



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 27 MARCH 2007

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the meeting open at 4.07pm and welcomed Councillors, Staff, and Member of the Public to the meeting.

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

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

APOLOGIES

Cr Z O'Reilly Carter – Leave of Absence	Coastal Ward
Cr P Fitzpatrick	East 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

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 27.02.07

COUNCIL DECISION

OCM07/036

MOVED: Cr Germain

SECONDED: Cr Davis

That the Minutes of the Ordinary Council Meeting held 27 February 2007, be confirmed as being a true and correct record of proceedings.

CARRIED 5-0

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 MANAGER WORKS & SERVICES

Nil

9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 UNTIDY LAND, LOT 43 TUART GROVE DRIVE LAKE CLIFTON

Reporting Officer / Officer's Interest:	Trevor Pitcher, EHBO / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Proponent:	Shire of Waroona	
Landowner:	Lester John Davidson Heads	
Date of Report: 16 March 2007	File No:	A161
Previous Reference:	Nil	
Statutory/Policy Implications:	Section 3.25, Local Government Act 1995	
Strategic Implications:	Nil	
Financial Implications:	In budget	
Voting Requirements	Simple Majority	

Proposal

To declare Lot 43 Tuart Grove Drive, Lake Clifton to be untidy by reason of an accumulation of rubbish and disused material –see photos at Appendix 1.

To serve a Section 3.25 Notice to Lester John Davidson Heads as the owner of Lot 43 Tuart Grove Drive, Lake Clifton requiring the subject land to be tidied up and items to be removed.

To authorise the Director Community Services to institute legal proceedings against Lester John Davidson Heads in the event of a default on the Section 3.25 Notice.

Background

The subject property is adjacent to the Lake Clifton Community Centre. A 52m² colourbond shed is the only permanent structure on the property. Various materials are stored inside this shed. The issue of complaint is the large amounts of household items that are stored in various piles around the outside of the shed and other materials that are unsightly and detract from amenity of the surrounding areas.

Numerous complaints about the state of this property have been received by the Shire of Waroona over a number of years. A written direction was served on the owner by post in 2003 that was not complied with. A Health Direction Notice was served on the owner of the property by post in December 2005 that was not complied with. A Health Direction Notice was served directly to the partner of the owner in October 2006.

The partner verbally agreed to comply with the notice by cleaning up the property before Christmas, 2006. It was noticed that the partner had been raking the camp area. However it was further noted that a large amount of additional household items had been moved onto the property since the December 2005 inspection and that the partner had set up a camp on the property. Anecdotal evidence suggested that the partner had begun living on a semi-permanent basis on the property.

An inspection conducted in February 2007 noted that while a small garden shed had been erected to store some materials the bulk of the material had not been removed or stored in a permanent structure, as required in the October 2006 notice.

Community Consultation

Numerous complaints, both verbal and written, have been received by staff and councillors about the state of the subject property.

Officer's Comments

A Section 3.25 Notice requires the Owner or Occupier of the subject land to do anything specified in that Notice on the subject land. A copy of the notice and the schedule of the items that are required to be removed are attached at **Appendix 2**.

As the location of the property is adjacent to the Lake Clifton Community Centre – **Appendix 3** - the Shire received significant complaints regarding the property and its negative affect on the amenity of the area.

APPENDICES 1, 2, & 3

COUNCIL DECISION

OCM07/037

MOVED: Cr Witney

SECONDED: Cr Germain

That Council:

- 1. Declare Lot 43 Tuart Grove Drive Lake Clifton to be untidy;**
- 2. Authorise the service of a Section 3.25 Notice to Lester John Davidson Heads as the owner of Lot 43 Tuart Grove Drive Lake Clifton requiring the subject land to be tidied up and materials to be removed; and**
- 3. Authorise the Director Community Services to institute legal proceedings against Lester John Davidson Heads in the event of a default on the Section 3.25 Notice.**

CARRIED 5-0

9.2.2 CALL FOR TENDERS - ARCHITECTURAL DESIGNS OF WAROONA ADMINISTRATION BUILDING EXTENSION

See Page 38 for this Report.

9.3 DIRECTOR STRATEGIC DEVELOPMENT

9.3.1 YOUTH CENTRE (OLD TENNIS CLUB) BUILDING – RESERVE 8746 SOUTH WEST HIGHWAY, WAROONA - MURALS

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Proponent:	Waroona Community Centre Youth Worker
Landowner:	Shire of Waroona
Date of Report: 21 March 2007	File No: 191/1
Previous Reference:	Item 9.3.8 November 2006 OCM
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The Waroona Youth Centre has received funding to seal the brickwork and paint the exterior of the building used by the Youth Centre and then apply murals reflecting its use by young people. Council approved the painting in the colour 'Faded Olive' in November 2006. The design for the murals is contained in Appendix 4. The full colour version will be tabled at the meeting for Councils consideration. They have been designed by Vickie Anderson in conjunction with the users of the Youth Centre.

Background

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

At its meeting held in November 2006, Council resolved as follows:

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

Members of the Waroona Tennis Club subsequently gave approval for the painting to occur. Council approval of the mural design is the reason for this report.

Community Consultation

Members of the Tennis Club are being contacted to provide their input. (*It is hoped that this will be available for the Council meeting.*)

Officer's Comments

The design for the murals will be tabled at the Council meeting. It is recommended that Council approve the design, subject to approval from the Waroona Tennis Club.

APPENDIX 4

COUNCIL DECISION

OCM07/038

MOVED: Cr Walmsley

SECONDED: Cr Davis

That Council resolves, with respect to the murals proposed for the Youth Centre Building on Reserve 8746 South Western Highway Waroona, that it approves of the design as contained in Appendix 4, subject to there being no objection from the Waroona Tennis Club.

CARRIED 5-0

COUNCIL DECISION

OCM07/039

MOVED: Cr Walmsley

SECONDED: Cr Germain

That the order of business be changed to deal with Item 9.3.7 as the member of the public was present specifically for this Item.

CARRIED 5-0

9.3.7 LOT 248 BRISTOL ROAD, WAGERUP - PROPOSED RELOCATED SINGLE DWELLING

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner/Nil	
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services/Nil	
Proponent:	Catherine Anne Bastow	
Landowner:	Catherine Anne Bastow	
Date of Report:	20 March 2007	File No: TP1046
Previous Reference:	Nil	
Statutory/Policy Implications:	See Heading in Report	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

An application for two reconditioned Transportable Units at Lot 248 Bristol Road, Wagerup was received by Council on 20 March 2007. The proposal seeks approval to construct units to accommodate workers for farming activities currently taking place on site.

A site plan and details of the proposed transportable units are contained at Appendix 13.

The transportable units consist of a kitchen unit 18m² in area and a 2 bedroom unit of the same size. The two units will be connected by a 3m wide common veranda.

Statutory/Policy Implications

The subject site is zoned 'Rural 1 – General Farming' under Town Planning Scheme No.7. Part 4.14 of the Scheme deals with Council's objectives and policies for the Rural Zones within the Shire. The objectives for General Farming lands are to permit land uses consistent with preserving the rural character of the District's farming lands and to ensure that they contribute materially to the Districts economy.

The proposal is deemed to be a 'relocated dwelling' and as such is subject to Planning and Development Policy 9.0 under Council's Town Planning Scheme No. 7 Clause 2.4. The policy is aimed at providing clear standards as to what constitutes an acceptable type of relocated dwelling as well as ensuring that the style, materials, condition and design of the relocated dwelling is in keeping with the character of the area within which the dwelling is to be sited.

Planning Consent is required for all relocated dwellings as they require Council to exercise its discretion under the Scheme.

Community Consultation

Consultation of adjoining owners was not required in respect of the proposal as the impact on neighbouring properties would be negligible.

Officer's Comments

The proposal is consistent with the objectives and policies of the Scheme and does not detract from the intent of Planning and Development Policy 9.0 – 'Relocated Dwellings'. The proposal may be deemed appropriate given that the dwelling will help facilitate rural industry by providing reasonable accommodation for workers on site. The proposal also maintains open rural atmosphere by encouraging generous setbacks. The relocated units should have little impact on neighbouring properties given the 83m western boundary and 215m southern boundary setbacks.

The plans provided by the applicant demonstrate that the relocated dwelling is purpose built to allow for easy transportation. While the overall appearance of the dwelling is relatively basic in nature, it should not detract from the rural landscape typical of the locality.

The proposed location of the units is almost 1km from major roads or highways and would not be visible to vehicles passing by due to a high level of isolation. Impact on the environment and neighbouring properties will be negligible. As a consequence it is recommended to Council that the application for the reconditioned transportable units be approved subject to the listed conditions.

APPENDIX 13

COUNCIL DECISION

OCM07/040

MOVED: Cr Davis

SECONDED: Cr Witney

That Council grants Planning Consent to the proposed Relocated Single Dwelling described on the Application dated 20th March 2007 and the accompanying plans at Lot 248 Bristol Road, 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. Building materials to be of a colour not detrimental to the character of the natural landscape of the locality, that is colours to be non-reflective and of muted tones;
 3. That the area between the ground level and floor level be enclosed to the satisfaction of Manager Planning and Development Services within 60 days of practical completion of the transportable units;
 4. All stormwater and drainage run-off to be contained on site in accordance with Statement of Planning Policy No. 2.1 to the specification and satisfaction of Council, or connected to a Council stormwater legal point of discharge; and
 5. This approval shall expire if the development hereby approved is not completed within 2 years of the date hereof, or within any extension of time which upon written application to Council (made at least 60 days prior to the expiry of the approval) is granted by it in writing.
- CARRIED 5-0**

9.3.2 **PROPOSED RE-CODING OF WAROONA TOWNSITE**

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services
Proponent:	Shire of Waroona
Landowner:	Various
Date of Report: 20 March 2007	File No: 111/1
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	See Heading in Report
Financial Implications:	Advertising costs borne by Council
Voting Requirements	Absolute Majority

Proposal

To consider modification to the Residential Design Codes of Western Australia (R Codes) for Waroona Townsite to more effectively control the density of subdivision and development within the townsite area as shown on the plan at Appendix 5

Background

Recent discussions by Council have indicated a desire to examine the desirability of recoding in the light of subdivision and development pressures currently being experienced, particularly in the Residential zones.

Within these zones it is the R Coding which constitutes the major control for lot size and as a consequence the subsequent residential development. Council has recently expressed concerns that the split coding of R12.5/30 applying to the majority of the townsite area, together with Clause 4.8.2(a) and (b) of Town Planning Scheme No. 7, is giving rise to a form of development that is not considered appropriate for Waroona. The effect of these two sub-clauses is to encourage the development of grouped dwellings rather than single dwellings on existing lots. A copy of Clause 4.8.2 is at **Appendix 6**.

Statutory Implications

Scheme maps will require modification to reflect any changes to the townsite coding and Clause 4.8.2 should likewise be changed. Both of these modifications are carried out through an Amendment to Town Planning Scheme No. 7. Scheme Amendments are controlled through the Planning and Development Act and particular Section 75.

Clause 6.2 of Shire of Waroona Town Planning Scheme No. 7 adopts as part of the Scheme the Residential Design Codes of Western Australia (R Codes).

Strategic Implications

The application of appropriate R Codes establishes the density of development over the Residential zone and guides the built form of the townsite. The codes also become the primary control for the subdivision of land through lot sizes in accordance with the provisions of Table 1 of the Codes.

Community Consultation

The mechanism for implementing any recoding and necessary modification to the Town Planning Scheme is through a Scheme Amendment. As part of that process public advertising for 42 days is required.

Officer's Comments

While there are a number of ways in which the coding of a town may be undertaken, traditionally the density of development is greatest around the town centre and decreases towards the periphery. However in the case of Waroona recognition has to be given to integrating existing development into future development in a manner that does not cause conflict, or at least minimises that conflict.

One of the prime considerations was to rework Clause 4.8.2 of the Town Planning Scheme to remove the perceived discrimination against single dwellings. It was considered that the most effective means of doing this was to identify areas and apply a single R Code to them. Although there may be some argument as to the physical boundaries recommended, the philosophy of a single code is difficult to argue against.

Nevertheless it is still necessary to consider a number of factors which have a bearing on how Council might consider the development of the town should take place. Among these are:

1. To provide sufficient land at an appropriate density of subdivision to cater for the future growth of Waroona, both in the short and the long term.
2. Encourage subdivision of 'greenfields' sites rather than intensification of existing small residential lots through infill.
3. Provide a range of lot sizes to accommodate the needs of a diversity of purchasers.

Within the townsite area there are three zones, where because of residential development allowed by the Town Planning Scheme, are subject to the R Codes. The first and largest is Urban 4 – Residential, coded R12.5/30 and this zone contains close to 70% of the townsite area. The next largest which accounts for approximately 20% is Urban 2 – Community and Civic with an R30 Code and finally Urban 1 – Town Centre that occupies the remaining 10%.

Turning to the proposed coding as shown on the plan in the Appendices, it is proposed that the Urban 1 - Town Centre zone become R20 from R12.5/30. Within this zone it is considered the predominant land use should be more commercial rather than residential as reflected by the Use Table (Table 1) of the Town Planning Scheme. R20 would result in a minimum residential size lot of 440m² (average 500m²) as against a minimum of 235m² (average 300m²) under the R30 coding.

The R20 coding is also proposed to be extended to the eastern side of the Highway to include a portion of Thatcher, Jackson and Fitzpatrick Streets. This area has in recent times been subjected to a number of battleaxe infill proposals that are permissible in accordance with the present R30 coding.

The other portions of the townsite being considered for R20 are that part of the Urban 2 – Community and Civic zone which incorporates the town oval and bowling club, together with existing lots between Millar and Green Streets and the 'greenfields' lots generally between Logue and McLarty Streets.

Council will note that there are two areas which are proposed to be R30. The first takes in that part of Urban 2 around the present Council Office and also includes a section of existing residential subdivision which includes Pam Corker House, Quamby Park and associated developments. This is to allow for intensification of development that may be considered appropriate to this area. The second area is that presently occupied by the Vision Splendid Gardens. It is understood that this property has been sold and because of its proximity to the town centre and adjacent recreation facilities it would be suitable for a higher density of development than perhaps standard residential lot sizes.

In keeping with the idea that lot sizes should increase with the distance from the centre of town, the remainder is suggested to be retained as R12.5 which allows for a minimum lot size of 700m² (average 800m²) and the present split coding of R12.5/30 be removed.

There is one exception where no R Code is proposed and that is the land to the east of Hill Street, the subject of Scheme Amendment No.16. In this case a Structure Plan is to be prepared which will be endorsed by Council and the Western Australian Planning Commission when completed by the subdivider.

Clause 4.8.2 of the Town Planning Scheme created the split coding to take account of the fact that some of the townsite was served by reticulated sewerage and some was not. The unintended consequence was that the clause gave rise to the promotion of grouped dwellings and multiple unit developments over single dwellings. The most effective mechanism for dealing with subdivisions of unsewered areas is through subdivision conditions recommended by Council and imposed by the Western Australian Planning Commission. This places the provision of such services squarely in the hands of the subdivider who will have to provide them at their cost if the subdivision is to proceed. It is recommended that Clause 4.8.2 be deleted since there are other mechanisms for achieving its stated aims.

OFFICER RECOMMENDATION

That Council resolves, pursuant to Section 75 of the Planning and Development Act 2005, to initiate an Amendment to Shire of Waroona Town Planning Scheme No. 7 to

1. Delete Clause 4.8.2 of Town Planning Scheme No. 7;
2. Recode Waroona Townsite in accordance with the plan submitted to the Ordinary Meeting on 27 March 2007;
3. Preparation of 5 sets of Amending documents by Council staff;
4. The Shire President and Chief Executive Officer be authorised to sign the documentation;
5. Prior to public advertising pursuant to Section 84 of the Planning and Development Act 2005, the documents be referred to the Environmental Protection Authority in accordance with Section 81 of that Act; and

6. At the conclusion of public advertising a further report, including all submissions received, being presented to Council for consideration of Final Adoption.

APPENDICES 5 & 6 & A

COUNCIL DECISION

OCM07/041

MOVED: Cr Davis

SECONDED: Cr Walmsley

That Council resolves, pursuant to Section 75 of the Planning and Development Act 2005, to initiate an Amendment to Shire of Waroona Town Planning Scheme No. 7 to

- 7. Delete Clause 4.8.2 of Town Planning Scheme No. 7;**
- 8. Recode Waroona Townsite in accordance with the plan submitted to the Ordinary Meeting on 27 March 2007 as amended and attached at Appendix A;**
- 9. Preparation of 5 sets of Amending documents by Council staff;**
- 10. The Shire President and Chief Executive Officer be authorised to sign the documentation;**
- 11. Prior to public advertising pursuant to Section 84 of the Planning and Development Act 2005, the documents be referred to the Environmental Protection Authority in accordance with Section 81 of that Act; and**
- 12. At the conclusion of public advertising a further report, including all submissions received, being presented to Council for consideration of Final Adoption.**

CARRIED BY ABSOLUTE MAJORITY 5-0

Note:

The Officer Recommendation was amended to depict the changes made by Council to the R Codes allocated to some areas on the plan submitted at Appendix 5.

9.3.3 PROPOSED ROAD NAMES – SUBDIVISION OF LOTS 22, 23 AND 25 SOUTHERN ESTUARY ROAD, LAKE CLIFTON

Reporting Officer / Officer's Interest:	Ross Davidson - Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson - Manager planning and development Services / Nil
Proponent:	Lonepine Enterprises Pty Ltd
Landowner:	Lonepine Enterprises Pty Ltd
Date of Report: 21 March 2007	File No: SD128691
Previous Reference:	Nil
Statutory/Policy Implications:	Planning Policy 16.0 Geographic Names
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

To name the three roads created by the subdivision of Lots 22, 23 and 25 Southern Estuary Road, Lake Clifton. A copy of the subdivision is at Appendix 7.

Background

The Western Australian Planning Commission gave conditional approval to the subdivision of Lots 22, 23 and 25 Southern Estuary Road in May 2006. As a consequence of the approval, three subdivisional roads were created and require to be officially named. The subdivider originally submitted the names Rainbow Crescent, Thomas Avenue and Irwin Court as shown on the plan at **Appendix 7**. On being made aware of the Geographic Names Policy No. 16.0, the subdivider has now requested Council approval for the names Rainbow Avenue, Lightning Crescent and Cloud Close and has advised that the common theme of these names is meteorological phenomena associated with storms.

Community Consultation

No community consultation has been undertaken and none is required.

Officer's Comments

Item 1 of Policy 16.0 states that in the case of new roads being created by subdivision, Council is supportive of the application of the use of themed road names. Such themes and the specific names shall be approved by the Council.

Examining the plan, there appears no reason for the change of name from Rainbow Crescent to Rainbow Avenue and the original name Rainbow Crescent is recommended.

The cul-de-sac originally shown as Irwin Court is recommended to be named Cloud Close.

Finally Thomas Avenue is recommended to be named Lightning Avenue. Although this road is presently shown as a cul-de-sac, it is intended for it to be extended when Lot 24 is subdivided at some future date.

OFFICER RECOMMENDATION

That Council in accordance with Planning Policy 16.0 approves the road names Rainbow Crescent, Lightning Avenue and Cloud Close for the new roads created by the subdivision of Lots 22, 23 and 25 Southern Estuary Road.

APPENDIX 7

COUNCIL DECISION

OCM07/042

MOVED: Cr Walmsley

SECONDED: Cr Germain

That an alternate theme be considered for the naming of the roads within the subdivision of Lots 22, 23 and 25 Southern Estuary Road, Lake Clifton to be in keeping with the history or topography of the Lake Clifton area.

CARRIED 5-0

Note:

The Officer Recommendation was not accepted as it was thought that the suggested road names did not suit the history or topography of the Lake Clifton area.

9.3.4 RESTRICTIVE COVENANTS REQUIRED BY SUBDIVISION CONDITIONS FOR LOTS 22, 23 AND 25 SOUTHERN ESTUARY ROAD, LAKE CLIFTON

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Proponent:	Lonepine Pty Ltd
Landowner:	Lonepine Pty Ltd
Date of Report:	21 March 2007
	File No:SD128691
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Absolute majority

Proposal

To sign and affix the seal to restrictive covenants required as subdivision conditions imposed by the Western Australian Planning Commission for the subdivision of Lots 22, 23 and 25 Southern Estuary Road, Lake Clifton. A copy of the relevant conditions, namely numbers 20, 21 and 22 is at Appendix 8.

Background

As part of the Scheme Amendment for the rezoning of Lots 22, 23 and 25 Southern Estuary Road, Lake Clifton to enable subdivision into 2ha lots, the landowner was required to enter into a Conservation Covenant with the then Department of Conservation and Land Management to protect significant existing vegetation on the subject land.

Subsequently in dealing with the subdivision itself Council sought the imposition of conditions to reflect that Conservation Covenant and to ensure that proposed Lot 40 could not be further subdivided. The Western Australian Planning Commission in giving formal approval for the subdivision included as conditions the drafting of restrictive covenants as requested by Council.

The subdivider's solicitors have now drafted the restrictive covenants in accordance with the conditions and these are in the process of being signed by the subdivider.

Community Consultation

No community consultation is required.

Officer's Comments

In order for the subdivision conditions to be 'cleared' by the Shire of Waroona so that the subdivision can progress to the stage where Landgate can issue titles to purchasers, each condition must be satisfied.

The signing and sealing of the restrictive covenants can only be done by a resolution of Council. Preparation of the documents has been carried out by the applicant's solicitors at the applicant's cost.

Advice has been received that the subdivider has received the documents and after signature will forward them for Council's attention. It is recommended that Council resolve to authorise the Shire President and the Chief Executive Officer to sign and seal the documents when they come to hand.

APPENDIX 8**COUNCIL DECISION****OCM07/043****MOVED: Cr Walmsley****SECONDED: Cr Davis**

That Council resolves to authorise the Shire President and the Chief Executive Officer to sign and affix the Shire of Waroona Common seal to the restrictive covenants required by the Western Australian Planning Commission as conditions of subdivision for Lots 22, 23 and 25 Southern Estuary Road, Lake Clifton.

CARRIED BY ABSOLUTE MAJORITY 5-0

Mr Steve Cleaver left the room the time being 5.10pm

Mr Steve Cleaver returned to the room the time being 5.13pm

9.3.5 LOT 344 BRADFORD STREET, WAROONA – PLANNING ADVICE

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner/Nil	
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services/Nil	
Proponent:	Guy and Julia Gribble	
Landowner:	Guy and Julia Gribble	
Date of Report:	19 March 2007	File No: A439
Previous Reference:	A439	
Statutory/Policy Implications:	See Heading in Report	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

A request to Council for the consideration to an extension of setbacks at Lot 344 Bradford Street, Waroona was received in March 2007. Council previously considered the matter at its November 2002 Ordinary Council Meeting.

At the November 2002 meeting Council resolved the following:

“That in recognition of the peculiar dimensions of Lot 344, in considering an application for development it will assess an application for development in the context of the side setback Performance Criteria set out in the Residential Design Codes of Western Australia (R-Codes), as if the Acceptable Development provisions for side setback are twice those set out in Table 2 and 3 of the R-Codes (i.e. 2-3m setbacks for typical single storey development) and that, provided those setbacks are met, neighbour consultation will not be considered necessary as a result of inconsistency with the side setback Acceptable Development provisions of the Codes.”

The landowner wishes to have written confirmation that the above resolution still stands, and that Council give consideration to the extension of the setback requirements for Lot 344 as the two year period has elapsed. A copy of the request is at Appendix 9.

A site plan and details of the subject site is contained as Appendix 10.

Background

Lot 344 Bradford Road, Waroona is an unusually rectangular shape with a 20 metre wide frontage and depth of approximately 220 metres. As a consequence, Council resolved to advise the owners at the time that if any development application was received within a two year period, it would reconsider the setback provisions of the R-Codes outlined in Table 2 and 3 of the Codes. During this two year period as of the 27th November 2002, no application for planning consent was received by the owners.

The owners contacted the Planning Department in February 2007 expressing their concerns that if they were to sell the property the initial advice Council gave in November 2002 would no longer be valid. The owners subsequently requested written reassurance that if they were to sell the property the original guarantee would stand.

The owners of Lot 344 also advised that this reassurance may or may not be sought in the future, depending on the progress of the Iluka sand mining operations to the north of Waroona as well as the Waroona North Structure Plan which has some influence on the future development of Lot 344.

Statutory Implications

The subject site is currently zoned Urban 6 – Rural Living. Under Town Planning Scheme No. 7. Council's objective is to provide for consolidation of further residential development in the zone which consists of small rural lots adjoining the Waroona Townsite, and to permit a range of uses consistent with the zone's location.

Clause 4.10.2 of the Scheme states that except for smaller lots existing at the time of Scheme Gazettal, Council will recommend that the minimum lot size in the zone should be no less than 7000m² and the provisions of the R-Codes pertaining to the R2 Code shall otherwise be used.

Community Consultation

Consultation was neither required nor deemed necessary for the purpose of the reconsideration

Officer's Comments

Under the current 'R2' Residential Density Code and the application of relevant setback requirements, the site would be capable of accommodating a single dwelling of 0.12 metres wide. Applying the setback requirements for R2 coded land in this case would defy the objectives of the R-Codes which it sets out to achieve in the first place and severely constrain prospective single dwelling development.

The R-Codes however should not restrict development of such properties for single dwellings. The aims of the R-Codes encompass the desirable, but potentially conflicting, concepts of flexibility and certainty. In order to accommodate both, the R-Codes have been formulated using a modified "performance" approach whereby the requirements are set out. The Codes have an inherent flexibility in their application as they are based on performance criteria rather than rigid standards.

A performance orientation shifts the emphasis from compliance with the R-Code provisions to performance based outcomes. The performance criteria of Element 3 – 'Boundary Setbacks' will be considered with any future planning application for a single dwelling on the site and the 'Acceptable Development' criteria will be considered in order to address the issues that may arise from having an unusually shaped lot.

As a consequence, Council should not provide advice on hypothetical planning applications, as each planning application should be considered and processed on its merits at any given time. It would be erroneous for Council to entertain any 'in principle' planning decisions and squander Council resources in order to appease the owners and prospective buyers of properties within the Shire.

Without any application it would be difficult to provide further written advice to the current owners and potential purchasers of Lot 344, other than that any future application will be handled on its merits in accordance with the Performance Criteria and Acceptable Development outlined under the R-Codes. It should also be understood by the owners of Lot 344 that the R-Codes have been written to provide a certain degree of flexibility and allow discretion to be exercised if a proposal is consistent with the overall objectives of the Performance Criteria.

Given that the two-year period of the original advice expired in November 2004 and the applicants have not stated their intention to develop the land in the immediate future it is recommended to Council that the owners of Lot 344 will be advised that the original advice is no longer relevant and any future development will be processed in accordance with the Performance Criteria of Element 3 – ‘Boundary Setbacks’ of the R-Codes and through a process of consultation with neighbouring landowners.

APPENDICES 9 & 10

COUNCIL DECISION

OCM07/044

MOVED: Cr Germain

SECONDED: Cr Witney

That Council advise the landowners of Lot 344 Bradford Street Waroona, in recognition of the peculiar dimensions of the lot, that original advice given on 27 November 2002 is no longer relevant and any future development will be processed in accordance with the Performance Criteria of Element 3 – ‘Boundary Setbacks’ of the Residential Design Codes of Western Australia and through a process of consultation with adjoining landowners.

CARRIED 5-0

9.3.6 LOT 116 (NO.31) RUSSELL DRIVE, WAROONA - PROPOSED OUTBUILDING

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner/Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services/Nil
Proponent:	Graham and Wendy Teale
Landowner:	Graham and Wendy Teale
Date of Report: 19 th March 2007	File No: TP1031
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

An application for an outbuilding (Shed) at Lot 116 (No. 31) Russell Drive, Waroona was received by Council on 7th February 2007. The proposal seeks approval to construct the Shed within the front building setback and reduced side setback partially outside the approved building envelope.

The shed is approximately 85.2m² in area and has a pitch height of 4.0metres.

A site plan and details of the proposed Shed is contained as Appendix 11.

Statutory/Policy Implications

The subject site is zoned 'Urban 5 – Special Residential' under Town Planning Scheme No.7. Part 4.9 of the Scheme deals with Council's objectives and policies for the 'Urban 5 - Special Residential' zone. Clause 4.9.2 (b) states that where a building envelope is shown on a lot all buildings must be contained within the building envelope.

The subject site lies in Moyanup Heights and is subject to Planning and Development Policy 8.0 under Council's Town Planning Scheme No. 7 Clause 2.4. The policy is aimed at 'maintaining the bushland setting and to promote a high standard of building development'. Clause 8.0.2 of the Policy also stipulates that all buildings are to be constructed within the building envelope for each lot as defined in the adopted Subdivision Guide Plan.

Clause 8.0.3 specifically deals with outbuildings in the area and the requirements state that no shed may be constructed within the front building setback.

Council, pursuant to Clause 4.9.2 of the Scheme, may consider permitting an alternative building envelope configuration or setback to be defined on a lot if the Council is satisfied that the new configuration or setback will not have any detrimental impact to the protection of the environment or amenity of the area. Council must be satisfied that the configuration of the lot or site difficulties make the siting of any structure undesirable or unduly difficult prior to granting consent for a variation of the building envelope.

Community Consultation

Consultation of adjoining owners was required in respect of the proposal to have reduced setbacks and to be developed outside of the building envelope.

The applicant consulted the potentially affected neighbouring landowner prior to lodging the application and has enclosed written confirmation that the neighbour had seen the plans and had no objections to the reduced setback of the shed.

Officer's Comments

A site inspection was carried out by a Town Planner on the 20th March 2007 to assess the nature of the site and whether it is necessary for the proposed shed to be located in the front building setback. The site inspection revealed that Lot 166 contained some remnant vegetation however the proposed shed location was in an area previously cleared. The nature of the site for the shed can be seen on the photos contained at **Appendix 12**.

The applicant has indicated on the plans that they will be planting screening vegetation along Russell Drive in front of the proposed shed, as well as along the western boundary to minimise potential visual impacts along the street frontage and neighbouring property. The location of the existing dwelling, septic system, and structures together with the truncating nature of the lot makes it difficult to practically locate the shed within the defined building envelope.

In this case the impact on the environment and neighbouring properties will be negligible. As a consequence it is recommended to Council that the application for the Shed outside the building envelope be approved subject to the required conditions.

APPENDICES 11 & 12**COUNCIL DECISION****OCM07/045****MOVED: Cr Davis****SECONDED: Cr Walmsley**

That Council grants Planning Consent to the proposed Outbuilding located outside the building envelope described on the Application dated 7 February 2007 and the accompanying plans at Lot 166 (No. 31) Russell Drive, 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. Building materials to be of a colour not detrimental to the character of the natural landscape of the locality, that is colours to be non-reflective, of muted tones and in sympathy with those of the existing dwelling.**
- 3. Screening plants as detailed in the attached approved plans being provided and maintained to the satisfaction of the Manager Planning & Development Services within 60 days of practical completion of the Outbuilding (Shed) hereby approved.**
- 4. All stormwater and drainage run-off to be contained on site in accordance with Statement of Planning Policy No. 2.1 to the specification and satisfaction of Council, or connected to a Council stormwater legal point of discharge.**

5. This approval shall expire if the development hereby approved is not completed within 2 years of the date hereof, or within any extension of time which upon written application to Council (made at least 60 days prior to the expiry of the approval) is granted in writing.

CARRIED 5-0

9.3.7 LOT 248 BRISTOL ROAD, WAGERUP - PROPOSED RELOCATED SINGLE DWELLING

This Item has been previously dealt with – see page 9.

Mr Ian Curley left the room the time being 5.22pm

Mr Ian Curley returned to the room the time being 5.25pm

9.3.8 PEEL REGIONAL DEVELOPMENT SCHEME FUNDING – TRANSPORTABLE STAGE SYSTEM

Reporting Officer/Officer's Interest:	Maree Ellis - Community Development Officer / Nil
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	19 March 2007
	File No: 106/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Approved in 2006/07 budget an amount of \$5,000 expenditure for the Summer Events. Additional funds of \$10,000 were also obtained from Alcoa and Iluka giving a total of \$15,000. Shire of Waroona to provide \$4,000 from the Summer events budget towards the project cost. The total project cost is \$26,500 with \$3000 being provided by the Waroona Agricultural Society and \$7000 from the Waroona Jazzamatazz School of Dance - (Includes Alcoa Action Grant).
Voting Requirements	Absolute Majority

Proposal

That Council accept the amount of \$12,500 from the Peel Regional Development Scheme fund for the Purchase of a Transportable Stage System.

That Council agree to provide \$4,000 from the Sea to Scarp Summer Events budget towards the project cost.

Background

In early 2006 parents from the Waroona Jazzamatazz School of Dance approached the Shire with this project concept. The Dance School had been actively fundraising each year to pay to hire a stage, and was concerned at the amount of money being taken out of the town in hire costs. The Waroona Agricultural Society agreed to also make a financial commitment to the project. The current stage is owned by the Shire of Waroona and is 22 years old made of Timber, which makes it heavy and requires a large truck and several men to transport and erect. It no longer meets stringent Occupational Health and Safety Standards.

A quality stage system will support existing events such as the Daffodil Ball, the Waroona show, enhance the Waroona Recreation Centre's ability to attract and host events of a significant nature, and enable and encourage the smaller communities of Preston Beach, Lake Clifton and Hamel to cater for activities and events requiring staging in an efficient and cost effective manner.

The stage will be made available for hire and any funds raised will need to be directed into a maintenance fund to ensure long-term sustainability.

Community Consultation

- Jazzamatazz School of Dance
- Waroona Agricultural Society
- Daffodil Ball committee
- Preston Beach Progress
- All groups were supportive of the project.

Officer's Comments

The funds are required for the purchase of equipment, which will have long-term benefits for the Shire and the Region in terms of available resources. Community events and activities are often hampered by the high cost and lack of availability of quality equipment such as staging or the difficulties and time required in having to transport it long distances. The equipment would be stored and managed locally with the aim being that it is safe, flexible, and easy to erect and transport.

Representatives from the Jazzamatazz School of Dance and the Waroona Agricultural Society have met with the Director Strategic Development and Community Development Officer to discuss management of the stage and have reached agreement on the following points:

1. Ownership – Shire of Waroona
2. Storage – Preferred Venue Waroona Recreation Centre
3. Usage – the Shire of Waroona, Jazzamatazz School of Dance & Waroona Agricultural Society will have priority use at no charge.
4. Hire of equipment – different rates would be set for local community groups and outside Shire use. Outside usage needs to be comparable to commercial rates with a bond being required.
5. Maintenance – A Maintenance fund to be set up to assist with ongoing maintenance.

A Memorandum of Understanding outlining all of the above points will be developed between the Shire, Jazzamatazz School of Dance and Waroona Agricultural Society. Transport of the stage is an issue as a trailer or truck would be required to manage up to 25 pieces of equipment. This would be the responsibility of the user group or hirer.

COUNCIL DECISION

OCM07/046

MOVED: Cr Walmsley

SECONDED: Cr Davis

That Council resolve to:

1. **Accept the amount of \$12,500 from the Peel Regional Development Scheme funding for the purchase of a transportable stage;**
2. **Provide \$4,000 from the Summer Events budget towards the total project cost; and**
3. **That expenditure of \$26,500, being the total cost of the project, pursuant to Account 7114 be authorised for the purchase of a transportable stage that is unbudgeted in 2006/07.**

CARRIED BY ABSOLUTE MAJORITY 5-0

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.4.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2006 TO 28 FEBRUARY 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:	20 March 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 14

COUNCIL DECISION

OCM07/047

MOVED: Cr Witney

SECONDED: Cr Davis

That the Monthly Statement of Financial Activity for the period 1 July 2006 to 28 February 2007 (Appendix 14) be received and noted.

CARRIED 5-0

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:	20 March 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 15

<u>COUNCIL DECISION</u>			
OCM07/048			
MOVED: Cr Germain			
SECONDED: Cr Davis			
That Vouchers numbered:			
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal Trust	4652-4689	105,924.05	105,924.05
Electronic Transfers	EFT4800-4923	247,699.15	247,699.15
Direct Wages	28.02.07	69,665.41	
	14.03.07	56,494.00	
			126,159.41
		TOTAL:	<u>\$479,782.61</u>
and attached at Appendix 15 be endorsed.			
			<u>CARRIED 5-0</u>

9.4.3 AMENDMENT TO POLICY 3.7 – AUTHORITY FOR ISSUE OF PURCHASE ORDERS

Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	19 March 2007	File No: 111/1
Previous Reference:	Nil	
Statutory/Policy Implications:	The purpose of the Purchasing Policy is to assist internal control in the accounting function by providing a level of accountability consistent with the Council's computerised purchasing system.	
Strategic Implications:	Nil	
Financial Implications:	All purchases by Council Staff are subject to budget provision and internal control practices.	
Voting Requirements	Absolute Majority	

Proposal

The following amendments to Policy 3.7 are proposed:

<i>Plant Mechanic</i>	<i>Increase level of authority for the purchase of goods of an operational nature from \$1,000 to \$2,000</i>
<i>Ranger</i>	<i>Increase level of authority for the purchase of goods of an operational nature from \$250 to \$500</i>
<i>Parks & Gardens Co-ordinator</i>	<i>Provide the authority for this officer to issue orders for the purchase of supplies and equipment associated with the function of the position to a maximum of \$2000. Authority does not extend to the purchase of capital equipment or items.</i>
<i>Rates Officer/Accounts Officer</i>	<i>Provide the authority for this officer to issue orders for the purchase of supplies and equipment associated with the functioning of the Drakesbrook Cemetery to a maximum of \$500.</i>
<i>Recreation Services Manager</i>	<i>Provide the authority for this officer to issue orders of an operational nature associated with the daily functioning of Recreation Services. Authority does not extend to capital equipment purchases.</i>

Background

Council Policy 3.7 relates to the authority of Council Staff when issuing Purchase Orders on behalf of the Council.

Due to recent staff changes there is a need to make various amendments to the Policy. The existing Policy is attached at **Appendix 16**

Community Consultation

Nil

Officer's Comments

Councillors should note that the Council's annual policy manual review is due in May 2007.

The proposed amendment to Policy 3.7 is brought forward to facilitate operations due to recent staff changes.

All other aspects of the policy remain unchanged.

APPENDIX 16

<p><u>COUNCIL DECISION</u> OCM07/049 MOVED: Cr Dew SECONDED: Cr Witney</p> <p>That the Council authorise the following amendments to its Finance Policy 3.7 and the Policy Manual be amended accordingly:</p>	
Plant Mechanic	Increase level of authority for the purchase of goods of an operational nature from \$1,000 to \$2,000
Ranger	Increase level of authority for the purchase of goods of an operational nature from \$250 to \$500
Parks & Gardens Co-ordinator	Provide the authority for this officer to issue orders for the purchase of supplies and equipment associated with the function of the position to a maximum of \$2000. Authority does not extend to the purchase of capital equipment or items.
Rates Officer/Accounts Officer	Provide the authority for this officer to issue orders for the purchase of supplies and equipment associated with the functioning of the Drakesbrook Cemetery to a maximum of \$500.
Recreation Services Manager	Provide the authority for this officer to issue orders of an operational nature associated with the daily functioning of Recreation Services. Authority does not extend to capital equipment purchases.
<p><u>CARRIED BY ABSOLUTE MAJORITY 5-0</u></p>	

9.4.4 LOCAL GOVERNMENT ELECTIONS 2007

Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	20 March 2007	File No: 6/1
Previous Reference:	Nil	
Statutory/Policy Implications:	See Heading in Report	
Strategic Implications:	Nil	
Financial Implications:	See Heading in Report	
Voting Requirements	Absolute Majority	

Proposal

The Council is requested to formalise arrangements for the conduct of the 2007 election by appointing the WA Electoral Commission to conduct the election.

This is considered logical given the high participation rates of the past (since 2001) and the fact that electors have become familiar with this method of voting.

The Council has received written agreement from the commissioner to conduct the election as a postal election.

For information the Council may be aware of proposed legislative amendments which will amend the local government election process from “first past the post” to “preferential proportional”.

It is unknown if this legislation will be passed by Parliament in time for the 2007 election.

Background

As Councillors would be aware the Local Government Biennial Election process has been amended from May 2007 to October 2007.

This means that the procedures for electoral roll preparation will commence in August 2007 with Election Day being October 20. The following Councillors have terms expiring in 2007:

Cr Zita O'Reilly Carter
Cr M Davis
Cr B Heath (Resigned)
Cr M Walmsley

For the first time the election will be conducted without Wards.

Financial Implications

It is difficult to estimate total costs as the final number of candidates will determine the extent of the postal election (if an election is necessary) ie there are more nominations than vacancies.

The 2007/08 Budget will be based on the following assumptions:

- 2100 electors
- response rate of 50%
- 4 vacancies
- count to be conducted at Waroona
- estimate \$11,000

Total cost for May 2005 ordinary postal election was \$7,750.

Statutory/Policy Implications

Although the council has indicated in the past that it wished all future elections be conducted by postal voting, it unfortunately has been unable to resolve to do so and was required to consider the conduct of the election on a biennial basis.

Recent amendments to Section 4.20(4) of the Local Government Act now permit the council to seek permission from the Electoral Commissioner to conduct elections over a period of time.

The written agreement is required prior to the council considering the matter any further, therefore it is recommended that the council approach the commissioner for agreement to declare the commissioner responsible for elections in 2009 and 2011.

Community Consultation

Nil

Officer's Comments

The following resolutions are statutory and require to be adopted by Absolute Majority:

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.

COUNCIL DECISION**OCM07/050****MOVED: Cr Germain****SECONDED: Cr Davis**

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.

CARRIED BY ABSOLUTE MAJORITY 5-0

Cr Davis left the room the time being 5.35pm

Cr Davis returned to the room the time being 5.37pm

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 CR HEATH - RESIGNATION

Responsible Officer's Interest:	Officer /	Ian Curley – Chief Executive Officer / Nil
Proponent:		N/A
Landowner:		N/A
Date of Report:	20 March 2007	File No: 35/1
Previous Reference:		N/A
Statutory/Policy Implications:		N/A
Strategic Implications:		N/A
Financial Implications:		N/A
Voting Requirements		Simple Majority

Proposal

To accept the resignation of Cr Bill Heath.

Background

Cr Bill Heath has tendered his resignation as Councillor for the Town Ward of the Shire of Waroona, effective as of 26 March 2007.

Cr Heath has been a Councillor since 2003 and he & Mrs Heath will be leaving the district to reside in Denmark WA.

Community Consultation

N/A

Officer's Comment

As the vacancy occurred after 21 January 2007 the State Electoral Commissioner's approval has been sought, in accordance with Section 4.17 of the Local Government Act 1995, to allow this vacancy to remain unfilled until the next ordinary election held in October 2007. If approval is granted Council will not be required to conduct an extra-ordinary election to fill the vacancy.

COUNCIL DECISION

OCM07/051

MOVED: Cr Walmsley

SECONDED: Cr Witney

That the resignation of Cr Bill Heath as Town Ward Councillor for the Shire of Waroona be accepted with regret, and the best wishes of the Council be extended to Cr and Mrs Heath for their future in Denmark.

CARRIED 5-0

9.5.2 **LAKE CLIFTON - HERRON PROGRESS & SPORTING ASSOCIATION (INC.)**

Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Shire of Waroona	
Landowner:	Shire of Waroona	
Date of Report:	20 March 2007	File No: 115/2
Previous Reference:	Nil	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
Voting Requirements	Simple Majority	

Proposal

To review the annual rental on the Lake Clifton/Herron Community Centre in accordance with the lease between the Shire of Waroona and the Lake Clifton - Herron Progress & Sporting Association (Inc.) [previously known as the Lake Clifton Progress Association (Inc.)]

Background

The lease agreement between the Shire and the Lake Clifton Progress Association (Inc.) for use of the community centre building situated on Reserve 40086, Lake Clifton, was originally signed for 10 years from 1 April 2004.

The rental is currently \$100 per year, which is consistent with other similar venues.

The Lease provides for the rental to be reviewed on 1 April 2007, 2010 and 2012.

The Lake Clifton - Herron Progress & Sporting Association (Inc.) is responsible for all maintenance costs of the community centre, and as the Council has not incurred any additional costs for the centre since the original lease was signed, I do not recommend any increase in the annual rental.

Council did agree at the February 2007 Council meeting to provide the Lake Clifton - Herron Progress & Sporting Association (Inc.) with \$7,000 towards air-conditioning the centre.

Community Consultation

N/A

<p><u>COUNCIL DECISION</u> OCM07/052 MOVED: Cr Germain SECONDED: Cr Witney</p> <p>That pursuant to clause 1 of the lease agreement between the Shire of Waroona and the Lake Clifton - Herron Progress & Sporting Association (Inc.) that the annual rental of \$100 remain until the next review date of 1 April 2010.</p> <p style="text-align: right;"><u>CARRIED 5-0</u></p>

LATE ITEMS:

9.2.2 CALL FOR TENDERS - ARCHITECTURAL DESIGNS OF WAROONA ADMINISTRATION BUILDING EXTENSION

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:	23 March 2007
File No:	44/2
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government (Functions and General) Regulations 1996
Strategic Implications:	Provide Civic and office accommodation for growing Shire
Financial Implications:	Will require budget allocation of \$50000-\$60000 in 2007/2008 budget. Funds are available in the Administration Centre Extension Reserve Account which has an approximate balance of \$380,000.
Voting Requirements	Simple majority

Proposal

To call for tenders for Architectural services for office and civic accommodation.

Background

At the September 2006 Council meeting, Council resolved to expend \$72,000 to remodel the existing Council Chambers into additional office space. This work was completed in January 2007. Council also resolved to invited tenders for an Architect to design extensions to the office to allow for further offices and new Council Chambers. At the February Ordinary Council meeting Council requested that the Working Party established to investigate the needs of the Shire Office reconsider the issue of extending the existing office or constructing a new office on a greenfields site.

The Council further considered the matter at a briefing on 12 March 2007 and a meeting of the 'Working Party' was held on 22 March 2007. The Working Party subsequently resolved to support the decision of September 2006 and proceed with the design of extending the current office. The notes from the meeting are attached.

Community Consultation

Nil

Officer's Comments

In the 2006/2007 budget Council allocated \$4,200 for the preparation of tenders for the appointment of architects. Mr Gareth Lindegger of JDI projects was engaged and has prepared documents on the Shire's behalf.

In short, the brief is to work with elected members and staff for designs for an extension of the building to the north side of the current administration building. This will join the Library to the Administration Building, providing a new chambers and some office space. Council should be aware that there are several approval steps prior to an extension being constructed and this tender is for the design only.

Previous discussions with the original architect Max Hannell are that Architects costs are likely to be 3-4% with mechanical and hydraulic (air conditioning) Engineering likely to be an additional 2%. Previous estimates are that the extensions would be in the vicinity of \$1 million requiring estimated architect services of \$50,000 - \$60,000 to be tendered out.

COUNCIL DECISION

OCM07/053

MOVED: Cr Witney

SECONDED: Cr Germain

1. That Council call for tenders for Architectural services for the extension of the current Shire Administration Office and Library.
2. That a budget allocation for the Architectural service be made in the 2007/2008 budget.

CARRIED 5-0

9.5.3 AMENDMENT TO COUNCIL POLICY 1.23 – PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD

Responsible Officer / Officer's Interest:	Ian Curley / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 26.03.2007	File No: 111/1
Previous Reference:	Policy approved on 28.02.2006
Statutory/Policy Implications:	Policy required under S.5.50 Local Government Act 1995
Strategic Implications:	N/A
Financial Implications:	To be included in annual budgets
Voting Requirements	Absolute Majority

Proposal

To rescind portion of Council Policy 1.23.

Background

Council's Senior Staff Appointment, Remuneration & Performance Review Committee met on 22 March 2007 to consider the appropriateness of the current policy. The Committee resolved to recommend to Council that it rescinds portion of the policy, and that replacement clauses for the policy be investigated that better reflect local government industry standard.

Community Consultation

The Local Government Act 1995 requires that a policy dealing with this issue be given local public notice prior to being adopted.

Officer's Comments

Until such time as replacement clauses can be agreed upon, Council will still be able to advertise its intent to make a payment in excess of the policy limits.

To rescind the recommended clauses in the policy there must be a mover, seconder and third Councillor in support of the proposal to rescind.

COUNCIL DECISION**OCM07/054****MOVED: Cr Germain****SECONDED: Cr Walmsley**

1. That Council rescind the following portion of Council Policy No. 1.23 "Payments to Employees in addition to Contract or Award":

Under the heading 'Policy', delete:

- a) the Council will look favourable upon making an ex gratia payment of up to (1) one weeks pay for each completed year of service to a maximum of (13) thirteen weeks; *and*
 - b) but has been employed for a period less than 10 years.
2. That the CEO investigates a suitable Policy relating to "Payments to Employees in addition to Contract or Award" for the consideration of Council that reflects local government industry standard and the expectation of the Council and community.

CARRIED BY ABSOLUTE MAJORITY 5-0

Cr Witney left the room the time being 5.55pm

Cr Witney returned to the room the time being 6.01pm

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

11.1.1 PURCHASE OF COUNCIL VEHICLES

File No. 111/1

Cr Dew raised the point that when Council is purchasing vehicles for Shire Staff that the safety rating of the vehicle/s should be considered and therefore requested that a Policy be created.

COUNCIL DECISION

OCM07/055

MOVED: Cr Dew

SECONDED: Cr Davis

That Council Staff develop a Policy to include the Safety Rating (minimum standard) of the subject vehicle/s when purchasing Shire Vehicles.

CARRIED 5-0

11.2 OFFICERS

Nil

12. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 7pm.