



## MINUTES

### ORDINARY COUNCIL MEETING

TUESDAY 27 FEBRUARY 2007

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## 1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the meeting open the time being 10.02am and welcomed Councillors, Staff, and Visitors to this Ordinary Council Meeting at Preston Beach.

Cr Dew expressed the news that this will be Cr Heath's last council meeting as he and his wife Valerie are leaving Preston Beach and moving to the south west. He went on to thank Cr Heath and his wife Valerie for all the time and effort they have given to the Shire and especially the community of Preston Beach on the various committees they have been involved with. Both will be sadly missed and on behalf of Council wished them well for their move to Denmark and their new venture.

## 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 B Heath		Town Ward
Cr T Witney		Town Ward
Cr M Davis		Town Ward
Cr Z O'Reilly Carter		Coastal 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 P Fitzpatrick	East Ward
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There were 8 members of the Public present.

### 3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

#### 4.1 PUBLIC QUESTION TIME

4.1.1 Mr Peter Walsten on behalf of the FRAGYLE group put forward the following question:

Q. *“Is the Farris development on the north side of Preston Beach townsite proceeding and does this still include a nine hole golf course?”*

Mr Matthew Turner, Director Strategic Development provided the following answer.

A. The Farris development on the north side of Preston Beach (the principle partner being Mirvac) is part of the Preston Beach Townsite Strategy, which is examining the potential for residential development in that area. There are no concept plans for the development of the area to date so whether they are planning to include a nine hole golf course is not known.

4.1.2 Mrs Valerie Heath put forward the following question:

Q. *“Wouldn’t it be regarded as a conflict of interest and a conflict of perception (a la Tony McCrae) for developers to be paying for trips for Councillors, Staff and Steering Committee members to Queensland? I would hardly regard Queensland as development to be emulated. I’m sure a video presentation would be adequate. How can the participants pass on unbiased decisions when treated to a trip such as this?”*

Mr Matthew Turner, Director Strategic Development provided the following answer.

A. The trip is being organised by the Shire to view developments and areas that are relevant to its consideration of Preston Beach. It is important that the Shire and Steering Committee are well informed regarding development trends. It is a study tour and the attendees are not getting a personal benefit, which is the case with the matters in the CCC at present. The cost of the travel and accommodation will be levied on the developers as a preliminary cost to the Shire in considering a structure plan, in accordance with the provisions of the Town Planning (Local Government Planning Fees) Regulations 2000.

#### 4.2 PUBLIC STATEMENTS

Mr Walsten on behalf of the FRAGYLE group provided the following statement:

*“FRAGYLE (Friends of Ramsar Action Group for the Yalgorup Lakes Environment Inc.) are extremely concerned about the effect that any urban development would have on the Ramsar wetlands, lakes & coastal dunes between Mandurah & Bunbury.*

*Fragyle considers that this area should be sacrosanct and preserved as a National Park for the benefit of future generations because of its ecological importance, uniqueness and world wide significance.”*

#### 5. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Zita O'Reilly Carter declared a financial interest in Item 9.3.4.

Mr Ian Curley declared a financial interest in Item 9.3.4.

Mr Matthew Turner declared a financial interest in Item 9.3.4.

#### 6. APPLICATIONS FOR LEAVE OF ABSENCE

- 6.1. Cr Zita O'Reilly Carter requested Leave of Absence during the period 4 March 2007 and 10 April 2007.

#### COUNCIL DECISION

OCM07/015

MOVED: Cr Heath

SECONDED: Germain

That Council approve the application for Leave of Absence from Cr Zita O'Reilly Carter for the 4 March 2007 to 10 April 2007 inclusive for Ordinary or Special Council meetings.

CARRIED 7-0

#### 7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

## 8. CONFIRMATION OF MINUTES

### 8.1 ORDINARY COUNCIL MEETING – 09.01.07

#### COUNCIL DECISION

OCM07/016

MOVED: Cr Heath

SECONDED: Cr Witney

That the Minutes of the Ordinary Council Meeting held 9 January 2007, be confirmed as being a true and correct record of proceedings.

CARRIED 7-0

## 9. REPORTS OF OFFICERS AND COMMITTEES

### 9.1 MANAGER WORKS & SERVICES

#### 9.1.1 WORKS & SERVICES – GRADER TENDER – 1/2007

Reporting Officer/Officer's Interest:	Charlie Eatts – Manager Works & Services / Nil	
Responsible Officer/Officer's Interest:	Charlie Eatts – Manager Works & Services/ Nil	
Proponent:	Shire of Waroona	
Landowner:	Shire of Waroona	
Date of Report: 20 February 2007	96/1	
Previous Reference:	Nil	
Statutory/Policy Implications:	Compliance with Local Government Tender Regulations	
Strategic Implications:	Nil	
Financial Implications:	All Financial costs relating to these Tenders have been costed into this year's adopted Budget.	
<b>Voting Requirements</b>	<b>Absolute Majority</b>	

#### Proposal

*The supply and delivery of one second hand Grader with the outright purchase of the Shire's maintenance grader.*

#### Background

The Manager Works & Services called for Tender prices for the supply and delivery of one second hand grader, with a trade or outright purchase of the Shire's maintenance grader, Cat 120g, 1980 Model.

Community Consultation

Nil

Officer's Comments

The Tenders were opened at 4pm Thursday 15 February 2007 and assessed. The tenders were placed in order of preference and a recommendation was put to the Works & Services Committee at the meeting on 21 February 2007.

<b>Company</b>	<b>Supply and deliver second hand grader</b>	<b>Hours</b>	<b>Trade or outright purchase</b>
Murray Kirkham	N/A		\$35,000 + GST
Westrac Pty. Ltd.	1997 Cat 120H with full set new tyres and 3 months warranty	10,800	\$142,000 + GST \$30,000 + GST
CJD Equipment Pty.Ltd.	1998 J/D 670CH \$136,000	8,800	\$30,000 + GST
Ovest Machinery Pty.Ltd.	N/A		\$31,280 + GST
RD Williams Machinery Pty. Ltd.	2001 Cat 120H \$180,000 + GST	8,140	\$20,000 + GST

Mr Murray Kirkham offered \$35,000 for the outright purchase of council's old grader which I feel is the best option for Council to accept.

As a result of this, the three companies that offered second hand graders for purchase should be considered without their trade offers. Both Western Australian companies were contacted and were happy to forgo the trade in.

The cheapest price was from CJD for a John Deere 670CH grader, being \$6,000 cheaper than Westrac's Caterpillar grader, however Westrac has offered (3) three months warranty on Powertrain and Hydraulics, but CJD has not offered any warranty.

Council paid \$70,000 for the 120G grader in 1986. The machine had done approximately 7000 hours with the Shire of York. Twenty years later and having done an estimated 28,000 hours, this machine was still worth \$35,000 with four of five offers of purchase at \$30,000.00 or more.

**COUNCIL DECISION**

OCM07/017

MOVED: Cr Walmsley

SECONDED: Cr Davis

That Council accept:

1. The tender from Westrac Pty Ltd to supply and deliver the 1997 Caterpillar 120H grader for \$142,000plus GST, and
2. The offer from Mr Murray Kirkham, Coolup, of \$35,000 to purchase Council's 120G grader.

**CARRIED BY ABSOLUTE MAJORITY 7-0****9.2 DIRECTOR COMMUNITY SERVICES****9.2.1 APPLICATION TO KEEP THREE DOGS – LOT 116 CULLINGA STREET, HAMEL**

Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Proponent:	Julie Nicholls	
Landowner:	Julie & Ronald Nicholls	
Date of Report:	19 February 2007	File No: 45/2
Previous Reference:	Nil	
Statutory/Policy Implications:	Shire of Waroona Dog Local Laws	
Strategic Implications:	Nil	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Simple majority</b>	

**Proposal*****To allow the keeping of three dogs at lot 116 (34) Cullinga street Hamel.*****Background**

A letter has been received requesting a third dog at 34 Cullinga Street, Hamel. The owner states that all dogs are miniature poodles. The letter advises that one of the dogs is aged 12 years and is sterilised however is not expected to live for a long period.



Community Consultation

The Shire Ranger has doorknocked neighbouring properties with no objections being received.

Officer's Comments

The Shire records reveal that there are two dogs on our database. They are both miniature poodles and are registered with one being sterilised. It is recommended that approval be granted subject to conditions.

**COUNCIL DECISION****OCM07/018****MOVED: Cr Davis****SECONDED: Cr Walmsley**

**That Mrs Julie Nicholls of 34 Cullinga Street is permitted to keep three dogs subject to the following conditions:**

- 1. A review being conducted after each 12 month period;**
- 2. All dogs to be registered;**
- 3. Permission applies only to dogs specified, and**
- 4. The Council retains the right to revoke or vary the permit at any time.**

**CARRIED 7-0**

**9.2.2 INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES WATER CAMPAIGN MILESTONE 2**

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: 21 February 2007	File No: 118/1
Previous Reference:	OCM 28 October 2003 10.6.2
Statutory/Policy Implications:	Nil
Strategic Implications:	Achieves Councils Environmental Objectives
Financial Implications:	Will require the Shire to conserve water resulting in reduced operating expenditure
<b>Voting Requirements</b>	<b>Simple majority</b>

Proposal

*To set consumption reduction and water quality improvement goals.*

## Background

The Shire of Waroona is a participant of the ICLEI – Local Governments for Sustainability Water Campaign™, an international program to assist local governments to work towards integrated water resource management.

Council resolved to participate in the Water Campaign™ Australia program at the Ordinary Council meeting of 28 October 2003. The achievement of the following five milestones was endorsed in this resolution:

1. Undertake a water consumption inventory and water quality checklist;
2. Establish a water consumption reduction goal and water quality improvement goal;
3. Develop and adopt a local action plan;
4. Implement policies and measures to work towards integrated freshwater resource management, and
5. Monitor and report on water consumption reductions and water quality improvements.

In the year 2007, council staff attended a number of training sessions.

The Peel-Harvey Catchment Council (Inc.) originally developed the Water Campaign™ project with the intention of further involving the local governments of the Peel-Harvey Catchment in a single Natural Resource Management (NRM) program. The objectives of the project included, increasing local government involvement in NRM, increasing communication and cooperation between the Local Governments of the catchment on NRM matters and removing the financial constraints that may prevent some of the local governments in the catchment participating in environmental projects such as the Water Campaign™.

The original funding for the project was generously provided by the City of Mandurah, the Peel-Development Commission, the Peel Centre for Water Excellence and the Serpentine-Jarrahdale Shire. Although much preparatory work had been completed prior, the project officially began in January 2003 with the appointment of a Water Campaign™ Officer to work with the City of Mandurah and the Shires of Boddington, Murray and Serpentine-Jarrahdale.

The original project funding was then matched with funding from the Australian Government through the National Heritage Trust (NHT) and the campaign was widened to the full Peel-Harvey Catchment with the addition of the Shires of Cuballing, Harvey, Waroona, Wandering and the Town of Kwinana.

## Community Consultation

Nil

## Officer's Comments

The Shire of Waroona completed the inventory for the Water Campaign™ Corporate and Community, Conservation and Quality modules.

The results are summarised in **Appendix 1**.

### Water Conservation for Corporate

Given the development growth of council, it is anticipated that Council's water use could continue to grow as increased facilities and open space is provided for the increased population.

### Water Conservation for Community

The continued growth of greenfield development areas of council indicate that whilst more water is being consumed across our community due to population increase, the per capita use of water has been reduced due to more efficient water devices and higher densities.

### Water Conservation Goal and Water Quality Improvement Goal

These water management goals are a quantitative objective for the local action plan. They demonstrate a strong commitment from Council, and will raise community awareness [or responds to community concerns] about water consumption and water quality issues. There are also economic benefits for Council and the community through ensuring efficient water use resulting in reducing corporate and community costs and prevention of post works cleanup, which may threaten water quality.

The water management goals identified for the Corporate and Community Modules of the Water Campaign™ are recommended for the following reasons:

1. This council wants to set a goal that supports per capita consumption reduction goals;
2. Reduction measures are already underway by council. These include forward planning for replacement of the water cannons, automated and soil sensor sprinklers, retrofitting of water saving devices in recreational facilities, the use of a flow restrictor on pipes, the detention and reuse of stormwater for open space, and
3. The water quality goals support State and National water quality guidelines that all land managers need to strive to achieve.

Pending the endorsement from Council, the next steps are:

- To develop a Local Action Plan - a strategic document that outlines the broad approaches that Council will take to reduce water consumption and improve water quality;
- To assess the implementation costs, potential cost savings and pay-back period and the potential water reductions and water quality improvements for priority actions, and
- To identify key indicators for the success of the program and establish a monitoring system related to the Local Action Plan.

## APPENDIX 1

### COUNCIL DECISION

**OCM07/019**

**MOVED: Cr Heath**

**SECONDED: Cr Germain**

**That Council:**

- (1) Endorse the corporate water conservation goal to achieve a 20% reduction in corporate potable water consumption based on 2004/2005 levels by the year 2014/2015;**
- (2) Endorse the corporate water quality goal to implement 50 points worth of corporate actions from the Water Campaign™ action cards by 2014/2015;**
- (3) Endorse the community water conservation goal to achieve a 10% per capita reduction in community potable water consumption based on 2004/2005 levels by the year 2014/2015;**
- (4) Endorse the community water quality goal to implement 50 points worth of community actions from the Water Campaign™ action cards by 2014/2015;**
- (5) Endorse the preparation of a local action plan to meet the Milestone Three requirements of the Water Campaign™, and**
- (6) Be advised on the progress of the Water Campaign™ on a regular basis.**

**CARRIED 7-0**

### 9.2.3 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:	21 February 2007	File No: Tender Register
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 set aside in the Administration Centre Extension Reserve Account.	
<b>Voting Requirements</b>	<b>Simple majority</b>	

#### Proposal

*To call for tenders for Architectural services for the extension of the Shire Administration building.*

#### Background

Following the internal refurbishment of the administration building in 2006/2007 the Shire is currently operating without civic facilities. Following the recent fires the Shire would have difficulties in utilising the Administration building as a command centre in the case of an emergency.

#### 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.

**OFFICER RECOMMENDATION**

1. That Council call for tenders for Architectural services for extensions to the Administration Building.
2. That a budget allocation is made in the 2007/2008 budget.

**COUNCIL DECISION**

**OCM07/020**

**MOVED: Cr Walmsley**

**SECONDED: Cr Witney**

**That Council defer Item 9.2.3 and that the matter be referred back to the committee investigating the extension of the Shire Office comprising Crs Dew, Germain, Walmsley and Davis, for further investigation.**

**CARRIED 7-0**

Note:

*The Officer Recommendation was deferred as Council requested further investigation of other options in relation to the future expansion of the Shire Offices.*

**9.2.4 LOT 360 PANORAMA DRIVE PRESTON BEACH - VOLUNTEER RANGER SHED**

Reporting Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil
Responsible Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil
Proponent:	Bill McLellan, Secretary Preston Beach Golf Club
Landowner:	Shire of Waroona
Date of Report: 21 February 2007	File No: 66/2
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal*Consideration of relocation of Ranger shed by the Preston Beach Golf Club.*Background

Correspondence has been received from the Preston Beach Golf Club requesting use of the Volunteer Ranger shed to house Golf Club machinery.

**Appendix 2.**Community Consultation

Nil

Officer's Comments

A site meeting was held in conjunction with the Director Community Services, Chief Executive Officer and Mr McLellan on 14 February 2007. The meeting looked at various options in relation to the purchase of the existing shed and/or relocation to a more suitable site. As an alternative site to house the existing shed Shire staff have identified that land adjacent to 23 Preston road would be suitable as an alternative location. **Appendix 3.**

As the current Volunteer Ranger shed was donated to the Shire in the late 1990s along with the current vehicle it would be difficult to use the facility for an alternative purpose. The purpose of the shed is to house the Volunteer Ranger vehicle and it is hoped that the current vehicle will be replaced with a more modern vehicle when funds become available. As the Shire has no other sheds for storage, loss of the current shed would not be possible without an alternative facility and/or relocation to the alternative site.

No funds are provided in the 2006/2007 budget and it is likely that a new shed would now cost in the range of \$6000-\$8000. The Golf Club has made an offer of \$500 to the Shire towards replacing the shed on other Council land. As this amount does not adequately cover the cost of a new shed it is recommended that Council agree to the Golf Club relocating the existing shed from Panorama Drive to Preston Road on lot 360, at no cost to the Shire.

OFFICER RECOMMENDATION

That Council grant approval to the Preston Beach Golf Club to relocate the Volunteer Ranger Shed from Panorama Drive to Preston Road Preston Beach, and that the shed remain for the express use of housing the Volunteer Ranger's vehicle until the shed is relocated.

APPENDICES 2 & 3**COUNCIL DECISION**

OCM07/021

MOVED: Cr Witney

SECONDED: Cr O'Reilly Carter

That Council grant approval to the Preston Beach Golf Club to relocate the Volunteer Ranger Shed, inclusive of concrete pad and power connection from Panorama Drive to Preston Road Preston Beach, at no cost to the Shire of Waroona, and that the current shed remain for the express use of housing the Volunteer Ranger's vehicle until the shed is relocated.

**CARRIED 7-0**Note:

*The Officer Recommendation was amended to include in the relocation process the concrete pad and power reconnection to the shed, at no expense to Council.*

**9.3 DIRECTOR STRATEGIC DEVELOPMENT****9.3.1 RECONSIDERATION OF SUBDIVISION – LOT 1 WOODLEY HEIGHTS WAROONA**

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:	R I T McEwen
Landowner:	Compucutt Pty Ltd
Date of Report: 19 February 2007	File No: SD 130876
Previous Reference:	OCM 06/102
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>

Proposal

*Reconsideration of Council's recommendation to the Western Australian Planning Commission (WAPC) not to support the proposed subdivision of Lot 1 Woodley Heights, Waroona.*



### Background

At the Ordinary Council meeting on 23 May 2006, Council resolved not to support the proposed subdivision of lot 1 Woodley Heights into 3 lots with an average size of 4.4ha for the following reasons:

1. The proposal is not consistent with the adopted Subdivision Guide Plan for the Woodley Heights Estate, and
2. In the absence of a geo-technical report, the Shire is not supportive of the creation of additional lots in close proximity to a known landslip area.

The WAPC, in determining the application, supported Council's views and refused the application. Subsequently, the applicant sought a reconsideration of the decision and submitted a geo-technical report.

When the matter was referred to Council for comment there was concern that the access leg to proposed lot 2 was still very much affecting the unstable area, however the proposed location of the 3 building envelopes was sufficiently far from it and supported by the geo-technical report.

As a consequence a number of site inspections were held with the landowner and representatives of the Shire and the WAPC and the plan amended to reflect those discussions. The amended plan is copied at **Appendix 4** and a copy of the geo-technical report will be tabled at the Council meeting.

### Community Consultation

No community consultation is required by this application.

### Officer's Comments

Examination of Town Planning Scheme No. 7, Schedule II – Rural Residential Codes indicates that while the subdivision of the subject land shall generally be in accordance with the approved Subdivision and Guide Plan, the Commission may approve a variation. The non-compliance of this proposal with the guide plan therefore may not be a significant impediment to subdivision.

At the various site meetings referred to above, the issues relating to the known instability of portion of the subject property were thoroughly worked through. The geo-technical report highlighted the problems and in part offered solutions. Because the unstable area is both confined and the boundaries well established, if the number of lots together with development of dwellings and access to them can be controlled, it will be possible to avoid any undesirable impact on either dwelling or the land.

Council will note that firstly only 3 lots are proposed, which opens up the possibility of selecting a site for dwellings as far away from the landslip area as possible. Secondly, each lot is to contain a building envelope and the location of these building envelopes has been established by reference to the geo-technical report as part of which test pits were dug within the area of the proposed envelopes. Finally, the access leg to proposed lot 2 has been realigned to a position upslope and as far away from the slip as possible.

Discussion with the representative of the WAPC at a recent site meeting indicated that the Commission would, with sufficient justification, be likely to support Council conditions to include identified building envelopes, the construction of the accessway to lot 2 to the specification and satisfaction of Council and revegetation of the upper area of the slip. In connection with the construction of the access leg it should be noted that the Special Provisions for this land specifically require that private access from Woodley Heights to proposed building envelopes must be approved by Council in terms of both location and method of construction.

The applicant has responded to the concerns raised by Council and the WAPC over this proposal and while it would have been desirable to have had a geo-technical report sooner rather than later to address those concerns, it is possible for Council now to give conditional support to the modified proposal.

#### OFFICER RECOMMENDATION

That Council advises the Western Australian Planning Commission that it supports the modified subdivision of lot 1 Woodley Heights, Waroona into three lots, subject to the following conditions:

1. No lot being less than 4ha in area;
2. Prior to the commencement of site works, a detailed plan identifying building envelopes on all lots on the approved plan is to be prepared by the subdivider to the satisfaction of the Shire of Waroona;
3. The battleaxe accessway being constructed and drained at the applicant's cost to the specification of the Shire of Waroona;
4. Arrangements being made by the subdivider for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision to the satisfaction of the Shire of Waroona;
5. The subdivider preparing and implementing a vegetation management plan for proposed lot 1 on the approved plan to the specification and satisfaction of the Shire of Waroona;
6. The subdivider make arrangements to the satisfaction of the Shire of Waroona to ensure that prospective purchasers of the lots are advised of those provisions of the Shire of Waroona Town Planning Scheme relating to the use and management of the land;
7. A new guide plan being prepared to reflect the proposed subdivision of lot 1, and
8. The approved Fire Management Plan being amended to the satisfaction of the Shire of Waroona to incorporate the additional three proposed lots.

APPENDIX 4**COUNCIL DECISION**

OCM07/022

**MOVED: Cr Walmsley****SECONDED: Cr Witney**

**That Council request the proponent – at its cost – to provide a peer review of the Geotechnical report and a Drainage Management Plan, prior to Council further considering the proposal.**

**CARRIED 7-0**Note:

*The Officer Recommendation was not moved as Council required further information to be provided by the proponent to enable them to make their decision.*

**9.3.2 LOT 231 HESSE STREET, WAROONA - APPLICATION FOR STRATA TITLE SUBDIVISION**

Reporting Officer / Officer's Interest:	Ross Davidson, Manager Planning and Development Services
Responsible Officer / Officer's Interest:	Ross Davidson, Manager Planning and Development Services
Proponent:	Murray District Surveys
Landowner:	Ukey Developments Pty Ltd
Date of Report: 13 February 2007	File No: BL 2006/028
Previous Reference:	Nil
Statutory/Policy Implications:	Strata Titles Act 1985
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple majority</b>

Proposal

*That the Certificate of Local Government (Strata Titles Act 1985 Section 5B, 8A(f), 23(1) be signed by the Chief Executive Officer and forwarded to the consulting surveyors, Murray District Surveys, enabling the Strata Title Subdivision of Lot 231 on Strata Plan 223199 Hesse Street to proceed.*

Background

An application has been received by the Shire of Waroona for the strata plan 223199 for lot 231 Wasse Street Waroona to be certified by the Chief Executive Officer – **Appendix 5.**

Under the Strata Titles Act 1985 a Certificate of Local Government is to accompany a strata plan when it is lodged for registration – **Appendix 6.**

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

Community Consultation

No community consultation is required and none has been undertaken.

Officer's Comments

The buildings are in compliance with the building legislation and with Council’s approval the certificate can be issued to the Chief Executive Officer for signing on behalf of Council.

**APPENDICES 5 & 6**

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM07/023</b>  <b>MOVED: Cr Davis</b>  <b>SECONDED: Cr Heath</b></p> <p><b>That the Chief Executive Officer be authorised to sign the Certificate of Local Government under the provisions of the Strata Titles Act 1985 Section 5B, 8A(f), 23(1) for Lot 231 of Strata Plan 223199 Wass Street, Waroona, and that the Certificate be forwarded to the consultant surveying firm Murray District Surveys.</b></p> <p style="text-align: right;"><b><u>CARRIED 7-0</u></b></p>
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**9.3.3 PLANNING POLICY 9.0 - RELOCATED DWELLINGS -- MODIFICATION**

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Proponent:	Shire of Waroona
Landowner:	Nil
Date of Report: 19 February 2007	File No: 111/1
Previous Reference:	OCM 05/119
Statutory/Policy Implications:	See below
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Absolute majority</b>

### Proposal

*To modify Planning Policy 9.0 Relocated Dwellings to include the statement that Council will not approve relocated dwellings within the boundaries of any gazetted townsite.*

### Background

At the November 2006 Ordinary Council Meeting it was resolved to advertise the proposed modification to Planning Policy 9.0 – Relocated Dwellings to include the words ‘Council will not approve relocated dwellings within the boundaries of any gazetted townsite’.

### Community Consultation

At the conclusion of the advertising period required by Clause 2.4.1 of Town Planning Scheme No. 7 only one public submission had been received and a copy is at **Appendix 7**.

### Statutory Implications

Clause 2.4.2 of Town Planning Scheme No. 7 states that a Scheme Policy may, inter alia, only be altered by preparation of a new Policy pursuant to this clause, specifically worded to supersede an existing policy.

### Officer's Comments

The submission received refers to a previous experience where there was some difficulty with a definition between a new and a second hand dwelling and suggests that the policy by way of a sub-section should make some distinction between a new dwelling and a second hand dwelling being relocated. The term ‘relocated dwelling’ is used in the context of a second-hand dwelling, that is one moved from the land parcel on which it stood to another land parcel. A ‘relocatable dwelling’ is one which is constructed in such a manner that allows it to be moved. Generally the term is reserved for new dwellings constructed at a factory and then placed on site. A new dwelling therefore may be a relocatable dwelling, but is not a relocated dwelling and the policy is deliberately not designed to deal with new dwellings of this nature.

Inspection of the policy confirms that under the heading ‘Policy’ it states that the policy applies to all proposals to relocate a second hand dwelling anywhere within the Shire of Waroona, so the distinction being sought is already clearly enunciated.

There being no objections to the modification to the policy being proposed, its final adoption is recommended. A copy of the modified policy is at **Appendix 8.**

**APPENDICES 7 & 8**

**COUNCIL DECISION**

**OCM07/024**

**MOVED: Cr Germain**

**SECONDED: Cr Witney**

**That Council, pursuant to Clause 2.4.2 (a) of Town Planning Scheme No. 7; resolves by Absolute Majority to adopt for final consent a new Planning Policy 9.0 Relocated Dwellings as contained at Appendix 8 which will include the following additional words under the heading "Policy".**

- "a. The previous Planning Policy No. 9 relating to Relocated Dwellings is hereby superseded; and**
- b. Council will not approve relocated dwellings within the boundaries of any gazetted townsite."**

**CARRIED BY ABSOLUTE MAJORITY 7 -0**

**Cr O'Reilly Carter** declared a financial interest in the following Item 9.3.4 as she is a member of the Preston Beach Townsite Strategy Steering Committee and is proposing to accompany the Study Tours and left the meeting and the building the time being 11. 25am.

**Mr Ian Curley** declared a financial interest in the following Item 9.3.4 as he is a member of the Preston Beach Townsite Strategy Steering Committee and is proposing to accompany the Study Tours.

**Mr Matthew Turner** declared a financial interest in the following Item 9.3.4 as he is a member of the Preston Beach Townsite Strategy Steering Committee and is proposing to accompany the Study Tours.

### 9.3.4 PRESTON BEACH TOWNSITE STRATEGY – STUDY TOURS

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil	
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:	20 February 2007	File No: TPSP1
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	See Heading in Report.	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

#### Proposal

*That the Shire lead the investigation of residential developments within Western Australia and Australia relevant to the Steering Committee and Council's deliberations on the Preston Beach Townsite Strategy. Appendix 9 contains a summary of the study tour objectives, rationale and preliminary locations and presentations.*

*The rational for the locations chosen is as follows:*

- They are directly relevant to, or possibly to be replicated at, Preston Beach; or*
- elements of the sites are 'best practice' or could be considered at Preston Beach; or*
- To view previous developments by the two developers to understand what their capabilities are.*

*It is recommended that the Shire organise a visit for the Steering Committee to the Sunshine Coast and Tweed Coast. In particular the Sunshine Coast, Noosa and Maroochydore because they have a similar context to Preston and Mandurah to Perth. Noosa has capped population and is attempting to maintain its distinctive character and an agricultural heartland. On the Tweed Coast, SALT and Casuarina Beach are highly acclaimed for their retention of landform, vegetation and character.*

*It is proposed that delegation from the Steering Committee include the following:*

*Cr Zita O'Reilly-Carter  
Chief Executive Officer  
Director Strategic Development  
The four community representatives (if available)  
Representatives from the developers.*

*It is proposed that the cost of travel and accommodation for the study tour be levied on the developers as part of the structure planning process, with the Shire's contribution being towards meals on the trip.*

#### Background

A steering committee comprising community members, developers and state and local government is currently heading the Preston Beach Townsite Strategy process as agreed to by council at its meeting held in March 2006.

A workshop is to be held with the community on 31 March 2007 to work through the development options for the Preston Beach area.

#### Community Consultation

No consultation was required or necessary on this matter. The matter has been discussed and agreed to by the steering committee.

#### Financial Implications

The Shire would organise and pay for the study tours within Western Australia and the Sunshine and Tweed Coasts. The cost of travel and accommodation would be levied on the developers as a cost to the process and the Shire would contribute to the meals (approximate cost of \$3,500 depending on the number of community members attending).

It is envisaged that the funding will be allocated from within the current 2006/07 adopted budget.

#### Officer's Comments

It is considered that the study tours are important to the steering committee (particular the community members) and the Shire's consideration of the proposals for Preston Beach. The locations chosen in Western Australia and the eastern states have relevance to Preston Beach and the type of development that the community and the Shire have indicated that they desire for the area.

The locations have been chosen by shire officers and the steering committee but it is appropriate that the developers be levied for most of the cost of the tours. The Town Planning (Local Government Planning Fees) Regulations 2000 permit a local authority to pass on the costs associated with the assessment of a structure plan such as the Preston Beach Townsite Strategy.



OFFICER RECOMMENDATION

That Council resolve, with respect to the study tours for the Preston Beach Townsite Strategy process, to endorse the summary at Appendix 9 as the basis for the investigations. That the Shire organise a study tour to the Sunshine and Tweed Coasts and that Councillor Zita O'Reilly-Carter, the Chief Executive Officer and Director Strategic Development be authorised to attend. The Shire's contribution for the tours is to be the cost of meals (approximately up to \$3,500 from within the 2006/07 adopted budget), with all other costs levied on the developers as a structure planning cost in accordance with the Town Planning (Local Government Planning Fees) Regulations 2000.

APPENDIX 9**COUNCIL DECISION****OCM07/025****MOVED: Cr Davis****SECONDED: Cr Walmsley**

**That Council resolve, with respect to the study tours for the Preston Beach Townsite Strategy process, to endorse the summary at Appendix 9 as the basis for the investigations. That the Shire organise a study tour to the Sunshine and Tweed Coasts and that Councillor Zita O'Reilly-Carter, the Chief Executive Officer and Director Strategic Development be authorised to attend. The Shire's contribution for the tours is to be the cost of meals (approximately up to \$3,500 from within the 2006/07 adopted budget), with all other costs levied on the developers as a structure planning cost in accordance with the Town Planning (Local Government Planning Fees) Regulations 2000. The study tour proposal to be presented to Council's Solicitors and the Department of Local Government for their advice and confirmation on the process prior to the tour being undertaken.**

**CARRIED 5-1**Note:

*The Officer Recommendation was amended to include that confirmation be sought from Council's Solicitors and the Department of Local Government to ensure that correct process for undertaking such study tours is followed.*

**Cr O'Reilly Carter** returned to the building and the meeting the time being 11.54am.

### 9.3.5 LOT 221 LYONS ROAD, WAROONA - PROPOSED FRAMED RESIDENCE

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner/Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services/Nil
Proponent:	DJ & JP Dwyer
Landowner:	DJ & JP Dwyer
Date of Report: 9 <sup>th</sup> February 2007	File No: TP1016
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

#### Proposal

*An application for a single dwelling with reduced setbacks at Lot 221 Lyons Road, Waroona was received by Council on 10<sup>th</sup> January 2007. The proposal seeks approval to construct the residence outside the approved building envelope.*

*A site plan and details of the proposed framed residence is contained as Appendix 10.*

#### Background

The subject site lies in Moyanup Heights and is subject to a building design control policy 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 Scheme also stipulates that all buildings are to be constructed within the building envelope for each lot as defined in the adopted Subdivision Guide Plan.

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.

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 are 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. Potentially affected adjoining neighbours were notified in writing on 28 November 2006 and given three weeks in which to lodge a submission.

One submission was received objecting to the location of the dwelling. A schedule of the submission is contained in **Appendix 11**.

#### Officer's Comments

There is some concern from an adjoining landowner that the proposal will remove an existing natural vegetation barrier and have a negative visual impact on their property. There is also concern if planning consent is granted for a reduction in the side and rear setbacks, more destruction of existing natural vegetation will occur than necessary.

A site inspection was carried out by a Town Planner on the 12 January 2007 to assess whether or not there were any exceptional circumstances as to why planning consent should be granted for reduced rear and side setbacks. The site inspection revealed that Lot 221 contained dense natural vegetation across most of the site area and where the dwelling was proposed. There is also dense natural vegetation along the southern and eastern boundaries where the reduced setbacks are proposed which would be lost if planning consent were granted. The nature of vegetation on the lot is seen on the photos contained in **Appendix 12**.

The topography of Lot 221 slopes down to 4 metres from the southern to northern boundaries and has minor undulation. This would not however make development in the existing approved building envelope unduly difficult or give reason to have reduced rear and side setbacks.

Given that remnant vegetation is quite evenly spread across Lot 221 and the topography is not unreasonably problematic, it is difficult to approve a reduction of the setbacks for these reasons. The applicant has not disclosed, in writing, the reason for reduced setbacks. For this reason, it is difficult for Council to permit an alternative building envelope pursuant to Clause 4.9.2 of the Scheme. Without good reason, Council cannot be satisfied that the configuration of the lot or site difficulties will make siting of the dwelling undesirable or unduly difficult.

In this case the impact on the environment will be negligible however it would be injudicious to start an unwanted precedent by allowing a reduction of setbacks for no apparent reason. As a consequence it is recommended to Council that the application for reduced setbacks be refused, on the basis that the applicant has not demonstrated valid grounds for the reduction.

**APPENDICES 10, 11 & 12**

**COUNCIL DECISION**

**OCM07/026**

**MOVED: Cr Heath**

**SECONDED: Cr Germain**

**Council's Planning Consent to the proposed development, described on the Application dated 10 January 2007 and the accompanying plans for a relocation of building envelope located at Lot 221 Lyons Road, Waroona is recommended to be refused for the following reasons:**

- 1. Applicant has not provided justification for the reduced side and rear setbacks to satisfy Council that the relocation of the building envelope is necessary;**
- 2. A site inspection of the property shows that the nature of topography and vegetation does not warrant grounds to relocate the original building envelope, and**
- 3. It would be injudicious for Council to relax the provisions of Clause 4.9.2 of the Scheme and create an unwanted precedent for the unjustified relocation of building envelopes for that zone.**

**CARRIED 7-0**

### 9.3.6 LOT 1 (NO. 25) THATCHER STREET, WAROONA - PROPOSED RELOCATED 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:	Rasim Karafil
Landowner:	Trioplex Holdings Pty. Ltd.
Date of Report:	21 February 2007   File No: TP1033
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

#### Proposal

*An application for a relocated dwelling at Lot 1 (No. 25) Thatcher Street,, Waroona was received by Council on 12<sup>th</sup> February 2007. The proposal seeks approval to relocate the residence and restore it to a good condition.*

*A site plan and proposed elevations are contained in Appendix 13.*

#### Community Consultation

No community consultation is required, nor has any been undertaken.

#### Statutory Implications

The subject site is zoned 'Urban 4 – Residential' under Town Planning Scheme No.7. An application for a survey-strata subdivision on Lot 1 has recently been approved by the Western Australian Planning Commission. Once the lots for the subdivision have been legally created, the relocated dwelling will be situated on the proposed survey strata Lot 2. Inspection of the dimensioned site plan submitted by the applicants indicates the proposed setbacks comply with Table 1 of the Residential Design Codes of Western Australia (R Codes) for R12.5.

Relocated dwelling applications are subject to Planning and Development Policy No. 9 – 'Relocated Dwellings'. The objective of Planning Policy No. 9 is to prevent relocated dwellings in the townsites because they are not a form of housing that in keeping with the character of the townsites.

Officer's Comments

The dwelling is proposed for within the Waroona townsite and therefore contradicts Planning Policy 9.0. Furthermore, the dwelling contains asbestos, which is not permitted by the Policy. The dwelling has been assessed from the information received and is not of a sufficient standard to be accepted in the townsite. It will not be in keeping with the nature of the dwellings in the surrounding locality. For these reasons it is recommended that the proposal be refused.

APPENDIX 13**COUNCIL DECISION****OCM07/027****MOVED: Cr O'Reilly Carter****SECONDED: Cr Witney**

**Council's Planning Consent to the proposed development, described on the application dated 12<sup>th</sup> February 2007 and the accompanying plans for a relocated dwelling located at Lot 1 (No. 25) Thatcher Street, Waroona is recommended to be refused for the following reasons:**

- 1. The subject site for the proposed relocated dwelling lies in the Gazetted Townsite of Waroona and contains asbestos and therefore contradicts Planning and Development Services Policy 9.0 – 'Relocated Dwellings';**
- 2. The relocated dwelling is not in keeping with the character of dwellings in the locality, and**
- 3. Approval of the dwelling would create an undesirable precedent for relocated dwellings in the townsites.**

**CARRIED 6-1**

**9.3.7 PRESTON BEACH JUBILEE ROTUNDA**

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Proponent:	Preston Beach Progress Association
Landowner:	Shire of Waroona
Date of Report: 22 February 2007	File No: 115/3
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The Progress Association has fundraised for the project and has received funding from other sources. It has requested the Shire contribution be for benches and seats. \$5,000 was allocated in the Shire's 2006/2007 budget for the Progress Associations jubilee year
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

*The Preston Beach Progress Association has requested permission to construct a rotunda as part of their jubilee celebrations next to the existing community centre building on Panorama Drive, Preston Beach. The rotunda will also be used for Anzac Day ceremonies.*

*A site plan, elevation and photo of the proposal are contained at Appendix 14.*

Community Consultation

No consultation is required on this matter.

Officer's Comments

The proposal for the rotunda is considered to be appropriate and well located next to the community centre. Subject to the issue of a building licence, it is recommended that it be supported.

It is further recommended that the \$5,000 for the Progress Association's jubilee be granted to the Association by way of the Shire's contribution to the project.

APPENDIX 14COUNCIL DECISION

OCM07/028

MOVED: Cr Walmsley

SECONDED: Cr Germain

- A. That Council resolve - with respect to the proposal by the Preston Beach Progress Association to construct a rotunda on the site of the Preston Beach Community Centre - that it approves the proposal subject to the issue of a Building Licence for the structure.
- B. That the Council contribution to the project be by way of a grant of \$5,000 in accordance with the 2006/2007 adopted budget.

CARRIED 7-0ADJOURNMENT

The Chairperson adjourned the meeting at this point for morning tea the time being 12.10pm

RECONVENED

All those present at the start of the Meeting were present in the room after the adjournment. The Meeting reconvened at 12.18pm

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES9.4.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2006 TO 31 JANUARY 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:	21 February 2007	File No: 1/1
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
<b>Voting Requirements</b>	<b>Simple Majority</b>	



APPENDIX 15**COUNCIL DECISION**

OCM07/029

MOVED: Cr Heath

SECONDED: Cr O'Reilly Carter

That the Monthly Statement of Financial Activity for the period 1 July 2006 to 31 January 2007 (Appendix 15) be received and noted.

CARRIED 7-09.4.2 ACCOUNTS FOR PAYMENT

Reporting Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:	21 February 2007	File No: 1/3
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

APPENDIX 16**COUNCIL DECISION**

OCM07/030

MOVED: Cr Witney

SECONDED: Cr Davis

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal	4573-4651	254,445.11	254,445.11
Trust	10845-10848	415.00	415.00
Electronic Transfers	EFT4578-4799	288,819.17	288,819.17
Direct Wages	03.01.07	49,248.80	
	17.01.07	52,111.60	
	31.01.07	53,317.20	
	16.02.07	52,076.00	
			206,753.60
		<b>TOTAL:</b>	<b>\$750,432.88</b>

and attached at Appendix 16 be endorsed.

CARRIED 7-0

**9.4.3 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN - JANUARY 1, 2006 TO DECEMBER 31, 2006**

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:	Shire of Waroona
Date of Report: 22 February 2007	File No.:193/1
Previous Reference:	Feb. 06 Item 9.6.3 OCM06/07
Statutory/Policy Implications:	The Compliance Audit Return is an annual requirement of the Local Government Audit Regulations 1996.
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simply Majority</b>

**Proposal**

N/A

**Background**

The Compliance Audit is a self-assessment tool that allows Council to monitor how the organisation is functioning in relation to meeting a range of its statutory obligations under the Local Government Act and its Regulations.

**Community Consultation**

Nil

**Officer Comments**

Nil

**COUNCIL DECISION**

**OCM07/031**

**MOVED: Cr Germain**

**SECONDED: Cr Walmsley**

**That the Compliance Audit Return for the Shire of Waroona for the period January 1, 2006 to December 31, 2006 be adopted by the Council.**

**CARRIED 7-0**

## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 WAROONA HEALTH & COMMUNITY RESOURCE CENTRE – LEASE – DR GH ONG

Reporting Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	21 February 2007   File No: Lease File No 67
Previous Reference:	OCM04/183 Council meeting November 2004
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	Proposed increase in lease fee
<b>Voting Requirements</b>	<b>Absolute Majority</b>

#### Proposal

*To review the annual lease payment of lease no 67 between the Shire of Waroona and Dr GH Ong in accordance with clause 4.5 of the lease. (Leased area hatched in red on plan – Appendix 17.*

#### Background

Council agreed to lease portion of the Waroona Health & Community Resource Centre to Dr Ong for a period of 5 years commencing January 2005 with an annual lease payment of \$1,300 (\$25 per week). Clause 4.5 of the lease provides for the Council to review the annual lease payment after 2 years.

#### Community Consultation

N/A

#### Officer's Comments

It is acknowledge that the annual lease payment is heavily subsidised based on the need to retain a Doctor's services within Waroona. It is recommended to increase the annual lease fee by \$5 per week for a further 2 year period, subject to the principal Doctor's principal place of residence remaining within the Waroona Shire. If the Doctor is to reside outside of the shire the Council reserves the right to increase the annual lease fee.

APPENDIX 17

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM07/032</b>  <b>MOVED: Cr Walmsley</b>  <b>SECONDED: Cr Davis</b></p> <p>That Council, in accordance with Clause 4.5 of Lease No 67 between the Shire of Waroona and Dr GH Ong, for premises at the Waroona Health &amp; Community Centre, increase the annual rental from \$1,300 per annum to \$1560 per annum, subject to the principal Doctor's principal place of residence remaining within the Waroona shire. If the Doctor is to reside outside of the shire the Council reserves the right to increase the annual lease fee.</p> <p style="text-align: right;"><b><u>CARRIED BY ABSOLUTE MAJORITY 7-0</u></b></p>
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**9.5.2 ALLOCATION OF UNBUDGETED INCOME – 2006/2007**

Reporting Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 21 February 2007	File No: 1/7
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	Provision of future assets
Financial Implications:	Additional unbudgeted income
<b>Voting Requirements</b>	<b>Absolute Majority</b>

Proposal

*To allocated additional unbudgeted income.*

Background

Council is in receipt of the following additional income generated during 2006/2007 which is not allocated to a specific project and is not included in the current budget:

1. Additional \$100,000 ex gratia grant from Alcoa World Alumina, in accordance with the recently signed funding agreement;
2. Additional \$130,000 generated from additional private works undertaken in 2006, and
3. Additional \$94,500 received for private works on the subdivision of Lots 22, 23 & 25 Southern Estuary Rd, Lake Clifton. This income has been received specifically to undertake a re-seal of the internal roads and construction of a limestone firebreak around the subdivision in the next financial year.

### Community Consultation

N/A

### Officer's Comments

It is recommended that the additional income be attributed to the following projects.

1. The additional \$100,000 be transferred to the Administration Centre Extensions Reserve account for the future construction of Council Chambers and offices. The Reserve fund currently has a balance of \$286,000.
2. The additional \$130,000 be allocated:
  - a) \$60,000 to offset the need to take out the loan budgeted for this year for the changeover of the Cat 120G grader;
  - b) \$70,000 to be allocated to the Plant Reserve Account specifically towards the changeover of the Cat 12G Grader which is due for changeover in the next financial year at an estimated cost of \$275,000. The Plant Reserve currently has a balance of \$191,000.
3. Additional \$94,500 to be transferred to the Trust Account for works to be undertaken in 2007/2008.

### OFFICER RECOMMENDATION

That Council approve of the following allocations of additional, unbudgeted, income received during 2006/2007 :

1. additional \$100,000 received from Alcoa World Alumina be transferred to the Administration Centre Extensions Reserve account for the future construction of Council chambers and offices;
2. additional \$130,000 received from private works be allocated:
  - a) \$60,000 to offset the need to take out the loan budgeted for this year for the changeover of the Cat 120G grader; and
  - b) \$70,000 to be allocated to the Plant Reserve Account specifically towards the changeover of the Cat 12G Grader in 2007/2008, and
3. additional \$94,500 to be transferred to the Trust Account for works on subdivision of Lots 22, 23 & 25 Southern Estuary Rd, Lake Clifton to be undertaken in 2007/2008.

TO BE CARRIED BY ABSOLUTE MAJORITY

**COUNCIL DECISION**

OCM07/033

MOVED: Cr O'Reilly Carter

SECONDED: Cr Germain

That Council approve of the following allocations of additional, unbudgeted, income received during 2006/2007 :

1. additional \$100,000 received from Alcoa World Alumina be transferred to the Administration Centre Extensions Reserve account for the future construction of Council chambers and offices;
2. additional \$130,000 received from private works be allocated:
  - a. \$60,000 to offset the need to take out the loan budgeted for this year for the changeover of the Cat 120G grader;
  - b. \$63,000 to be allocated to the Plant Reserve Account specifically towards the changeover of the Cat 12G Grader in 2007/2008; and
  - c. \$7,000 contribution for the Lake Clifton/Herron Progress & Sporting Association towards the purchase of an air-conditioning system for the Lake Clifton/Herron Community Centre; and
3. additional \$94,500 to be transferred to the Trust Account for works on subdivision of Lots 22, 23 & 25 Southern Estuary Rd, Lake Clifton to be undertaken in 2007/2008; and

**CARRIED BY ABSOLUTE MAJORITY 7-0**

Note:

*The Officer Recommendation was amended to include an allocation of \$7000 to the Lake Clifton/Herron Progress & Sporting Association towards an air-conditioning system for the Lake Clifton/Herron Community Centre.*

**9.5.3 DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT**

Reporting Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Responsible Officer /Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Preston Beach Golf Club/Dept Environment & Conservation	
Landowner:	Shire of Waroona	
Date of Report: 26 February 2007	File No.: 66/2	
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Unknown	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

### Proposal

*To consider approving of a kangaroo cull to occur on the Preston Beach Golf Course which is owned freehold by the Shire of Waroona and leased to the Preston Beach Golf Club.*

### Background

The Department of Environment and Conservation (DEC) has advised it has received an application from the Preston Beach Golf Club to consider approving a kangaroo cull on the golf course due to the large numbers of kangaroos and the damage being caused to the club fairways. The Golf Club has not advised the Council of its intention nor has it sought prior Council approval.

The Department of Environment and Conservation has advised it is prepared to issue appropriate licenses to allow the humane destruction of up to 50 kangaroos on the Preston Beach Golf Club, subject to Council's agreement.

### Community Consultation

Public consultation in Preston Beach was previously undertaken on this issue.

### Officer's Comments

I understand that a kangaroo cull was proposed some time ago, the community surveyed on this proposal, and the Department of Conservation and Land Management were reluctant to issue a damage licence. This occurred prior to my employment and no details of this event can be located on Council files. Because of the lateness of advice from DEC a detailed report on the matter could not be prepared. Council may be familiar with the issues surrounding the previous attempt to have a cull approved or may wish to defer this matter until more detailed information is available.

The cost of undertaking the cull has not been investigated at this stage.

### **COUNCIL DECISION**

**OCM07/034**

**MOVED: Cr Davis**

**SECONDED: Cr Walmsley**

**That Council accepts the Department of Environment and Conservation's offer to issue a damage licence to cull up to 50 kangaroos from the Preston Beach Golf Course and that an appropriately licensed person be engaged at the expense of the Council to undertake the reduction.**

**CARRIED 7-0**

**ADJOURNMENT**

The Chairperson adjourned the meeting at this point for lunch the time being 12.40pm.

**RECONVENED**

All those present at the start of the Meeting were present in the room after the adjournment. The Meeting reconvened at 1.35pm.

**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**

**11.2.1 OLD WAROONA NORTH SCHOOL SITE – COMMEMORATION PLAQUE/MEMORIAL  
File No. 12/2**

**COUNCIL DECISION**

**OCM07/035**

**MOVED: Cr Germain**

**SECONDED: Cr O'Reilly Carter**

**That a Commemoration Plaque/Memorial up to the value of \$300 be purchased by Council and positioned at the site of the old Waroona North School.**

**CARRIED 7-0**

**12. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 12.40pm