clifton locality. The proposal is mainly to store equipment and by-products on the property as sales are made by phone and delivered to client's properties. The applicant has demonstrated a willingness to preserve the environment and will be planting green corridors of local tree and shrub species as a visual buffer to neighbouring properties.

Given that there were no objections to the proposal following Council's decision to advertise in accordance with Clause 8.2 of the Scheme, it is recommended to support the application subject to the set conditions.

Cr O'Reilly Carter returned to the room the time being 6pm

APPENDIX 3

COUNCIL DECISION

SCM07/171

MOVED: Cr Witney

SECONDED: Cr Davis

That Council grants Planning Consent to the proposed Arboreal (Tree Care) Business described on the Plans dated 12th June 2007 and the accompanying Report Dated 1st August 2007, at Lot 5 (No. 40) Haub Road, Lake Clifton 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. A maximum of five (5) employees are permitted on site at any one time unless otherwise approved by Council;**
- 4. Machinery storage areas are to be adequately screened from view from Haub Road to the satisfaction of Manager Planning and Development Services;**
- 5. Only routine maintenance of a minor nature, such as oil, grease or wheel changing shall be permitted on the property. No panel beating, spray painting, or the removal of body or engine and transmission parts will be permitted;**
- 6. Minor vehicle maintenance is restricted between the hours of 8am -8pm Monday to Friday and 9am – 6pm Saturday and Sunday;**

7. **Mulch and firewood stockpiles shall be no higher than 3m;**
8. **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;**
9. *In order to prevent any leachate to the groundwater, an appropriate impermeable barrier to the satisfaction of the Manager Planning & Development Services shall be provided to the bases of all mulch piles on site;*
10. *Preparation and implementation of a Revegetation Management Plan along the northern and southern boundaries of lot 5 to the satisfaction of the Manager Planning & Development Services.*

Advice to applicant:

- a) **All signage proposed for the Arboreal (Tree Care) Business is subject to a separate application assessed by both the Shire of Waroona and Main Roads, Western Australia.**
- b) **The property is located in the South West Coastal Groundwater Area where there are issues of groundwater quality and availability. The applicant is advised to seek advice from the Department of Environment's Mandurah Office concerning groundwater usage. A licence will be required before groundwater abstraction can commence and will contain a number of conditions, which are binding on the applicant.**

CARRIED 6-0

Note:

The Officer Recommendation was amended to include (two) 2 further conditions 9 & 10 as indicated in italics.

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

Nil

9.5 CHIEF EXECUTIVE OFFICER

Cr Walmsley declared an interest affecting impartiality in the following Item 9.5.1 as Chairperson of the Management Board of Quambie Park Waroona (Inc.) and remained in the meeting.

9.5.1 LOCAL RESPONSES TO AN AGEING COMMUNITY CONFERENCE

Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Shire President, Cr N Dew	
Landowner:	N/A	
Date of Report:	15 October 2007	File No:
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Costs of approximately \$4,400. Funds available in 2007-08 Training Budget	
Voting Requirements	Simple Majority	

Proposal

To consider sponsoring 2 participants to attend the Local Responses to an Ageing Community Conference in Sydney 20-21 November 2007.

Background

The conference is designed to assist Aged Care Managers, Planners and key local government personnel to plan and manage day care services within their community. The conference will showcase leading examples of positive strategies that have been implemented in these areas.

Community Consultation

Nil required.

Officer's Comments

Attendance at the conference is considered appropriate given the national focus of age care and our local position in relation to Pam Corker House and Quambie Park. Attendance by representative of that organisation and/or the Council may benefit from the information provided to assist in future expansion plans for our local facilities.

COUNCIL DECISION

OCM07/172

MOVED: Cr Germain

SECONDED: Cr O'Reilly Carter

That Council sponsor the Deputy Chief Executive Officer and the Chairperson of Quambie Park Waroona (Inc) Management Committee – Cr Mike Walmsley, or other appropriate persons, to attend the Local Responses to an Ageing Community Conference to be held in Sydney 20-12 November 2007. Total cost of conference is \$1,840 and cost of accommodation and airfares estimated at \$2,600.

CARRIED 6-0

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

Nil

11.2 OFFICERS

Nil

Laurie Tilbrook left the meeting and the room the time being 6.06pm

Cr Witney left the meeting and the room the time being 6.06pm

12. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 6.35pm