



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 9 JANUARY 2007

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the Meeting open at 10.20am and welcomed Members, Staff, and Member of the Public to the Meeting and wished everybody all the very best for the New Year.

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 P Fitzpatrick		East Ward
Cr M Walmsley from 10.20am to 11.24am		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

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

NIL

4.1 PUBLIC QUESTION TIME

Mr Phil Carter asked if Council was aware of the conflict between Council's Policy and advice he received from the Department of Health, and WorkSafe, in relation to his application at item 9.3.4? He indicated he spoke with the Public Health Department, and WorkSafe who did not believe we would have this problem with asbestos on the building.

He advised that the house, which is a complete 3 bedroom house, is presently sitting on the site of the closed down service station at Lake Clifton. His proposal is to move the house to Lot 108 Southern Estuary Road, Lake Clifton, have it restumped and reclad.

4.2 PUBLIC STATEMENTS

Nil

5. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Walmsley declared a Proximity Interest in Items 9.3.2 and 9.3.3.
Cr Germain declared an Interest affecting Impartiality in Item 9.5.1.
Cr Witney declared a Financial Interest in Item 9.5.1.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Warren East to give a presentation in relation to Item 9.3.1

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 28.11.06

COUNCIL DECISION

OCM07/001

MOVED: Cr Witney

SECONDED: Cr Davis

That the Minutes of the Ordinary Council Meeting held 28 November 2006 be confirmed as being a true and correct record of proceedings.

CARRIED 8-0

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 MANAGER WORKS & SERVICES

Nil

9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 RELOCATION OF THEATRE GROUP SHED TO 93 SOUTH WEST HIGHWAY

Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Proponent:	Waroona Theatre Group, Wyn Woods	
Landowner:	N/A	
Date of Report:	13 December 2006	File No: A2739
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

To allow the Theatre Group to relocate a storage shed (Appendix 1) currently located behind the Masonic Hall 29 Parnell Street to the Landcare building car park 93 South West Highway Waroona (Appendix 2).

Background

The Shire is in receipt of correspondence from the Waroona Theatre Group requesting land to locate a storage shed. The Theatre Group has been advised that the current site is to be sold.

Community Consultation

Nil

Officer's Comments

The current zincalume shed is 6m x6m and would be re-located adjacent to the existing 6m x 6 m St Vincent De Paul shed behind the Landcare building at 93 South West Highway Waroona. The Shed is currently used for storage of costumes. As the proposed site is opposite the Town Hall (**Appendix 2**) where the Theatre Group performs their plays the location appears appropriate.

No resources are requested by the Shire at this stage however it could be foreseen that the Shire may assist with a level sand pad. It is therefore recommended that approval be granted subject to the Theatre Group subject to the issue of a Building Licence, and that a Peppercorn Lease agreement be signed by the Group with the Shire.

APPENDICES 1 & 2

<p><u>COUNCIL DECISION</u> OCM07/002 MOVED: Cr Fitzpatrick SECONDED: Cr Germain That approval is given to the Waroona Theatre Group to erect a 6m x 6m shed at 93 South West Highway subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The Waroona Theatre Group be responsible for all costs associated with the relocation of the shed; 2. The Chief Executive Officer be authorised to sign a Peppercorn Lease between the Shire and the Theatre Group and the Lease reflect the shed to become the property of the Shire should the Group cease to operate; and 3. That a Building Licence be issued prior to construction. <p style="text-align: right;"><u>CARRIED 8-0</u></p>

9.2.2 TRANSFER FROM RECREATION CENTRE BUILDING MAINTENANCE RESERVE - HOCKER ROOF

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: 22 December 2006	File No: 44/4
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	Funds transfer required for ongoing viability of centre
Financial Implications:	\$20,000
Voting Requirements	Absolute majority

Proposal

To transfer the sum of \$20,000 from the Recreation Centre Building Maintenance Reserve to Account No. 171620 for repairs to the Hocker Roof.

Background

On 21 February 2006 three sheets of the Hocker roof covering the Shire's Aquatic Centre tore in rapid succession. On 30 August a fourth sheet tore and on 4 December a fifth and sixth sheets also tore.

On 19 December 2006 Ms Lisa Crowhurst, Manager of Local Government Insurance Broking (LGIS) and Blair Richards of Crawford's Assessors inspected the damage in the company of the Deputy CEO and Director Community Services. LGIS have advised that they will settle on the claims for 21 February (three sheets) and 30 August (1 sheet) however the further claims do not fall under the scope of the Policy and will not be considered.

Community Consultation

Nil

Officer's Comments

The Hocker roof consists of eight blow up PVC sheets which are connected via a webbing material called a "keder" to the Aluminium trusses. It is the Keder on the north side of the building which is failing. The building was installed in 1997 and following failures in 2002 the sheets were replaced by the supplier.

Investigations on the supplier revealed that Hocker Germany were in financial difficulty and sold Hocker Australia to a Queensland company called Structure One in 2004. A search of the ASIC Company and Business details shows that Structure One is under external administration and in the process of being wound up. Hocker Germany eventually folded and has since opened up under a different name Roder-HTS. Emails to Roder-HTS and their current representative Roger Makin have not been returned. A search of Shire records is unable to find any valid warranty documents. The Shire is therefore liable for damage, other than those covered by the insurer for the first four sheets.

Samples of the damaged Keder are to be analysed by an Industrial Chemist who specialises in fabrics, however this may have to be done in the Eastern States or overseas. Depending on the results this will determine future actions.

Current costs of repair are approximately \$5,500 per sheet. It is therefore necessary that \$20,000 be transferred from the Recreation Building Maintenance Reserve to the Recreation Building Maintenance Account No. 171620 to fund the repairs.

It is also appropriate that Council considers a worst case scenario that repairs may not last more than 4 years and that the roof sheets will require replacement again in 2010. It may therefore be necessary to consider additional reserve allocations for future failures and or replacement.

COUNCIL DECISION

OCM07/003

MOVED: Cr Walmsley

SECONDED: Cr Germain

1. That Council authorise expenditure of \$20,000 (Account 171620 – Aquatic Centre Building Maintenance) in addition to 2006/07 Adopted Budget estimates.
2. That \$20,000 is transferred from the Recreation Building Maintenance Reserve to Account No. 170030 for repairs to the Aquatic Centre Hocker roof.

CARRIED BY ABSOLUTE MAJORITY 8-0

9.3 DIRECTOR STRATEGIC DEVELOPOMENT

The Community Development Officer Mrs Maree Ellis and Mr Warren East joined the meeting at this point the time being 10.40am

Mr Warren East displayed to Council the tiles he proposes to use for the Mosaic Design for Drakesbrook Place as detailed at **Appendix 3** and advised that if Council approved the concept, he anticipated the project to be completed within three (3) months.

The Chairperson thanked Mr East for his presentation, who with Mrs Ellis left the meeting the time being 10.50am.

9.3.1 WAROONA COMMUNITY ART PROJECT (WCAP)

Reporting Officer / Officer's Interest:	Maree Ellis - Community Development Officer
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 21 December 2006	File No: 126/11
Previous Reference:	Item 9.3.1 July 2006 OCM
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Proposed design falls within budget, with funds obtained from project partner Alcoa Foundation and Community Arts WA (CANWA).
Voting Requirements	Simple Majority

Proposal

That Council adopt the concept Mosaic design for Drakesbrook Place endorsed by the Waroona Community Art Project (WCAP) Steering Group and Mosaics Working Group.

The Artist, Warren East, will present drawings of the proposed design to Council at the meeting. The Design Proposal and Design Brief are contained in Appendix 3.

Background

At the January 2006 Ordinary Council Meeting, Council agreed to accept \$52,380 from the Alcoa Foundation for a Community Art Project to create a significant piece of artwork for Drakesbrook Place. Artwork would also be created for the Moorditj Miya building at Waroona District High School. In July 2006, the Shire received additional funding for the project with Community Arts Network WA providing an amount of \$10,580.00 to allow for further community involvement in the project using Mosaics. Additional artwork in Drakesbrook Place relating to the project will be installed using mosaics as the medium. Mosaic workshops were run to teach local community members the skills required to complete this part of the project.

Community Consultation

The project has involved information gathered from workshops with the community and the working group has a broad community representation.

Officer's Comments

This component of the Waroona Community Art Project will incorporate the naming of Drakesbrook Place, where the spirit of Drakesbrook place will be encapsulated with a dedicated area in the paving. Conceptually made of aluminium lettering, the surrounding design would be done using mosaics. These designs will be symbolic of the community giving them a sense of ownership and pride. Icons of the Shires "Sea to Scarp" theme will be utilised. This will name our Town Square and allow local artists a hands-on contribution.

The design is based around a common theme of "Sea to Scarp" and will compliment the sculptures and Drakesbrook Square. It reflects the things that the people value most about Waroona and incorporates some iconic themes such as the environment, waterways and sense of community.

A Mosaics Working Group comprising members of the Steering Group and participants from the Mosaics workshop have been working together under the guidance of the project artist Mr Warren East to create the design concept. This concept is now presented to Council for their consideration.

The Working Group consisting of several local artists and community members representing a cross section of the community, have endorsed the design, as have the Waroona Community Art Project Steering Group.

APPENDIX 3

COUNCIL DECISION

OCM07/004

MOVED: Cr Fitzpatrick

SECONDED: Cr Heath

That Council resolve to adopt the concept Mosaic design for Drakesbrook Place as presented by Warren East, the Waroona Community Art Project Steering Group and the Mosaics Working Group and as shown in Appendix 3.

CARRIED 8-0

Cr Walmsley declared a Proximity Interest in the following Items 9.3.2 and 9.3.3 being a landowner within the subject redevelopment area and left the Meeting and the room the time being 10.51am.

9.3.2 WAROONA TOWN CENTRE REDEVELOPMENT - PINJARRA-BRUNSWICK FUNDING

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: 15 December 2006	File No: 97/1	
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	The Waroona Town Centre Redevelopment is one of the key strategies to achieve Objective 1 'Prepare for Growth' of the Shire's current Strategic Plan.	
Financial Implications:	The proposal is to vary three expenditure accounts of the Shire's 2006/2007 Budget related to the Waroona Town Centre Redevelopment. The variations are discussed in the Proposal section of this report.	
Voting Requirements	Absolute Majority	

Proposal

Mark McGowan, Minister for Peel and the South-West, announced on 6 December the Shire was successful in its request for \$1 Million towards the Waroona Town Centre Redevelopment project from the Pinjarra-Brunswick Sustainability Strategy. The request was made to assist the completion of five components of the Town Centre project:

Element	Component	Pinjarra-Brunswick Funds
One	Drakesbrook Place Vehicular & Pedestrian Access	\$43,000
One	Drakesbrook Place Amenities	\$102,000
Three	Underground Power – Stage 2	\$231,000
Three	Main Street	\$446,500
Two	Fouracre Street Park	\$177,500
	TOTAL	\$1,000,000

Three of these components were already priorities for the coming year and formed part of the Shire's 2006/2007 Budget. However, amendments to the Budget are necessary to utilise these additional funds. They are:

- *The upgrading of the Memorial Hall Amenities.*
- *Completion of the vehicular and pedestrian links around Drakesbrook Place.*
- *To undertake Stage 2 of the underground power to the Main Street.*

Overall, with the additional funds received from the Pinjarra-Brunswick, the Shire's contribution to the Town Centre project is \$25,000 less than was allocated in the 2006/2007.

Memorial Hall Amenities

The following table summaries the partnership arrangement. The 'PBSS Submission' column is the submission made to the 'Pinjarra-Brunswick' on the proposed partnership arrangements. The '2006/2007 Budget' column is the amount included in the current 2006/2007 Shire Budget for the works. The 'Amended Budget' column is the recommended amendments to the budget now that the additional funding has been secured.

Partner	PBSS Submission	2006/2007 Budget	Amended Budget
Shire of Waroona	\$81,000	\$50,000	\$98,000
Pinjarra-Brunswick	\$102,000		\$102,000
Alcoa	\$75,000		\$75,000
Community Facilities Grant	\$25,000	\$25,000	\$25,000
Peel Development Commission (Peel Regional Development Scheme – 06/07 round) <i>application declined</i>	\$17,000		
TOTAL	\$302,000	\$75,000	\$302,000

The \$75,000 allocated in the Budget was to complete a small component of the works. With the \$102,000 allocated from the Pinjarra-Brunswick, the full original scope of \$302,000 can be completed. The scope of works and plan of the works is contained in Appendix 4. The Junior and Senior Football Clubs and the Agricultural Society are being consulted on the proposed alterations. The Shire was unsuccessful in its application for \$17,000 through the Peel Regional Development Scheme and it is therefore proposed this amount be added to the Shire's contribution. It is recommended that Council proceed with the works and proceed to tender for a builder to undertake them.

Underground Power – Stage 2

The following table summaries the partnership arrangement.

Partner	PBSS Submission	2006/2007 Budget	Amended Budget
Shire of Waroona	\$54,000	\$104,000	\$54,000
Pinjarra-Brunswick	\$231,000		\$231,000
Office of Energy	\$120,000	\$120,000	\$120,000
Iluka	\$100,000	\$100,000	\$100,000
Peel Development Commission (State Government election commitment)	\$110,000	\$110,000	\$110,000
Alcoa	\$75,000	150,000	\$75,000
TOTAL	\$690,000	\$584,000*	\$690,000

* *The Shire's Budget included an amount of \$241,600 for Stage 1 underground power which has not been shown in this table.*

The scope of the project has been increased from the Budget to cover the connection of Lots 61 and 500 South Western Highway. These shops have multiple connections and were the subject of lengthy debate with the Government and Western Power as to who should be responsible for the cost of rectifying this non-compliance. It formed part of the Shire's submission for funding through the Pinjarra-Brunswick that part of the additional funding received would be used to rectify this issue. It is therefore recommended that the Shire proceed with Stage 2 of the underground power on this basis. A plan of the extent of the underground power project is contained at Appendix 5.

Drakesbrook Place – Vehicular and Pedestrian Access

The following table summaries the partnership arrangement.

Partner	PBSS Submission	2006/2007 Budget	Amended Budget
Shire of Waroona	\$48,000 in works	\$46,800 in works + \$23,200	\$48,000 in works
Pinjarra-Brunswick	\$43,000		\$43,000
TOTAL	\$91,000	\$70,000	\$91,000

The scope of the works has been increased from the Budget to complete these works, which include new carparks adjacent to the Senior Citizens building, on the southern side of Memorial Hall and in front of the Hall toilets, a vehicular link between the carparks, and paving from Drakesbrook Place around the corner to the Senior Citizens building. This will complete the upgrade of this section of the town centre. It is recommended that the full works be undertaken. Plans of the works will be tabled at the meeting.

Background

The Pinjarra-Brunswick Sustainability Strategy was an initiative of the Ministerial Council on Health, Environment and Industry Sustainability. It was adopted in early 2006 by the State Government to guide the inland region between Pinjarra and Brunswick. It adopted strategies to improve the sustainability of the area. This included 11 priorities for implementation. One was "Improve the Waroona, Yarloop, Harvey and Brunswick Junction townscapes." A submission to the Peel Development Commission, from the Shire in September 2006 requested \$1 Million from the Strategy towards the Waroona Town Centre Redevelopment.

Community Consultation

No consultation is necessary on this matter. The Waroona Town Centre Steering Committee discussed the priorities for implementation at its last meeting and confirmed the three components proposed (finish Drakesbrook Place, Stage 2 underground power, and Memorial Hall amenities upgrade) were the key priorities for implementation.

Officer's Comments

The \$1 Million from the Pinjarra-Brunswick will enable the Shire to complete a number of the components of the Waroona Town Centre Strategy in the current financial year. It is recommended that the Council authorise the implementation of the upgrading of the Memorial Hall Amenities, the completion of the vehicular and pedestrian links around Drakesbrook Place and commence Stage 2 of the underground power to the Main Street and that variations to the Shire's adopted 2006/2007 Budget be approved accordingly.

APPENDICES 4 & 5**COUNCIL DECISION****OCM07/005****MOVED: Cr Fitzpatrick****SECONDED: Cr Davis**

That Council resolves, with respect to the \$1 Million received from the State Government through the Pinjarra-Brunswick Sustainability Strategy, to implement the following components of the Waroona Town Centre Redevelopment in the 2006/2007 financial year and to vary the Shire's Budget accordingly:

- A. That the Memorial Hall Amenities upgrade proceeds to tender based on the Scope of Works and Plan contained in Appendix 3 and that a variation from the adopted Budget is approved for Account 123940 by increasing the expenditure from \$75,000 to \$302,000.**
- B. That the implementation of Underground Power – Stage 2, including the reconnection of Lots 61 & 500 South Western Highway, be commenced and that a variation from the adopted Budget is approved for Account 177240 by increasing the expenditure from \$825,600 to \$931,600 (including the Stage 1 underground power project).**
- C. That the implementation of the Drakesbrook Place Vehicular and Pedestrian Access works be commenced and that a variation from the adopted Budget is approved for Account 177040 by increasing the expenditure from \$70,000 to \$91,000.**

CARRIED BY ABSOLUTE MAJORITY 7-0

9.3.3 WAROONA TOWN CENTRE REDEVELOPMENT – UNDERGROUND POWER STAGE 1 – TENDERS FOR CUSTOMER RECONNECTION

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:	19 December 2006	File No: 97/1
Previous Reference:	Nil	
Statutory/Policy Implications:	The tender was undertaken in accordance with the requirements of the Local Government Regulations.	
Strategic Implications:	Nil	
Financial Implications:	The tender received is within the budget for the project. A budget of \$102,000 was allowed for the customer reconnections. The total allocation in the Shire's 2006/2007 Budget for underground power is \$825,600.	
Voting Requirements	Absolute Majority	

Proposal

To endorse the decision made via Council Policy 1.2 – Decisions to be made outside of a Council meeting, accepting the Tender by Nilsen (WA) Pty Ltd of \$64,500 (plus GST) to undertake the reconnection of customers to the underground power. Nilsen (WA) Pty Ltd was the only Tenderer for the works.

Background

Stage One of Underground Power to the Main Street (Parnell to Taylor's IGA) is commencing in mid January. Wester Power and their contractors undertake the running of new cables, installation of pillars and street lights and removal of existing power poles and overhead lines. The Shire is responsible for organising the new 'run-ins' from the pillars on the property boundary to the switchboards of all the buildings in the undergrounding area. The works include running the cable to the switchboard and making good the ground surface afterwards.

Community Consultation

No consultation is required or necessary on this matter. The Tender works include consultation by the contractor with the landowner prior to works commencing.

Officer's Comments

The Tender documents were prepared by the Shire's Contractor, ETC and it was undertaken in accordance with the requirements of the Local Government Regulations. Advertisements of the Tender were placed in the West Australian, Mandurah Mail and South Western Times. Tenders were open for 14 days. At the close of Tenders at 4pm on 18 December 2006 only one Tender had been received, that being from Nilsen (WA) Pty Ltd at a price of \$64,500 (plus GST). The Tender from Nilsen (WA) Pty Ltd was a compliant Tender and has been assessed by ETC who is satisfied that it met the requirements, and that Nilsen (WA) Pty Ltd are capable of undertaking the works. The budget for its component of the works is \$102,000. A copy of the Tender documentation and submitted Tender can be made available to Councillors upon request.

On this basis, it was recommended, via policy 1.24, that the Council accept the tender from Nilsen (WA) Pty Ltd to undertake the customer reconnections associated with Stage 1 of Underground Power. All available Councillors were contacted and 6 voted in favour of accepting the tender. Cr Walmsley declared a proximity interest in the matter as being a landowner in the area concerned.

COUNCIL DECISION**OCM07/006****MOVED: Cr Fitzpatrick****SECONDED: Cr Heath**

That Council formally resolves, with respect to Tender No. 5-06/07 'Underground Power – Customer Reconnection' to accept the tender from Nilsen (WA) Pty Ltd at a cost of \$64,500 (GST exclusive).

CARRIED BY ABSOLUTE MAJORITY 7-0

Cr Walmsley returned to the Meeting and the room the time being 11.03am.

9.3.4 RECONSIDERATION –UNAUTHORISED RELOCATED DWELLING, LOT 108 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:	PW Carter
Landowner:	PW Carter
Date of Report:	2 January 2007
	File No: TP 991
Previous Reference:	OCM06/229
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Absolute Majority

Proposal

To seek Council's reconsideration of the Decision at the Ordinary Meeting of Council of 28 November 2006 to refuse the proposed relocated dwelling for Lot 108 Southern Estuary Road, Lake Clifton.

Background

At the Ordinary Meeting of Council of 28 November 2006, Council resolved as follows:

"That Council:

- 1. Refuses the proposed relocated dwelling on Lot 108 Southern Estuary Road, Lake Clifton for the following reason:

 - a. The dwelling contains asbestos products contrary to the requirements of Planning Policy 9.0 Relocated Dwellings**
- 2. The owner of the dwelling be required to remove the dwelling presently stored on Lot 19 Old Coast Road, Lake Clifton from the municipal area of the Shire of Waroona within 30 days of the date hereof; and*
- 3. If the dwelling has not been removed within the period specified in 2 above, Council authorises the Chief Executive Officer to commence legal action in accordance with Section 218 of the Planning and Development Act 2005."*

The applicant has now in writing sought a reconsideration of the Decision by Council and a copy of the letter is at **Appendix 6**.

Community Consultation

No community consultation is required and none has been undertaken.

Statutory Implications

Town Planning Scheme No. 7 has no powers to review, amend, or revoke a Decision on an application for Planning Consent made pursuant to Part VIII –PLANNING CONSENT of the Scheme and therefore the appeal rights to the State Administrative Tribunal (SAT) against a decision by a Council become operable.

Should Council choose to do so, a motion to rescind a previous resolution in accordance with Clause 19.0 Revoking or Changing Decisions of the Shire of Waroona Standing Local Laws is the only vehicle presently available in this situation.

Officer's Comments

Council has already determined the application and resolved to refuse it.

While there is nothing specifically preventing Council from revoking any previous Decision, particularly where it becomes clear that either the Decision was legally incorrect or based on erroneous information, the customary practice is for the applicant to lodge an appeal with the State Administrative Tribunal. It is therefore incumbent on the applicant to demonstrate deficiency in the Council Decision such that the Decision itself becomes suspect and that the Council should act to remedy the situation.

Whether or not Council, as a result of the deposition by the applicant, finds compelling reasons to modify its previous Decision is a matter for Council, however the fact remains that the policy statement with regard to asbestos products in relocated dwellings is perfectly clear in that it requires removal of those products prior to the dwelling entering into the Shire area.

In considering this matter Council should be mindful that a mechanism exists for an independent tribunal to review a Planning Decision and that this is the usual manner in which conflicts are resolved.

APPENDIX 6

OFFICER RECOMMENDATION

That Council by Absolute Majority resolves to decline to revoke Decision OCM06/229 with respect to the proposed relocated dwelling for Lot 108 Southern Estuary Road, Lake Clifton and advises the applicant accordingly.

TO BE CARRIED BY ABSOLUTE MAJORITY

Cr Fitzpatrick through the Chair requested that Council consider rescinding Council Decision OCM06/229. The Chairperson requested a show of hands to support such Rescision. As 1/3 of Councillors indicated support they being Crs Fitzpatrick, Heath, and Davis, the Chairperson then allowed the Rescision Motion to be put.

COUNCIL DECISION

OCM07/007

MOVED: Cr

SECONDED: Cr

The Council Decision OCM06/229 be rescinded.

CARRIED BY ABSOLUTE MAJORITY 5-3

Note:

Council did not adopt the Officer Recommendation in order to expedite resolution of the matter.

FURTHER COUNCIL DECISION

OCM07/008

MOVED: Cr Fitzpatrick

SECONDED: Cr Heath

1. The owner of the relocatable dwelling remove such dwelling from its current position behind the closed service station at Lake Clifton and place on the owner's property at Lot 108 Southern Estuary Road, Lake Clifton within 21 days.
2. That the owner, once the dwelling has been relocated to Lot 108 Southern Estuary Road, Lake Clifton, remove and dispose of the asbestos on the said dwelling and reclad and other reasonable Planning Conditions to the satisfaction of the Manager Planning & Development Services and the Director Community Services within 60 days.
3. Planning Consent and a Building Licence must be obtained prior to any of the work as referred to in point 2 above being undertaken.

CARRIED 6-2

Cr Walmsley left the Meeting and the Room the time being 11.24am

ADJOURNMENT

The Chairperson adjourned the Meeting for morning tea at this point the time being 11.24am

RECONVENED

All those present at adjournment of the Meeting were present in the room after the adjournment. The Meeting reconvened at 11.33am

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**9.4.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2006 TO 31 DECEMBER 2006**

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:	3 January 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 7**COUNCIL DECISION****OCM07/009****MOVED: Cr Witney****SECONDED: Cr Germain**

That the Monthly Statement of Financial Activity for the period 1 July 2006 to 31 December 2006 (Appendix 7) be received and noted.

CARRIED 7-0

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:	3 January 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 8

COUNCIL DECISION

OCM07/010

MOVED: Cr Davis

SECONDED: Cr Heath

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal	4488-4572	211,814.80	211,814.80
Trust	10839-10844	456.88	456.88
Electronic Transfers	EFT4405-4577	403,331.21	403,331.21
Direct Wages	22.11.06	58,068.20	
	06.12.06	52,725.40	
	20.12.06	52,224.25	163,017.85
		TOTAL:	<u>\$778,620.74</u>

and attached at Appendix 8 be endorsed.

CARRIED 7-0

9.4.3 QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2006

Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy DEO/Director Corporate Services / Nil	
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy DEO/Director Corporate Services / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	3 January 2007	File No: 1/1
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	To be carried by Absolute Majority	

The following information is provided as a result of analysis of the 2006/07 adopted Budget.

No areas of major concern in relation to budget expenditure have been identified.

There are however significant areas of under expenditure associated with capital projects (as was the case at the corresponding period in the previous financial year).

As there are large funds (including investments) which are associated with these projects it is essential that every effort is made to ensure they are completed before 30 June 2007.

There may however be need to review capital expenditure for deferments, fund transfers etc in the subsequent quarterly period.

Attached at **Appendix 9** are the following documents:

- Statement of Financial Activity
- Reserve Account Statement
- Rate Collection Statement

Please note that the detailed Statement of Financial Activity for the six (6) month period ending 31 December 2006 is included at Agenda Item 9.4.1.

1. Operating Statement – Explanation of Variances

Town Planning

Expenditure of \$10,394 has been made to the Shire of Esperance for long service leave commitments due to former employee Mrs E Gude.

This amount however can be recouped from a cash backed reserve account specifically for this purpose and will be determined prior to year end.

Expenditure of \$10,250 associated with the reimbursement of 50% Town Planning Public Open Space contributions.

This payment has been made in accordance with recently adopted Council Policy 2.45.

Further classification of this expenditure is required for future budgets as the amount will form part of overall expenditure estimates and thus be included in rate setting.

Without subsequent income (ie transfer from Trust Fund) the amount will be additional budgeted expenditure.

This issue may be further compounded if funds received by the Council from subdivisions are only available for infrastructure improvements (ie capital expenditure) and not for operational purposes.

Building

Income well in excess of budget associated with a major Building Licence (Alinta - \$280,510) has been received.

This amount has been transferred to the Admin Centre Redevelopment Reserve account.

Interest on Investments

Interest on investment income is likely to be well in excess of budget estimates. This is due to the lack of capital expenditure to date together with higher than anticipated rate collections.

Rubbish Collection

This account (1872) is in excess of budget and will be over-expended at year end.

The over-expenditure is as a result of the annual bulk rubbish collection scheme. The cost of this project was significantly more than predicted. Combined with the problems of managing the scheme such as volumes and types of rubbish it would appear that the structure of this service requires review in 2007.

Recreation & Aquatic Centre Maintenance

Continued failures of the Aquatic Centre roof panels will see this account over expended.

Whilst an insurance claim was applicable to four (4) panel failures (attributed to storm damage) the Council Insurers have advised that they are not prepared to respond to repair costs for subsequent failures.

The Council has the option of allocating funding from the Recreation Centre Building Maintenance Reserve Account and this can be considered later in the financial year following consideration of the report by the Director Community Services (Item 9.2.2).

2. Cash Position

Cash position as at 31.12.2006

Municipal Fund	\$992,472
(of which \$921,445 is invested)	
Reserve Account	\$1,575,503
(full amount invested)	

Details of individual Reserve Accounts attached.

3. Capital Expenditure

There are a number of 2006/07 Capital projects which at six (6) months are yet to be commenced.

These will require further assessment at 31 March 2007 to determine any likely effect on the 2006/07 Budget or implication for the forthcoming 2007/08 Budget.

A report prepared by the Director Strategic Development (Agenda Item 9.3.2) contains details of funding which has been received subsequent to Budget adoption and will affect current estimates.

Details are as follows:

PROJECT	BUDGET	ACTUAL 31.12.06	STATUS
Admin Centre refurbishment	72,000	34,642	Incomplete
Replace Server and Personal Computer	27,445	23,221	Complete
Housing – Staff House upgrade	5,450	Nil	Not commenced
Preston Beach Foreshore Boardwalk	43,000	Nil	Not commenced
Refurbish Town Hall Toilets	75,000	Nil	Not commenced
Construct Drakesbrook School Memorial	28,000	7,000	Incomplete
Road Construction Program	823,443	297,758	Incomplete
Dual use path construction	13,000	Nil	Not commenced
Plant Purchases	163,300	18,864	On-going
Basketball pad/Skateboard upgrade	13,000	6,125	Incomplete
Refurbish Drakesbrook Weir Toilets	55,000	53,705	Complete
Drakesbrook Place construction	70,000	16,839	Incomplete
Prepare Main Street Design – Stage 2	60,000	2,100	Incomplete
Install Underground Power – CBD	825,600	71,556	Incomplete

4. Other

The following amendments to the 2006/07 Adopted Budget have been approved by the Council to date:

1. Purchase of Emergency Generator - \$8,500 – from Grant funds received – OCM06/151.
2. Transfer of Building Fees associated with Alinta Co-generation Plan - \$280,510 to the Administration Centre Building Reserve – OCM06/152.
3. Purchase of two (2) Treadmills previously subject to Hire Purchase Agreement - \$3,700 – with funds to be transferred from Sporting Reserve Account OCM06/156.

APPENDIX 9

<p><u>COUNCIL DECISION</u> OCM07/011 MOVED: Cr Witney SECONDED: Cr O’Reilly Carter</p> <p>That the Quarterly Financial Report for the period ending 31 December 2006 be received and noted.</p> <p style="text-align: right;"><u>CARRIED BY ABSOLUTE MAJORITY 7-0</u></p>
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9.5 CHIEF EXECUTIVE OFFICER

Cr Witney declared a Financial Interest in the following Item 9.5.1 being an employee of the Waroona Community Centre Board and left the Meeting and the Room the time being 11.48am

Cr Germain declared an Interest affecting Impartiality in the following Item 9.5.1. being the Chairperson of the Waroona Community Centre Board.

9.5.1 WAROONA HEALTH AND COMMUNITY RESOURCE CENTRE – BUDGET PROPOSAL

Reporting Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil		
Responsible Officer Officer's Interest:	Ian Curley – Chief Executive Officer / Nil		
Proponent:	Waroona Community Centre Board		
Landowner:	Shire of Waroona		
Date of Report:	2 January 2007	File No.:	192/1
Previous Reference:	Nil		
Statutory/Policy Implications:	Nil		
Strategic Implications:	Nil		
Financial Implications:	\$23,050 included in current budget		
Voting Requirements	Simple Majority		

Proposal

To consider a submission from the Waroona Community Centre Board regarding funding arrangements agreed to by Council in July 2006.

Background

Council included an amount of \$23,050 in the 2006/2007 budget, being 50% of the amount estimated to employ a full-time Receptionist at the Centre. Prior to the funds being provided to the Board it was to provide a submission which detailed outcomes of the proposed funding.

The Board has prepared a submission outlining its proposal at **Appendix 10**.

Further to the submission the Board has advised that its intention is to allocate the funds from the Shire towards the employment of a trainee Customer Officer (Receptionist) for 21 hours per week and a Bookkeeper for 20 hours per week. Its further intention is to employ an Administrator to manage the Board's activities when further funds become available through grants or other funding avenues.

A copy of Council's July 2006 decision is attached at **Appendix 11**.

Community Consultation

No public consultation considered necessary.

Officer's Comments

The proposal is recommended to Council.

APPENDICES 10 & 11

OFFICER RECOMMENDATION

That Council agrees to provide on-going funding to the equivalent of funding a full-time Reception position at the Waroona Health & Community Resource Centre as per the following conditions:

- a) funding to be paid directly to the Waroona Community Centre Inc Board,*
- b) the amount to be up to \$46,100 per annum (indexed with inflation), including any grants that are obtained to assist the funding of the position,*
- c) funding can be utilised by the Board to engage other employees for the Centre, providing that it agrees to provide and maintain full-time reception duties in the Centre as outlined in the proposal at Appendix 10 either by paid employees, volunteers or other such means as the Board are able to arrange.*
- d) a suitable Agreement on the funding outcomes being agreed upon.*

COUNCIL DECISION

OCM07/012

MOVED: Cr Davis

SECONDED: Cr Fitzpatrick

That Council agrees to provide on-going funding to the equivalent of funding a full-time Reception position at the Waroona Health & Community Resource Centre as per the following conditions:

- a) Funding to be paid directly to the Waroona Community Centre Inc Board.**
- b) The amount to be up to \$46,100 per annum (indexed with inflation), including any grants that are obtained to assist the funding of the position.**
- c) Funding can be utilised by the Board to engage other employees for the Centre, providing that it agrees to provide and maintain full-time reception duties in the Centre as outlined in the proposal at Appendix 10 either by paid employees, volunteers or other such means as the Board are able to arrange.**
- d) A suitable Agreement on the funding outcomes being agreed upon.**
- e) The funding commitment is up to 30 June 2009. The Board of Management, during this time, is to make endeavours to have the Reception position self-funded.**

CARRIED 6-0

Note:

The Officer Recommendation was changed to include a review period of the Agreement and endeavours be made for the Reception position to be self-funded.

Cr Witney returned to the room and the Meeting the time being 12.05pm

Mr Tilbrook left the Meeting the time being 12.05pm

ADJOURNMENT

The Chairperson adjourned the Meeting at this point for the signing of the Memorandum of Understanding between Alcoa of Australia Limited and the Shire of Waroona, the time being 12.06pm

Mr Simon Butterworth joined Councillors to co-sign the Memorandum of Understanding between Alcoa of Australia Limited and the Shire of Waroona in relation to the long term funding arrangements for the Shire.

Mr Butterworth left the room at this point the time being 12.20pm

RECONVENED

All those present at the adjournment of the Meeting were present in the room after the adjournment. The Meeting reconvened at 12.20pm

Mr Tilbrook rejoined the meeting at this point the time being 12.20pm

9.5.2 PEEL REGIONAL PRIORITIES DELEGATION TO CANBERRA

Reporting Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Reporting Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Peel Development Commission/Peel Economic Development Unit	
Landowner:	N/A	
Date of Report:	2 January 2006	File No.: 117/1
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Approximately \$3,000	
Voting Requirements	Simple Majority	

Proposal

The Shire President and Chief Executive Officer to represent the Council in a Delegation to Canberra, led by the Peel Area Consultative Committee and Peel Development Commission, to present the Peel Regional Priorities list to Federal Parliamentary Ministers for funding consideration.

Background

The Peel Development Commission (PDC), together with the Peel Area Consultative Committee (PACC) is leading a Delegation to Canberra in March 2007 to deliver to Federal Parliamentary Ministers the Peel Region Priorities request for funding, ahead of the Federal Election due later this year. The Delegation is being led by the PACC Executive Officer Patrick Gallagher, who will liaise with local MP Don Randall.

An advance Delegation consisting of Patrick Gallagher, Maree De Lacey from PDC and Peter Bradbrook CEO Shire of Boddington will occur in February 2007. The follow-up (main) Delegation is scheduled for March 2007 (date yet to be confirmed).

The main Delegation will meet with various Federal Ministers to deliver the Peel Region's Priority list and seek commitment towards Federal funding of the projects identified. PDC and PACC have requested that the Presidents/Mayor and CEOs of the 5 Council's in the Peel region join the Delegation to provide a united voice on the regions priorities.

A similar Delegation was undertaken ahead of the 2004 Federal Election with successful outcomes; including funding towards Drakesbrook Place in Waroona.

Community Consultation

No public consultation considered necessary.

Officer's Comments

On behalf of the Waroona Shire, two (2) funding proposals have been submitted for the Regional Priorities Delegation – Waroona Town Centre Re-development and Waroona Town By-pass. Details of the submissions are attached at **Appendix 12**. The full Peel Region Priorities for the deputation is included at **Appendix 13**.

APPENDICES 12 & 13**COUNCIL DECISION**

OCM07/013

MOVED: Cr Germain

SECONDED: Cr Witney

1. The Shire President/Councillor and Chief Executive Officer be authorised to attend and participate in the March 2007 Delegation to Canberra being led by the Peel Area Consultative Committee and Peel Development Commission to deliver to Federal Politicians the Peel Region Priorities for consideration for Federal Government funding.
2. Council recommend that the Waroona Town Centre Redevelopment project, and a Waroona Town By-pass be put forward for consideration as priority projects and inclusion in the Delegation.

CARRIED 6-1**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 ANNUAL ELECTOR'S MEETING - DRAFT LOCAL PLANNING STRATEGY**

The following resolution was adopted at the Annual Elector's Meeting held 14 December 2006:

"That the Council be requested to consider a reduction of the minimum Lot size in the rural areas to 40 hectares."

COUNCIL DECISION

OCM07/014

MOVED: Cr Fitzpatrick

SECONDED: Cr Davis

With respect to the matter raised at the Annual Elector's Meeting held 14 December 2006 Council will re-consider the matter of Lot sizes in the draft Local Planning Strategy before the document is advertised for public consultation.

CARRIED 7-0

12. CLOSURE OF MEETING

There being no further business the Chairperson closed the Meeting the time being 1.10pm.