



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 22 MAY 2007

(Held at the Waroona Health & Community Resource Centre)

TABLE OF CONTENTS

| | | |
|-------------|--|-----------|
| 1. | DECLARATION OF OPENING/ANNOUNCEMENTS | 3 |
| 2. | RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED | 3 |
| 3. | RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE | 3 |
| 4.1 | PUBLIC QUESTION TIME | 3 |
| 4.2 | PUBLIC STATEMENTS | 4 |
| 5. | DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS | 4 |
| 6. | APPLICATIONS FOR LEAVE OF ABSENCE | 4 |
| 7. | PETITIONS/DEPUTATIONS/PRESENTATIONS | 4 |
| 7.1 | WAROONA BY-PASS | 4 |
| 8. | CONFIRMATION OF MINUTES | 4 |
| 8.1 | ORDINARY COUNCIL MEETING – 24.04.07 | 4 |
| 9. | REPORTS OF OFFICERS AND COMMITTEES | 4 |
| 9.1 | MANAGER WORKS & SERVICES | 4 |
| 9.2 | DIRECTOR COMMUNITY SERVICES | 5 |
| 9.2.1 | <i>PURCHASE OF BUDGET ITEMS - POLICY AMENDMENT</i> | 5 |
| 9.2.2 | <i>DANGEROUS DOG REVOCATION</i> | 6 |
| 9.2.3 | <i>PURCHASE OF CAPITAL EQUIPMENT – RECREATION CENTRE & AQUATIC CENTRE</i> | 7 |
| 9.2.4 | <i>PURCHASE OF POINT OF SALE SOFTWARE- WAROONA RECREATION & AQUATIC CENTRE</i> | 9 |
| 9.2.5 | <i>WAROONA BASKETBALL ASSOCIATION REQUEST FOR COMMUNITY EVENTS FUNDING</i> | 12 |
| 9.3 | DIRECTOR STRATEGIC DEVELOPMENT | 14 |
| 9.3.1 | <i>LOT 2 (NO. 36) SOUTH WESTERN HIGHWAY, WAROONA – PROPOSED CAFÉ AND SHOP/GALLERY AND NEW OUTDOOR ENTERTAINMENT AREA</i> | 14 |
| 9.3.2 | <i>LOT 20 OLD COAST ROAD, LAKE CLIFTON – PROPOSED BAKERY AND CAFÉ</i> | 19 |
| 9.3.3 | <i>LOT 4 (NO. 55) SOUTH WESTERN HIGHWAY, WAROONA – MOBILE TELEPHONE BASE STATION</i> | 23 |
| 9.4 | DEPUTY CEO/DIRECTOR CORPORATE SERVICES | 25 |
| 9.4.1 | <i>MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2006 TO 30 APRIL 2007</i> | 25 |
| 9.4.2 | <i>ACCOUNTS FOR PAYMENT</i> | 26 |
| 9.4.3 | <i>LOCAL GOVERNMENT ELECTIONS 2007 - 2011</i> | 27 |
| 9.5 | CHIEF EXECUTIVE OFFICER | 29 |
| 9.5.1 | <i>COOLUP LAND CONSERVATION DISTRICT – NOMINATIONS FOR COMMITTEE RE-APPOINTMENT</i> | 29 |
| 9.5.2 | <i>PRESTON BEACH GOLF CLUB – SELF-SUPPORTING LOAN APPLICATION</i> | 30 |
| 10. | ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING | 33 |
| 11. | NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION | 33 |
| 11.1 | ELECTED MEMBERS | 33 |
| 11.2 | OFFICERS | 33 |
| 12. | CLOSURE OF MEETING | 33 |



1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the meeting open at 10.20am and welcomed Councillors, Staff, and Member of the Public to the Meeting.

Cr Dew gave a special welcome to Vanessa Chrisp, Recreation Services Manager, to her first Ordinary Council Meeting.

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

| | | |
|----------------------|------------------------|---|
| Cr N Dew | Shire President | Coastal Ward |
| Cr C Germain | Deputy Shire President | Town Ward |
| Cr T Witney | | Town Ward |
| Cr M Davis | | Town Ward |
| Cr M Walmsley | | West 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 M Critch | | A/Manager Planning & Development Services |
| Ms V Chrisp | | Recreation Services Manager |
| Mrs RH O'Mara | | Executive Support Officer - Minute Taker |

APOLOGIES

| | |
|------------------|-----------|
| Cr P Fitzpatrick | East Ward |
|------------------|-----------|

There was 1 Member of the Public present.

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

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS**7.1 WAROONA BY-PASS**

At 10.25am the Shire President welcomed Mr Jason Gick, Road Corridor Planning Manager from Main Roads WA. Mr Gick gave Council a presentation of the final alignment proposal of the Waroona By-pass prior to it being advertised within the community. Copy of the presentation is attached at **Appendix A**.

The Shire President thanked Mr Gick for the presentation and he then left the room the time being 10.46am.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING – 24.04.07****COUNCIL DECISION**

OCM07/077

MOVED: Cr Witney

SECONDED: Cr Walmsley

That the Minutes of the Ordinary Council Meeting held 24 April 2007, be confirmed as being a true and correct record of proceedings.

CARRIED 6-0

9. REPORTS OF OFFICERS AND COMMITTEES**9.1 MANAGER WORKS & SERVICES**

Nil

9.2 **DIRECTOR COMMUNITY SERVICES**

9.2.1 **PURCHASE OF BUDGET ITEMS - POLICY AMENDMENT**

| | | |
|---|---|----------------|
| 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: | N/A | |
| Date of Report: 8 May 2007 | | File No: 111/1 |
| Previous Reference: | Policy 3.3 | |
| Statutory/Policy Implications: | Will replace existing Policy | |
| Strategic Implications: | Nil | |
| Financial Implications: | Nil | |
| Voting Requirements | Absolute majority | |

Proposal

To replace Policy 3.3 - Purchase of budget items.

Background

Previous provisions of the Local Government Act and its regulations have required that local authorities use a tender process for all purchases in excess of \$50,000. As the years go by and the cumulative effects of inflation are felt, more purchasing situations move into the value range requiring a tender be let. This low value makes purchasing operations particularly difficult, administratively expensive and inefficient for local authorities.

Recent changes to the Local Government (Functions and General) Regulations 1996 that came into effect from 30 March 2007 providing the opportunity for local authorities to raise their tender threshold to \$100,000. A condition to raising the tender threshold to \$100,000 is that Local Governments must prepare and adopt an effective purchasing policy and associated procedures. This is nothing new for the Shire of Waroona as it has had an effective policy for many years. However, the policy does need some amendments to bring it into line with current values.

Community Consultation

Nil

Officer's Comments

The attached policy (**Appendix 1**) has been produced by the Western Australian Local Government association in a model format. In this regard the policy should be similar in all Shires within the State. Adoption is therefore desirable.

APPENDIX 1**COUNCIL DECISION****OCM07/078****MOVED: Cr Davis****SECONDED: Cr Germain**

1. That the current Shire of Waroona purchasing policy 3.3 is repealed.
2. That the purchasing policy contained at Appendix 1 is adopted.

CARRIED BY ABSOLUTE MAJORITY 6-0**9.2.2 DANGEROUS DOG REVOCATION**

| | | |
|---|--|--|
| Reporting Officer / Officer's Interest: | Steve Robinson, Ranger / Nil | |
| Responsible Officer / Officer's Interest: | Steve Cleaver, Director Community Services / Nil | |
| Proponent: | Pauline Benson | |
| Landowner: | Luke Benson | |
| Date of Report: 15 May 2007 | File No: 45/1 | |
| Previous Reference: | | |
| Statutory/Policy Implications: | Western Australia Dog Act 1976 | |
| Strategic Implications: | Nil | |
| Financial Implications: | Nil | |
| Voting Requirements | Simple majority | |

Proposal

To revoke the Dangerous dog declaration on Staffordshire Bull Terrier (registration number 0700106)

Background

On 14 March 2007 an incident occurred in the pre-primary section of Waroona District High School where a child was bitten by a dog. The attack resulted in a section of a child's cheek being removed. The attack was the subject of significant media interest.

A subsequent investigation failed to provide any witnesses to the attack, apart from the victim. The young child in question advised her teacher that a white dog had bitten her.

The Shire's Dog records revealed that the property adjoining the play ground had two dogs registered, being a brown and white bull terrier, and a white Staffordshire bull terrier. Investigations revealed a piece of flesh from the child's cheek was found on the Benson property near the rear fence.

Following the above investigation the Shire Ranger issued a notice declaring the white Staffordshire bull terrier registered to Mrs Pauline Benson as a *Dangerous Dog* under the Dog Act. The designation as a dangerous dog requires the owner to have the dog muzzled in a public place, erect specific signage on the gates to the dwelling, and have a special collar signifying a dangerous dog as well as other measures to limit and warn other persons to the animal. Penalty for non compliance with the notice is \$4,000.

Community Consultation

Nil

Officer's Comments

The Dangerous dog notification allows for appeal to Council and failing that to the State Administrative Tribunal (SAT). The Bensons have written to the Council appealing the notice and seeking that it be revoked. (**Appendix 2**)

In the interest of public safety and the severity of the injuries sustained, a dangerous dog declaration was deemed appropriate. Whilst the matter is under appeal the Dog Act compliance with the legislation is still required. Any other appeals by the owners of the animal cannot be heard by the Council until one year has elapsed from the time of issue of the notice.

APPENDIX 2

COUNCIL DECISION

OCM07/079

MOVED: Cr Walmsley

SECONDED: Cr Davis

That the application to revoke the Dangerous Dog declaration on a Staffordshire Bull Terrier (registration number 0700106) be refused.

CARRIED 4-2

9.2.3 PURCHASE OF CAPITAL EQUIPMENT – RECREATION CENTRE & AQUATIC CENTRE

| | |
|---|--|
| Reporting Officer / Officer's Interest: | Vanessa Chrisp, Recreation Services Manager / Nil |
| Responsible Officer / Officer's Interest: | Steve Cleaver, Director Community Services / Nil |
| Proponent: | Shire of Waroona |
| Landowner: | Shire of Waroona |
| Date of Report: 14 th May 2007 | File No: 126/2 |
| Previous Reference: | Nil |
| Statutory/Policy Implications: | Nil |
| Strategic Implications: | Nil |
| Financial Implications: | \$3400 (ex GST) capital expenditure offset by \$500 income in financial year 2006/2007 |
| Voting Requirements | Absolute Majority |

Proposal

The purchase of strength program equipment required for the Living Longer Living Stronger (LLLS) program and Step Attack Program at the Centre.

Background

The Waroona Recreation & Aquatic Centre introduced the Step Attack program last year, without the purchase of the appropriate equipment. The Centre wanted to ascertain whether the program would be successful before any purchases were made. This program is now the most popular at the Centre with an average of 15 participants each class. It is now considered time to purchase the appropriate equipment required for the program.

On Monday, 30th April 2007 the Centre held the launch for the Living Longer Living Stronger program. Planning for this program commenced last year, and fitness instructors attended the appropriate training sessions required to run the program, in March 2007. We currently have 27 people registered for this program, however do not have the appropriate equipment to run this program.

The equipment requested will adequately cover both programs.

Grant money for Living Longer Living Stronger program equipment is not available to Local Governments.

Community Consultation

Nil

Officer's Comments

The Step Attack class is similar to the Les Mills designed “pump” class. Specific equipment is required for these classes, and we are currently using a series of small dumb bells. On occasions there is not enough equipment to adequately service all participants. Participants pay a fee of \$8 to attend these classes.

The Living Longer Living Stronger concept has been developed and tested in Victoria since 1999 which now has over 105 providers working in collaboration with Council on the Ageing (COTA) providing individualised training programs to over 6,000 people.

The program seeks to maximise opportunities for people to engage in affordable, high quality, results oriented, strength training programs over the longer term.

The Centre has had a great response to the launch and currently has 27 people willing and ready to attend classes. Participants will each pay a \$35 initial assessment fee and \$5.50 per class. Class numbers will be capped at 20, with a minimum of two classes scheduled each week. Therefore one LLLS class will return a net figure of \$80 to the Centre.

The aim is to have the Centre promoting a professional image along with professional programs. In order to do this it is recommended that expenditure out of budget be approved to obtain the required program equipment.

Alternative options are for Council to delay the Living Longer Living Stronger programme until approval of the 2007/2008 financial budget. Existing programs such as the Step Attack classes may also have to have numbers capped to match equipment.

COUNCIL DECISION

OCM07/080

MOVED: Cr Walmsley

SECONDED: Cr O'Reilly Carter

That Council endorse \$3,400 out of budget expenditure from Account 7112 for the purchase of strength program equipment.

CARRIED BY ABSOLUTE MAJORITY 6-0

9.2.4 PURCHASE OF POINT OF SALE SOFTWARE- WAROONA RECREATION & AQUATIC CENTRE

| | |
|---|--|
| Reporting Officer / Officer's Interest: | Vanessa Chrisp, Recreation Services Manager / Nil |
| Responsible Officer / Officer's Interest: | Steve Cleaver, Director Community Services / Nil |
| Proponent: | Shire of Waroona |
| Landowner: | Shire of Waroona |
| Date of Report: 14 th May 2007 | File No: 126/2 |
| Previous Reference: | Council and the Recreation Advisory Committee previously accepted the recommendations from the YMCA report investigating the operations at the Recreation Centre. Those recommendations included upgrading the current computer management system. |
| Statutory/Policy Implications: | Nil |
| Strategic Implications: | Nil |
| Financial Implications: | \$15,700 |
| Voting Requirements | Simple Majority |

Proposal

To purchase the Centaman System, computer management program for the Recreation & Aquatic Centre for Financial Year 2007/2008.

Background

The YMCA conducted a report into the Waroona Recreation & Aquatic Centre in June 2006 and made a series of recommendations. The implementation of a Point of Sale management system was considered a high priority for the Centre.

When the report was conducted the Centre was utilising a system called MYOB Retail Basics. This system is no longer operational and all monies are now processed through a basic cash register. This provides adequate collection of money, however provides no other information on participation, membership, booking, classes or stock control.

The YMCA report highlighted the need for the Centre to have technology relevant to the Leisure industry. Technology that could provide the basic tools for point of sale along with the abilities for stock control, membership, swim school and facility hire management. Technology designed to provide Council with adequate reporting on the Centre's performance.

Quotes have been obtained from 3 providers of Leisure Management Systems. The preference of the Centre staff is to install the Centaman System.

Community Consultation

Nil

Officer's Comments

The point of sale management system is a key tool required for any progress to be made at the Centre. The system will provide a professional approach to cash handling, dealing with members, booking classes and courts, and making sure there have been no double bookings. It will provide an accurate account of all stock and merchandise, both purchased and sold. The system is the key to turning around the management of the Centre, and making sure all monies are captured by Centre users.

The Centre requires the system to be in place and fully operational by July 1, 2007. This will enable the capture of all data for the 2007/08 financial year. Reports will then be able to be prepared for the whole year and data collected will enable the budgeting process to be more accurate next financial year.

The Centre has obtained three quotes for the initial set up of the system:

- | | |
|--|-------------------|
| 1. QVisual Leisure Management System | \$12,695 (ex GST) |
| 2. Leisure Management Services (LINKS) | \$12,980 (ex GST) |
| 3. CENTAMAN System | \$14,950 (ex GST) |

The QVisual System and LINKS program did not quote on providing a computer processor. Perfect Computer Solutions provided a quote for a P4 PC, Office Software and keyboard and mouse totalling: \$1,864 (ex GST)

In the total requested, I have also made allocations for 500 membership cards and EFTPOS installation. Therefore the new set-up cost (ex GST) for each provider amounts to:

- | | | |
|----|-------------------------------------|--------------------------------------|
| 1. | QVisual Leisure Management System | \$12,695 + \$2,624 = \$15,319 |
| 2. | Leisure Management Services (LINKS) | \$12,980 + \$2,839 = \$15,819 |
| 3. | CENTAMAN System | \$14,950 + \$ 750 = \$15,700 |

These prices are for the initial set-up of the point of sale management system and each company has an annual charge for the program, which is:

- | | | |
|----|-------------------------------------|---------|
| 1. | QVisual Leisure Management System | \$2,125 |
| 2. | Leisure Management Services (LINKS) | \$1,300 |
| 3. | CENTAMAN System | \$2,750 |

The management system of each of the providers was viewed by the full-time staff members of the Centre. The pros and cons of each program were discussed and the CENTAMAN system was considered the most appropriate for the Centre.

The CENTAMAN system has a base in WA which makes training and support much easier. The system is currently operational in other WA country centres including but not limited to; Albany Leisure & Aquatic Centre, South West Sports Centre, Goldfields Oasis and the Margaret River Recreation & Aquatic Centre.

The CENTAMAN system can also be networked between Centres, should the future development of Preston Beach include provision for a sport, recreation or aquatic facility. Members would be able to use both facilities under the one membership.

It is preferable to have the system installed and fully operational by July 1, 2007. CENTAMAN has indicated that the system can be installed and staff trained in June 2007 with payment required on July 1, 2007.

COUNCIL DECISION

OCM07/081

MOVED: Cr Germain

SECONDED: Cr Davis

- 1. Council agree to purchase the management system provided by CENTAMAN Systems Pty Ltd at a cost of \$15,700 and arrange for the equipment to be installed prior to the commencement of the 2007/2008 financial year.**
- 2. That Council agrees to fund the cost of the management system in the 2007/2008 Budget.**

CARRIED 6-0

9.2.5 **WAROONA BASKETBALL ASSOCIATION REQUEST FOR COMMUNITY EVENTS FUNDING**

| | | |
|---|--|----------------|
| Reporting Officer / Officer's Interest: | Steve Cleaver, Director Community Services / Nil | |
| Responsible Officer / Officer's Interest: | Steve Cleaver, Director Community Services / Nil | |
| Proponent: | Vic Tomlinson, Waroona Basketball Association | |
| Landowner: | Shire of Waroona | |
| Date of Report: 18 May 2007 | | File No: 190/1 |
| Previous Reference: | Nil | |
| Statutory/Policy Implications: | Local Government Act | |
| Strategic Implications: | Decision will set Councils Policy | |
| Financial Implications: | \$800 | |
| Voting Requirements | Absolute Majority | |

Proposal

The Waroona Basketball Association is seeking an \$800 contribution to the State Basketball match on 8 June 2007.

Background

Mr Vic Tomlinson of the Waroona Basketball Association has requested that the Shire assist in funding the State Basketball Association Match at the Waroona Recreation Centre on 8 June 2007. The association estimates that 300 people will attend the event.

Expenses are estimated by the association to be \$2,500 with an income of \$2,300. A contribution of \$800 from the Community sports events trust fund is sought. Mr Tomlinson has advised that they already have a profit sharing arrangement with Mandurah as the match is a Mandurah home game and would not be happy with returning profits if any to the fund.

Community Consultation

Nil

Officer's Comments

The current balance of the Community sporting events trust fund account is \$9,300.

It is the Shire's view that the purpose of the fund is for community sporting events that would most likely break even. Council would then allow the promoter/club to run the event and in the case that the event ran at a loss would enable the club not to be exposed to financial losses. Conversely if the event returned a profit then funds would be returned to that fund to allow future events to proceed. If the intent is to continually draw from the fund then the fund would be exhausted in a short amount of time.

This view differs from the applicant's interpretation of the fund and Council's policy is silent on the matter. Council may also be of the view that being such a low amount of money that a contribution may be seen as beneficial to support this community event.

OFFICER RECOMMENDATION

That the request from the Waroona Basketball Association for an \$800 contribution to host a State Basketball game on 6 June 2007 is declined.

COUNCIL DECISION

OCM07/082

MOVED: Cr Walmsley

SECONDED: Cr Davis

- 1. A contribution be made to the Waroona Basketball Association for \$800 towards the hosting of the State Basketball Game to be held on 8 June 2007 and to be allocated from Account No. 3152.**
- 2. A Policy be created to set guidelines for the allocation of funds from the Community Events Trust Account.**

CARRIED BY ABSOLUTE MAJORITY 6-0

Note:

The Officer Recommendation was changed as Council was desirous of making a contribution to the event and felt it more appropriate that such a contribution be taken from the Municipal Fund. It also required that guidelines be set for future requests from the Community Events Trust Account.

Ms Chrisp left the meeting and the room the time being 11.35am

Mr Tilbrook left the room the time being 11.35am

Mr Cleaver left the room the time being 11.35am

Mr Cleaver returned to the room the time being 11.37am

Mr Tilbrook returned to the room the time being 11.38am

9.3 **DIRECTOR STRATEGIC DEVELOPMENT**

9.3.1 **LOT 2 (NO. 36) SOUTH WESTERN HIGHWAY, WAROONA – PROPOSED CAFÉ AND SHOP/GALLERY AND NEW OUTDOOR ENTERTAINMENT AREA**

| | |
|---|---|
| Reporting Officer / Officer's Interest: | Mike Critch – A/Manager Planning and Development Services / Nil |
| Responsible Officer / Officer's Interest: | Mike Critch – A/Manager Planning and Development Services / Nil |
| Proponent: | Robyn D Hundt |
| Landowner: | Robyn D Hundt |
| Date of Report: 14 th May 2007 | File No: TP1030 |
| Previous Reference: | None |
| Statutory/Policy Implications: | See heading in Report |
| Strategic Implications: | Nil |
| Financial Implications: | Nil |
| Voting Requirements | Simple Majority |

Proposal

An application for a café, shop/gallery and a new Outdoor Entertainment Area was received by Council on 6th February 2007.

Extensions to the current buildings are proposed to provide for more indoor dining facilities up to (approximately 60 seats) in the current building. The shop and gallery component is to be accommodated in an additional building proposed to the rear of the existing building. There will be local artwork on display and for sale with new exhibitions taking place every two months.

The new additional building used for the shop/gallery occupies an area of 120m².

The area towards the rear of the buildings is proposed to be landscaped and set up to facilitate outdoor entertainment in the form of Jazz, Blues and Bush Bands for Sunday afternoons.

A location plan and Details of the proposal are contained as Appendix 3.

Background

An application for Planning Consent for a Shop at Lot 2 (No. 36) South Western Highway was approved by Council in October 2001. The shop was initially established to sell local produce (wholesale vegetables) to tourists. Original plans included provision for ten (10) regular parking bays and one (1) disabled bay.

Ownership has changed hands to the current applicant who established a café and shop (Hundt's Gallery) which has been operating as a retail shop and café. Application for the café/restaurant component of Hundt's Gallery has not yet been approved by Council nor has any application for planning consent been made. The site currently makes provision for eleven (11) regular parking bays (ten (10) regular & one (1) disabled bay) as approved for the original shop use. There is no available street parking along the frontage of Lot 2.

The owner is interested in expanding on the current uses to cater for tourism in the area, particularly through organised Charter Coach Tours. The expansion will provide for more seating to accommodate the influx of visitors travelling by Coach and to provide supplementary entertainment to the Café in the form of local art and music on Sunday afternoons.

Statutory/Policy Implications

The subject site is currently zoned 'Urban 3 – Service Commercial' under the Scheme. The objectives for that zone according to Section 4.7.1 of the Scheme is to provide for areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

This particular proposal comprises of three (3) uses. The Café is classed a restaurant under the Scheme and is an 'AA' discretionary use and may be approved by Council. The Shop/Gallery area is classified as a 'shop' under the Scheme and is a 'P' permitted use provided that it complies with the standards and conditions of the Scheme. An Outdoor Entertainment Area is a use not listed under the Scheme and can be dealt with in accordance with Section 4.3.5 of the Scheme.

Section 4.3.5 states that if a person proposes to carry out on land any use that is not mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity or any other use category the Council may 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.

Council's Policies for the 'Urban 3 – Service Commercial' zone are to ensure that developments are functionally and visually appropriate to the location adjoining the Town Centre and abutting the South Western Highway. Ensuring adequate on site car parking provision and setbacks from the road frontages is also deemed necessary along with appropriate landscaping in the setback area abutting the Highway. 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.

In accordance with Table 2, the number of parking spaces for a shop of 120m² is 4 bays applying a rate of one (1) space per 30m² Gross Leasable Area (GLA). For a Café however, there are no specific provisions under the Scheme and Council may apply a rate it considers to be reasonable.

Councils may apply various parking rates based either on seating numbers or dining floor space. The City of Bunbury calculates parking at a rate of one (1) space for every four (4) square meters of eating area whereas City of Mandurah apply a rate of one (1) bay for every four (4) seats for dining. Shire of Augusta-Margaret River parking requirements are commonly assessed with the rate of one (1) bay for every four (4) seats for dining.

For eating establishments such as Cafes and restaurants in Waroona, a rate of one (1) bay for every four (4) seats available is considered reasonable. In this instance the fifty-eight (58) seats (approx.) proposed in the café the on-site requirement would be fifteen (15) bays alone. Both the Café and Shop alone would require nineteen (19) bays. This does not take into account infrequent activities such as the art exhibitions taking place in the gallery area or people attending the live music towards the rear of the property.

Council reserves the right to require additional parking if it is of the opinion that the proposed use will need more parking than prescribed in Table 2. According to Section 6.8.1 there are no specific provisions for an art gallery or outdoor entertainment area and it is likely that such uses will generate further parking requirements in the event of live concerts and art exhibitions.

Community Consultation

Community consultation was rigorously undertaken pursuant to Planning and Development Policy 1.0 – Community Consultation. The Outdoor Entertainment Area was dealt with as an ‘SA’ use pursuant to Section 4.3.5 and was advertised in accordance with Section 8.2 of the Scheme. Potentially affected landowners in close proximity were notified of the proposal in writing and given 21 days to comment.

A notice was also placed in the local newspaper circulating the district outlining the opening hours and Outdoor Entertainment Area for the proposal.

During the 21 day advertising period, no submissions were received by Council objecting to the proposal.

Officer's Comments

In essence the proposal is sound and will likely contribute to the vitality of the Waroona townsite and provide a good tourist niche for the area. The uses proposed are not inconsistent with the objectives of the Urban 3 - Service Commercial Zone.

The café and shop have been operating without any major issues over the past couple of years despite no prior planning approval for the restaurant (café) use being issued. The original planning consent was granted for a ‘Shop’ and was subject to conditions including one addressing the on site parking scenario. Condition 2 of the approval in 2001 states that:

Prior to the occupancy of the approved use, all vehicle access, circulation, car-parking and loading areas shall be sealed, drained and line-marked, and designed such that all vehicles that may reasonably be expected to visit the site on a regular basis can enter and leave the site in a forward gear, to the satisfaction of Council. All such areas must then be maintained in good condition to the satisfaction of Council on an ongoing basis.

This condition explicitly deals with the on-site parking requirements which are assessed for all new developments within the zone. The car parking area towards the front of the site has not yet been sealed, drained and line marked to date. Any new upgrades will most likely require this condition as traffic frequency to the site would be expected to increase.

It has been explained by the owner of Hundt's gallery that patrons commonly use the Tourist Visitor Centre car park area across the road when there is parking 'spill over'. This parking scenario may be acceptable under current conditions, nevertheless any extension of Gross Leasable retail area and additional dining area would likely attract more patrons to the site. It is recommended that the applicant provide at least eight (8) additional parking bays on top of the existing eleven (11) bays to accommodate full time staff and extra patrons expected with the expansion.

Art exhibitions and live music entertainment would also likely attract patrons therefore on site parking along this part of the South Western Highway is essential. The eleven (11) bays provided on site may be deemed inadequate under Scheme provisions therefore the eight (8) additional on-site bays are essential. Even with nineteen (19) on site parking bays provided, it is likely that at capacity the spill over area across the road at the Tourist Visitor Centre would get used. Tour coaches will more than likely access the Visitor Centre car park which is acceptable given that the proposed establishment will cater for tourists.

In order to ensure potential impact of the Outdoor Entertainment Area on neighbouring properties is minimised, a condition to ensure future activities comply with *Environmental Protection (Noise) Regulations 1997* will be imposed and all live music will be limited to the hours of 12pm-5pm Sundays.

The proposal is of a high standard and will contribute positively to the Waroona Townsite so long as the recommended conditions are carried out. The conditions outlined in the officer recommendation should limit future conflicts between neighbouring landowners and mitigate potential traffic impacts. With the below conditions in place, it is recommended to Council that the application for the Café, Shop/Gallery and new Outdoor Entertainment area be approved.

APPENDIX 3**COUNCIL DECISION****OCM07/83****MOVED: Cr Walmsley****SECONDED: Cr Davis**

That Council resolve, with respect to the application for Café, Shop/Gallery and Outdoor Entertainment Area located at Lot 2 (No. 36) South Western Highway, Waroona to approve the application dated 6th February 2007 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. Opening hours for the Café and Shop/Gallery are to be between 9am – 5pm Monday to Thursday and 9am – 8pm Friday to Sunday;
3. *Nineteen (19)* parking spaces shall be provided on site within 60 days of practical completion of the development hereby approved to the satisfaction of the Manager Planning and Development Services;
4. Before the development hereby approved commences operation, car parking spaces together with thoroughfare access shown on the approved plans are to be *sealed*, clearly marked and drained and thereafter maintained to the satisfaction of the Manager Planning and Development Services;
5. Car parking spaces are to measure 5.4 metres in length and 2.6 metres in width;
6. Vehicles will be permitted to *egress only on to King Street*;
7. Internal and external dining areas to have no more than sixty (60) seats in total unless otherwise approved by Council;
8. Live music is permitted between the hours of 12pm – 5pm Sunday and to comply with the Environmental Protection (Noise) Regulations 1997;
9. Building materials to be of a colour not detrimental to the character of the landscape of the locality, that is colours to be non-reflective, of muted tones and in sympathy with those of the existing buildings;
10. 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;
11. 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 6-0

Note:

The Officer Recommendation was accepted with the addition of items noted in italics.

9.3.2 **LOT 20 OLD COAST ROAD, LAKE CLIFTON – PROPOSED BAKERY AND CAFE.**

| | |
|---|---|
| Reporting Officer / Officer's Interest: | Mike Critch – A/Manager Planning and Development Services / Nil |
| Responsible Officer / Officer's Interest: | Mike Critch – A/Manager Planning and Development Services / Nil |
| Proponent: | Anthony J Casella |
| Landowner: | Scollaro Family Trust |
| Date of Report: 14 th May 2007 | File No: TP1045 |
| Previous Reference: | None |
| Statutory/Policy Implications: | See Heading in Report |
| Strategic Implications: | Nil |
| Financial Implications: | Nil |
| Voting Requirements | Simple Majority |

Proposal

An application for a Bakery was received by Council on 6th February 2007.

Improvements to an existing building formerly used as a service station is proposed to provide for a takeaway Bakery and Café with indoor dining facilities up to twenty-four (24) seats. The Bakery and Café includes a commercial kitchen, reception area and store room.

The proposal includes parking provisions of eighteen (18) regular bays, one (1) disabled bay and five (5) parking bays for staff. Access to the Bakery and Café is along the Old Coast Road via a single entry point.

The opening hours proposed are from 7am to 6pm seven days a week. The number of employees expected is to be around six (6) to eight (8)

A location plan and Details of the proposal are contained as Appendix 4.

Background

Lot 20 Old Coast Road is zoned 'Special Use Zone' and formerly operated as a service station in accordance with the Lake Clifton Development Guide Plan in the Shire of Waroona *District Planning Strategy 1991*. The Development Guide Plan identifies the area set aside for a Service Station however this use is not currently included in Schedule III – Special Use Zones of Town Planning Scheme No. 7. The service station has not been used for the past four (4) years.

Council has previously received an application for a shopping centre on this site. It became a 'deemed refusal' by reason of effluxion of time under the *Town Planning and Development Act 1928*.

Prior to the issue of Council's Planning Consent for this particular application, the Bakery and Café opened on Friday 20th April 2007. The applicant was advised in writing that they had carried out a use on land without the permission of Council and they were in breach of the Shire of Waroona Town Planning Scheme No. 7 and given fourteen (14) days to explain why Council should not commence legal action against them.

No response has been received by Council to date.

Statutory Implications

The subject site is currently zoned 'Special Use Zone' under Schedule III (2)(a) of the Scheme. Land or buildings in a Special Use Zone shall not be used except for the purpose set against that land in Schedule III and is subject to compliance with any conditions specified in the Schedule with respect to the land.

Schedule III (2)(a) incorporates the 'Lake Clifton Tourist and Shopping Village' on lots 19, 20, 21 and 22 Old Coast Road, Lake Clifton. The Schedule identifies permitted uses for the Special Use Zone as the following;

- a) Tavern
- b) Motel
- c) Caravan Park
- d) Shopping centre and compatible uses to a maximum of 1000m²
- e) wildlife park
- f) museum
- g) picnic and barbeque facilities

The proposed Bakery and Café is consistent with the intent of (d) listed in Schedule III as it is a compatible use to a shopping centre. The main use is the Bakery with the Café being secondary. Bakeries and Cafés are uses likely to be found in a shopping complex therefore the proposal is consistent with the zoning of Lot 20.

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. For a Bakery and Café there are no specific provisions under the Scheme to deal with on-site parking and Council may apply a rate it considers to be reasonable.

Council's apply various parking rates based on seating numbers or dining floor space. The City of Bunbury calculate parking at a rate of one (1) space for every four (4) square meters of eating area whereas City of Mandurah apply a rate of one (1) bay for every four (4) seats for dining. Shire Augusta-Margaret River parking requirements are commonly assessed with the rate of one (1) bay for every four (4) seats for dining.

For eating establishments such as Bakeries and Cafés in Waroona a rate of one (1) bay for every four (4) seats available is considered reasonable. In this instance the twenty-four (24) seats proposed in the café the on-site requirement would be six (6) bays. Council reserves the right to require additional parking if it is of the opinion that the proposed use will need more parking than prescribed in Table 2.

The Bakery and Café has opened prior to obtaining Planning Approval however there is no provision to issue retrospective Planning Approval under the Scheme. The *Planning and Development Act 2005* allows Local Governments to issue retrospective planning approval pursuant to Section 164 of the Act.

According to Section 164 of the Act, development which was unlawfully commenced or carried out is not rendered lawful by the occurrence of any subsequent event except the approval by the relevant responsible authority of that development.

Approvals under Section 164 of the Act cannot be done under delegated authority.

Community Consultation

Community consultation was not deemed necessary for the purpose of this application nor was any undertaken.

Officer's Comments

In essence the proposal for a Bakery and Café is consistent with the zoning objectives and surrounding uses of the Lake Clifton area. Certain conditions will be imposed on the approval to ensure a high standard of development and improve the function and appearance of the proposal with respect to the environs Old Coast Road.

The car parking area towards the front of the site will adequately accommodate the uses taking place on site however it will be required that the car parking spaces shown on the approved plans are to be clearly line marked and drained and thereafter maintained to the satisfaction of Council within sixty (60) days. The maximum number of dine in seats will be limited to twenty-four (24) persons at any one time unless other arrangements are made with Council.

It has also been revealed that the Bakery and Café has positioned signage along Old Coast Road prior to lodging a signage application. The applicant should be advised that Old Coast Road is under the control of Main Roads WA and any future signage application will need prior approval by Main Roads and the Shire of Waroona.

It should also be noted that the former use of the site no longer has non-conforming use rights as a Service Station. As such it is recommended to include a condition to ensure any underground fuel tanks located on site to be decommissioned to the satisfaction of Department of Industry and Resources. It will also be recommended to the applicant to contact the Department of Environment and Conservation (DEC) and report the previous Service Station as a suspected contaminated site in accordance with the *Contaminated Sites Act 2003*.

The proposal is of reasonably high standard and will contribute positively to the Lake Clifton area so long as the recommended conditions are carried out. With the recommended conditions in place, it is recommended to Council that the application for the Bakery and Café at Lot 20 Old Coast Road, Lake Clifton be approved under Section 164 of the *Planning and Development Act 2005*.

APPENDIX 4

COUNCIL DECISION

OCM07/084

MOVED: Cr O'Reilly Carter

SECONDED: Cr Germain

That Council resolve, with respect to the application for a Bakery and Café located at Lot 20 Old Coast Road, Waroona to approve the application dated 20th March 2007 under Section 164 of the Planning and Development Act 2005 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. Opening hours for the Bakery and Café hereby approved shall be limited to 7am – 6pm Monday to Sunday unless the prior written approval of Council has been obtained for any modification to these hours;**
- 3. *The layout for the provision of a minimum of 6 parking bays be to the satisfaction of the Manager Planning & Development Service. All car parking spaces together with thoroughfare access shown on the approved plans to be sealed, clearly marked and drained within sixty (60) days of Council approval and thereafter maintained to the satisfaction of the Manager Planning & Development Services;***
- 4. Car parking spaces are to measure 5.4 metres in length and 2.6 metres in width;**
- 5. Internal and external dining areas to have no more than twenty-four (24) seats in total unless otherwise approved by Council;**
- 6. Building materials and finishes to be of colours not detrimental to the character of the landscape of the locality, that is colours to be non-reflective and of muted tones;**
- 7. All on site underground fuel storage tanks are to be decommissioned to the satisfaction of the Department of Industry and Resources;**
- 8. 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;**
- 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 to Council (made at least sixty (60) days prior to the expiry of the approval) is granted by it in writing.**

Advice to Applicant:

- a) **Mandatory reporting of a Suspected Contaminated Site (Service Station) to the Department of Environment and Conservation should be undertaken by the Owner or Occupier of Lot 20 in accordance with the Contaminated Sites Act 2003.**
- b) **All signage proposed for the Bakery and Café is subject to a separate application assessed by both the Shire of Waroona and Main Roads Western Australia.**

CARRIED 6-0*Note:*

The Officer Recommendation was accepted with the addition of items noted in italics.

9.3.3 LOT 4 (NO. 55) SOUTH WESTERN HIGHWAY, WAROONA – MOBILE TELEPHONE BASE STATION

| | |
|---|---|
| Reporting Officer / Officer's Interest: | Mike Critch – A/- Manager Planning and Development Services / Nil |
| Responsible Officer / Officer's Interest: | Mike Critch – A/- Manager Planning and Development Services / Nil |
| Proponent: | Telstra Corporation Ltd – Mobile Network Services |
| Landowner: | Telstra Corporation Ltd |
| Date of Report: 21 st May 2007 | File No: TP1060 |
| Previous Reference: | TP794 |
| Statutory/Policy Implications: | See Heading in Report |
| Strategic Implications: | Nil |
| Financial Implications: | Nil |
| Voting Requirements | Simple Majority |

Proposal

Application is made to erect a 35m ‘slimline’ mobile phone tower and antennas on the subject site. The new tower will facilitate new G3 technology to enable better mobile coverage of Waroona and surrounds. The subject site currently accommodates Telstra’s Waroona Exchange and an existing tower (to be replaced).

A location plan and Details of the proposal are contained at Appendix B

Background

Approval for the same telecommunications infrastructure at Lot 4 (No. 55) South Western Highway, Waroona was granted in December 2004. The Planning consent is valid for a period of 2 years however and approval subsequently lapsed on 21st December 2006.

Council dealt with the application for planning consent for a Mobile Phone Base Station at its Ordinary Meeting 21st December 2004 where it was resolved to approve the application subject to the applicant providing details of trees to be planted on the Coronation Road side of the subject property in such a position as to aid the screening of the tower from view from Fouracre Street, prior to the submission of a building licence.

Statutory Implications

The subject site is currently zoned 'Urban 1 – Town Centre' under Town Planning No. 7. The uses of 'mobile phone tower' or 'antenna' are not listed under the Zoning Table in the Scheme. The initial application (TP 794) was dealt with in accordance with Clause 4.2.5 of the Scheme and as such cannot be approved under delegated authority.

Community Consultation

Community consultation was undertaken for initial proposal (TP 794) in accordance with Clauses 4.2.4 and 8.2.1 of the Scheme. Adjoining landowners within 100m distance of the subject site were notified in writing of the proposal and an advertisement was placed in the Harvey Reporter.

During the 21 day submission period, no objections to the proposal were received.

Officer's Comments

The subject site is owned by Telstra and contains a Phone Exchange and an existing phone tower. The current use of the site indicates a mobile phone base station is considered appropriate. The location of the tower within the existing Exchange site would help retain this utility within the town centre and improve mobile phone reception for residents and businesses, meeting the overall objectives for the Town Centre zone.

There are no differences between this proposal the originally approved tower other than the applicant has provided landscaping details to screen the infrastructure from Coronation Road and that mobile technology has improved since the original approval in December 2004.

It is therefore recommended to Council that the application for the mobile telephone base station be approved, subject to conditions set out below.

APPENDIX B**COUNCIL DECISION****OCM07/085****MOVED: Cr Davis****SECONDED: Cr Walmsley**

That Council resolve, with respect to the application for installation of a 35m high mobile phone base station, located at Lot 4 (No. 55) South Western Highway, Waroona to approve the application dated 8th May 2007 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. Landscaping to be provided as shown on the approved plans within 60 days of practical completion of the Mobile Phone Base Station hereby approved, and thereafter maintained to the satisfaction of Manager Planning and Development Services.**
- 3. 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 Building Licence must be obtained prior to undertaking any works on site.

CARRIED 6-0

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.4.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2006 TO 30 APRIL 2007

| | |
|--|--|
| 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: 16 May 2007 | 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 5

COUNCIL DECISION

OCM07/086

MOVED: Cr Witney

SECONDED: Cr O'Reilly Carter

That the Monthly Statement of Financial Activity for the period 1 July 2006 to 30 April 2007 (Appendix 5) be received and noted.

CARRIED 6-0

Mr Curley left the room the time being 12.04pm

9.4.2 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 |
| Proponent: | N/A |
| Landowner: | N/A |
| Date of Report: 16 May 2007 | 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 6

COUNCIL DECISION

OCM07/087

MOVED: Cr Witney

SECONDED: Cr O'Reilly Carter

That Vouchers numbered:

| <u>ACCOUNT</u> | <u>CHEQUE NOS.</u> | <u>AMOUNT \$</u> | <u>TOTAL \$</u> |
|----------------------|--------------------|------------------|---------------------|
| Municipal | 4726-4782 | 111,241.74 | 111,241.74 |
| Trust | 10851-3 | 6,934.43 | 6,934.43 |
| Electronic Transfers | EFT5013-5209 | 345,750.88 | 345,750.88 |
| Direct Wages | 11.04.07 | 53,975.00 | |
| | 25.04.07 | 54,808.60 | |
| | 09.05.07 | 55,278.80 | |
| | | | 164,062.40 |
| | | TOTAL: | \$627,989.45 |

and attached at Appendix 6 be endorsed.

CARRIED 6-0

Mr Curley returned to the room the time being 12.05pm

9.4.3 **LOCAL GOVERNMENT ELECTIONS 2007 - 2011**

| | |
|---|--|
| Reporting Officer / Officer's Interest: | Laurie Tilbrook – DCEO/Director Corporate Services / Nil |
| Responsible Officer / Officer's Interest: | Laurie Tilbrook – DCEO/Director Corporate Services / Nil |
| Proponent: | Shire of Waroona |
| Landowner: | N/A |
| Date of Report: 17 May 2007 | File No: 6/1 |
| Previous Reference: | Nil |
| Statutory/Policy Implications: | Local Government Act 1995 |
| Strategic Implications: | Nil |
| Financial Implications: | Financial estimates for 2009 will be based on the outcome of the 2007 election and advised to the council at the commencement of that particular financial year during the budget process. |
| Voting Requirements | Absolute Majority |

Proposal

In reference to part 3 of the above decision, the council has subsequently received confirmation from the Electoral Commissioner that he has agreed to the conduct of all elections, polls, or referendums, including extraordinary elections until the end of 2011.

The Council is therefore required to pass the following resolution (by Absolute Majority) in order to formalise the appointment.

1. *declare, in accordance with section 4.20(3) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of all elections, polls or referendums until the end of 2011; and*
2. *decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the elections, polls or referendums will be postal.*

Background

The Council at its Ordinary Meeting held 27 March 2007 resolved by Absolute Majority as follows:

- “1. That the council declares in accordance with Section 4.20(4) of the Local Government Act 1995 that the Electoral Commissioner is to be responsible for the conduct of the October 2007 ordinary elections together with any other elections or polls which may also be required.
2. That the council declares that in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.
3. The Council seeks written agreement in accordance with Section 4.20(4) of the Local Government Act 1995 for the Electoral Commissioner to conduct the 2009 and 2011 Local Government elections and polls.”

Community Consultation

N/A

Officer's Comments

This decision does not relate to the October 2007 ordinary election. The council has already made arrangements for the electoral commissioner to conduct a postal election.

The Deputy CEO will liaise with the commissioner and returning officer (yet to be appointed) to commence proceedings in early August.

Key dates are as follows:

1. Electoral Roll will close August 31.
2. Nomination day will be September 13.
3. Election day will be October 20.

COUNCIL DECISION**OCM07/088****MOVED: Cr Germain****SECONDED: Cr Walmsley****That the Council:**

1. in accordance with section 4.20(4) of the Local Government Act 1995 declares the Electoral Commissioner to be responsible for the conduct of all elections, polls or referendums up until the end of 2011; and
2. in accordance with section 4.61(2) of the Local Government Act 1995 decides that the method of conducting the elections, polls, or referendums will be postal.

CARRIED BY ABSOLUTE MAJORITY 6-0

9.5 **CHIEF EXECUTIVE OFFICER**

9.5.1 **COOLUP LAND CONSERVATION DISTRICT – NOMINATIONS FOR COMMITTEE RE-APPOINTMENT**

| | | |
|---|---|-----------------------|
| Reporting Officer / Officer's Interest: | Rhonda O'Mara - Executive Support Officer / Nil | |
| Responsible Officer / Officer's Interest: | Ian Curley – Chief Executive Officer / Nil | |
| Proponent: | Shire of Waroona | |
| Landowner: | N/A | |
| Date of Report: 11 May 2007 | | File No: 35/1 - 137/1 |
| Previous Reference: | Nil | |
| Statutory/Policy Implications: | Council's Committee Representations | |
| Strategic Implications: | Nil | |
| Financial Implications: | Nil | |
| Voting Requirements | Simple Majority | |

Proposal

To nominate a representative from the Shire of Waroona to the Coolup Land Conservation District Committee.

Background

Correspondence has been received from the Department of Agriculture and Food – Government of Western Australia – Office of the Commissioner of Soil and Land Conservation reading as follows:

“The term of appointment for the members of the Coolup Land Conservation District Committee is due to expire on 30 June 2007.

On behalf of the Commissioner of Soil and Land Conservation, I am writing to request the Shire of Waroona's nomination for re-appointment to this Committee. A nomination is required as soon as possible, to enable re-appointment of this Committee.

There is currently provision to appoint one representative from the Shire of Waroona. Our records show that the current representative is Graeme Styles.

*I would appreciate if you would forward details of Council's nomination as soon as convenient. New nominees who have not previously served on the Committee should complete a nomination information sheet **Appendix 7.**”*

Community Consultation

N/A

Officer's Comments

This is a Gazetted position and there is provision for one (1) representative from the Shire of Waroona to serve on the Committee. As part of Council's Committee Representation the Shire of Waroona's representative for the past term has been Mr Graeme Styles. Mr Styles has indicated he does not wish to continue his membership of the committee. Community Development Officer, Maree Ellis, has indicated she would be prepared to accept nomination for the position on the Council's behalf.

APPENDIX 7

COUNCIL DECISION

OCM07/089

MOVED: Cr Davis

SECONDED: Cr Walmsley

That Mrs Maree Ellis be nominated to represent the Shire of Waroona on the Coolup Land Conservation District Committee.

CARRIED 6-0

9.5.2 PRESTON BEACH GOLF CLUB – SELF-SUPPORTING LOAN APPLICATION

| | | |
|---|--|----------------------|
| Responsible Officer / Officer's Interest: | Ian Curley – Chief Executive Officer / Nil | |
| Proponent: | Preston Beach Golf Club Inc | |
| Landowner: | Shire of Waroona | |
| Date of Report: 22 May 2007 | | File No: 66/2 - 92/2 |
| Previous Reference: | N/A | |
| Statutory/Policy Implications: | Nil | |
| Strategic Implications: | Not included in Shire Forward Planning. | |
| Financial Implications: | Self Supporting loans are taken out by the shire but the full loan repayment is recouped from the applicant group. | |
| Voting Requirements | Absolute Majority to change the budget | |

Proposal

The Preston Beach Golf Club Inc requests Council consider their application for a self-supporting loan to enabled synthetic turn to be installed on the 9 greens at the Preston Beach Golf Course.

Background

The Preston Beach Golf Club has received a \$50,000 Federal water conservation grant towards installing synthetic turf on their golf course. They have received a quote from Southwest Greens for the work as follows:

| | |
|-------------------|----------------------------|
| Total cost | \$165,000 |
| Less discount | - \$33,000 |
| Discounted price | \$133,000 inclusive of GST |
| Less GST | <u>\$12,000</u> |
| TOTAL COST | \$121,000 |

Net cost to be funded by \$50,000 grant and \$70,000 self-supporting loan.

The golf course is freehold land owned by the Shire of Waroona and leased to the Preston Beach Golf Club until 30.06.2025.

Community Consultation

Nil recommended. The Golf Club provided a copy of the minutes of a meeting of club members where support for the loan was given.

Officer's Comments

Council officers met with the Preston Beach Golf Club in December 2006 to discuss their synthetic turf project. The club agreed to undertake research into the project and seek further funding sponsorship.

The club has since forwarded an application to the Council for a self-supporting loan of \$70,000 to fund the outstanding balance of the project. Their application was supported by an audited copy of last year's financial statements, a 5 year financial plan showing their capacity to repay the loan and supporting information on the synthetic turf.

The club also requests that the project be managed by the Shire as it would become an asset of Shire owned land. If the Council agrees to this then a tender would be required as the project cost is above \$100,000 and Southwest Greens are not the sole supplier of synthetic turf.

If Council is to support the application, it may consider seeking an agreement (as follows) from the club in regard to any loan default –

“In accepting a self-supporting loan from the Shire of Waroona the Preston Beach Golf Club agrees to assign the lease, pursuant to clause 2.9 of the lease, over to the Shire of Waroona for on-going management should the club default in the repayment of any loan repayment beyond a 6 month period after the payment is due. The Shire and Club not to be prevented from making mutually agreeable alternative arrangements”.

ADJOURNMENT

The Chairperson adjourned the meeting at this point for lunch the time being 12.25pm

RECONVENED

All those present at the start of the Meeting were present in the room after the adjournment with the exception of Mr Critch. The Meeting reconvened at 1.10pm.

OFFICER RECOMMENDATION

That Council consider the Preston Beach Golf Club's application for a self-supporting loan of \$70,000 over a 10 year period toward installing synthetic turf on the 9 greens on the Preston Beach Golf Course.

COUNCIL DECISION

OCM07/090

MOVED: Cr Davis

SECONDED: Cr O'Reilly Carter

That Council support in principle the Preston Beach Golf Club Inc (the Club) installing synthetic turf (the project) on the nine (9) greens of the Preston Beach golf course subject to the following:

Finance

- a. Council is supportive of providing a self-supporting loan to the Club of up to \$50,000 repayable over a maximum period of 7 years;
- b. Council will provide a \$5,000 capital grant towards the project;
- c. The Club to fund the balance of the project.

Project Management

- a. Council agrees to take over the management of the project as the landowner, subject to the project being fully funded;
- b. Tenders will be called to undertake the project in accordance with provisions of the Local Government Act 1995, and a decision on a successful tenderer will be made by Council in consultation with the Club;
- c. The Club to provide a copy of the original Community Water Grant application and acquittal advice to ensure that the project is in accordance with the requirements of that grant.

Other conditions

- a. The Club must agree to install synthetic turf on all 9 greens of the Preston Beach golf course;
- b. The Club must use its best effort at all times, to ensure the adequate protection of the synthetic turf eg. insurance, fencing off areas etc.

Loan Default

- a. The Club, in accepting a self-supporting loan from the Council must agree to assign the lease, pursuant to clause 2.9 of the lease, over to the Shire of Waroona for on-going management should the club default in the repayment of any loan repayment beyond a six (6) month period after the payment is due. The Council and Club will not to be prevented from making alternative mutually agreeable arrangements in regards to loan default.

DECISION TIED 3-3

Shire President used his casting vote in favour of the decision

CARRIED 4-3

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

Nil

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

11.1 **ELECTED MEMBERS**

Nil

11.2 **OFFICERS**

Nil

12. **CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 2.34pm.