



MINUTES

ORDINARY MEETING OF COUNCIL

27 MAY 2015
Commencing at 3.30 pm

Council Chambers
28 Yougenup Road, Gnowangerup WA 6335

COUNCIL'S VISION

Gnowangerup Shire – A thriving, inclusive and growing community built on opportunity

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OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

Shire President Keith House welcomed Councillors, Staff and visitors and opened the meeting at 3:30 pm.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

Cr K House	Shire President
Cr F Gaze	Deputy Shire President
Cr F Hmeljak	
Cr B Hinkley	
Cr S Hmeljak	
Cr B Gaze	
Cr L Martin	
Cr R House	
S Pike	Chief Executive Officer
R Seneviratne	Deputy Chief Executive Officer
Y Wheatcroft	Manager Operations (Infrastructure)
N Stewart	Community Development Officer
P Shephard	Town Planner
A Sergeant	Executive Assistant
L Gaze	Observer
D Franco	Observer

GUEST

Sara Pellant
Hazel Mackenzie
Robin Millar
Steve Thompson
Robbie Miniter

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Cr S Lance

3. APPLICATION FOR LEAVE OF ABSENCE

4. RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.1 Cr Fiona Gaze

How much money have we currently saved on wages to date?

To date the Shire of Gnowangerup payroll has made a total saving of \$149 000. Which is about 21% of payroll, please note we have however made a total of four positions redundant and we went for a number of months without a mechanic, ranger and works assistant. We have also made a saving by combining the Works Assistant Role and Ranger role.

4.2 Cr Fiona Gaze

How much have we saved on the rent paid on the Groh unit that Ramon was renting?

The Shire of Gnowangerup to date has saved \$974 dollars.

5. PUBLIC QUESTION TIME

Nil.

6. DECLARATION OF FINANCIAL INTERESTS AND INTEREST AFFECTING IMPARTIALITY

14.1 Cr F Gaze Closely Associated Persons

12.2 Cr L Martin Financial Interest & Proximity Interest

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

7.1 PETITIONS

7.2 DEPUTATIONS

7.3 PRESENTATIONS

SARA PELLANT – GNOWANGERUP HOSPITAL DEVELOPMENTS

3.40pm

Sara Pellant – Nurse Manager Gnowangerup Hospital

Hazel Mackenzie – Great Southern Line Manager

Robyn Millar – Operations Manager at the Katanning Hospital

Thank you for inviting us to the council meeting. Council was informed that the Hospital Refurbishments were starting to take place with certain areas demolished. The refurbishments will include upgraded kitchen facilities, a new treatment room, Disabled Toilet/ baby change room, Multi-purpose consulting room with dual egress, Firewalls and a nurse call bell systems to ensure the safety of patients and employees.

To date there has been minimum disruption with things running otherwise as normal. It is anticipated that the construction will be completed by the end of October 2015.

Shelley Pike

Gnowangerup are currently going through a growth spurt with an increase in population, is there an opportunity for services to increase?

Hazel Mackenzie

The Health Planning Unit measure the population projections using the Australia Bureau of Statistics along with the aged profile of the community to make projections. We would be happy for the Shire to supply any recent data to assist our planning of services.

STEVE THOMPSON – EDGE PLANNING LOT 556

3.58pm

Steve Thompson is the Town Planning Consultant appointed by the Shire of Gnowangerup to create a Structure Plan for land proposed to be owned by Landmark.

Lot 556 is located on the Water Corporation catchment area or south of the current Ratten and Slater development on Lot 555.

Please see the three proposed plans which outline the residential and commercial areas. The land is mainly cleared and the development can be done all at once or in a staged manner starting with the Development of Landmark.

Subject to council approval tonight, the plan is then sent to the West Australian Planning Commission (WAPC) for initial approval, the draft Structure Plan is then advertised and put out for public comment for 3 weeks and comes back to council following this period with any submissions for consideration. Following this process the WAPC will give final approval for development. The process is expected to be completed by early 2016.

It is understood that Landmark are required to vacate their premises by May 2016 so time is of the essence.

Cr F Gaze

Will the loading and unloading of trucks be done within the property?

Phil Shephard

Yes

Cr R House

Will Blocks 7 and 1 have street frontage access to Yougenup road?

Phil Shephard

No, all blocks will be required to have entry /exist onto the culder sac. However the structure plan will be referred to Main Roads for comment.

Cr L Martin

Can we address the issue of Haulage down Corbett Street?

Phil Shephard

That is not addressed in this particular structure plan.

Cr B Hinkley

Lot 1 and 7 have prime retail position, are they entitled to advertised on Yougenup Road

Cr B Gaze

With the sale of the land to Landmark will it be a condition to partake in a small amount of landscaping?

Phil Shephard

Cr B Gaze and Cr B Hinkley Yes, however these are not things that are considered in the Structure Plan but will be included as part of the planning application.

With the Residential Housing lots, it will be a requirement that the house is to be set at the front of the block creating maximum distance between the commercial and residential zones.

Cr K House

Is there an opportunity to turn the Information Bay located on the Corner of Yougenup and Park Road into a truck/ large vehicle parking bay?

Phil Shephard

Yes

ROBBIE MINITER – WIRRAPANDA FOUNDATION

4:16pm

Robbie Minter provided Council with an overview of the work is doing with the Wirrapanda Foundation and requested a financial contribution from Council to hold an indigenous football competition.

Cr S Hmeljak

Can Non-Indigenous children participate in these programs?

Robbie Minter

Yes

Cr L Martin and F Hmeljak left the meeting at 4:39pm

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 22 APRIL 2015

COUNCIL RESOLUTION

MOVED: CR B Gaze

SECONDED: CR F Gaze

0515.46 That the minutes of the Ordinary Council Meeting held on Wednesday 22th April 2015 be confirmed as a true record of proceedings.

UNANIMOUSLY CARRIED: 6/0

Cr F Hmeljak returned to the meeting at 4:41pm
Cr S Hmeljak left the meeting at 4:41pm
Cr L Martin Returned to the meeting at 4:42pm
Cr S Hmeljak returned to the meeting ay 4:47pm
Cr F Gaze left the meeting at 4:48pm
Cr F Gaze returned to the meeting at 5:00pm

9. USE OF THE COMMON SEAL

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 ELECTED MEMBERS ACTIVITY REPORT

Date of Report: N/A
Officer: Various

Attended the following meetings/events

F Gaze: Attended the Great Southern Development Commission Meeting on Tuesday 5th May

F Hmeljak: Nil

B Hinkley: Nil

B Gaze: Attended the WALGA Zone Meeting with Shire President Keith House on Friday 1st May 2015.
Attended Decision Making at a Governing Board Level (for Elected Members) Training in Perth on Tuesday 19th May 2015.
I would like to express my apologies as I did not attend the Department of Sport and Rec meeting on Friday 22nd
I will be attending the WALGA Local Government Week convention on 6th & 7th August 2015.

L Martin: Attended the WALGA Regional State Council meeting in Albany on Friday 8 May with Shire President Keith House.

R House: Nil

S Lance: Nil.

S Hmeljak: Due to my new commitments at the Gnowangerup Pharmacy I will no longer be able to attend the Yongergnow committee meetings. Cr B Gaze has agreed to step up from Proxy to delegate.

K House: Attended the WALGA Zone meeting on Friday 1st May with Cr Bronwyn Gaze. A number of issues being raised include the CBH Brookfield rail dispute, \$11 million dollars Royalties for Regions Funding to be spent, South Coast Natural Resource Management, Great Southern Development Commission Blue Print, Doctor Shortage, and the current format of the Zone Meeting. The proposed change will mean fewer meetings, maybe 3 times a year with each roughly being 2 full days. This format does not give councils enough opportunity to raise issues on a regular basis and is not the preferred option.

REPORTS FOR DECISION

11. COMMITTEES OF COUNCIL

11.1 AUDIT COMMITTEE

Nil.

11.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

Nil.

11.3 STRATEGIC FINANCIAL MANAGEMENT COMMITTEE

Nil.

11.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

Nil.

12. STRATEGY AND GOVERNANCE

12.1 REVIEW OF DELEGATION REGISTER

Location:	Gnowangerup
Proponent:	Nil.
File Ref:	Number
Date of Report:	30 th April 2015
Business Unit:	Strategy and Governance
Officer:	Darren Long, Consultant Shelley Pike, Chief Executive Officer
Disclosure of Interest:	Nil.

ATTACHMENTS

- Old Delegation Register
- New Delegation Register

PURPOSE OF THE REPORT

To undertake a review of the delegations register, as required by s 5.18 and s 5.46, to ensure compliance requirements are met and delegations are in accordance with relevant legislative provisions.

BACKGROUND

The *Local Government Act 1995* allows for a local government to **delegate** to the Chief Executive Officer (sections 5.42 and 5.43) the exercise of any of its powers or the discharge of any of its duties under the Act.

The Department of Local Government and Communities has released an Operational Guideline that provides a range of information in relation to Delegations.

The following is an excerpt from the Departmental "Operational Guideline No 17 – Delegations":

The Macquarie Dictionary Second Edition (1991) defines "delegate" as follows:

- (a) *To send or appoint (a person) as deputy or representative;*
- (b) *To commit (powers, duties, etc.) to another as agent or deputy; and*
- (c) *To commit powers or duties to others.*

Delegations are most commonly used in organisations where:

- (1) *A particular person has authority to exercise a discretion to enforce a right or discharge a duty on behalf of the organisation;*
- (2) *That person or officer has either:*
 - (a) *a multitude of authorities to exercise a discretion to enforce rights or discharge powers; or*
 - (b) *many circumstances in which they have authority to exercise a discretion to enforce rights or discharge duties.*

- (3) *The business of the organisation could not be efficiently carried on if that person were to personally exercise their discretion to enforce all the rights or discharge all the duties; and*
- (4) *Through practical administration, that person needs to appoint other persons to exercise their discretion to exercise powers or discharge duties on behalf of the organisation.*

Whilst there is a requirement for local government delegations to be authorised by statute, there is no limitation (unless expressly stated to the contrary by statute) on appointing a person to act on behalf of the local government or the CEO, provided that appointment does not include the power of delegation.

There is a legal distinction between:

- (a) *the delegation to a person to exercise a right or discharge a duty on behalf of an organisation; and*
- (b) *appointing a person to act on behalf of an organisation or another employee of that organisation.*

In most circumstances, where a person:

- (a) *Is appointed only to carry out the express instructions of an employee or the governing body of an organisation; and*
- (b) *Is provided with only limited discretion in carrying out those instructions, that appointment does not constitute a delegation and does not need to be formally delegated. This is known as the “Acting Through” concept.*

Section 5.45 of the Act states that in relation to delegations, nothing prevents a “local government from performing any of its functions by acting through a person other than the CEO” or “a CEO from performing any of his or her functions by acting through another person”. The Act does not specifically define the meaning of the term “acting through”. However, the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The legislation authorising the delegation of certain local government powers or duties and requiring records to be maintained in respect of such delegations, includes the:

- (a) *Local Government Act 1995;*
- (b) *Local Government (Miscellaneous Provisions) Act 1960;*
- (c) *Strata Titles Act 1985;*
- (d) *Bush Fires Act 1954; and*
- (e) *Planning and Development Act 2005.*

Unless expressly stated to the contrary, a legislative power to delegate only relates to the powers or duties under the Act in which the delegation power is located. It is not possible to, for example, rely on section 5.42(1) of the Local Government Act 1995 to delegate any of a local government's powers under the Bush Fires Act 1954 to a CEO. Any delegation by a local government of its powers under the Bush Fires Act 1954 can only be delegated by the delegation provisions of that Act.

Notwithstanding that only some of the relevant legislation expressly prohibits sub-delegation, the common law prohibits sub-delegation unless it is expressly provided for by legislation. Unlike the Local Government Act 1995, the Bush Fires Act 1954 does not provide for a CEO to delegate to another employee to exercise the powers delegated by council to the CEO under section 48 of that Act. Therefore, only the CEO may exercise the powers delegated by council to the CEO under that Act.

COMMENTS

In reviewing the delegation register it has been noted that there are a number of delegations which require amendments to ensure they align with the correct legislation. The register has been built into a new template which is easy and simple to understand and interpret.

The table below makes reference to the old delegation register, the new delegation register and the reasons for, making amendments, adding or deleting the delegation.

Old Delegation Register	New Delegation	Reason
1.1.1 Audit Committee	1 Audit Committee – Meeting with Auditor	Improved clarity
1.2.1 Appoint Authorised Persons	2 – Appointment of Authorised Persons under LGA	The new delegation groups a number of functions that an authorised person may perform under one delegation.
1.2.2 Particular things Local Government can do on land that is not local government property	Propose delegation be revoked	The Act provides suitable Acting Through provisions, thus delegation is not required.
1.2.3 Powers of Entry	Propose delegation be revoked	The Act provides suitable Acting Through provisions, thus delegation is not required.
1.2.4 Disposing of confiscated or uncollected goods	Propose delegation be revoked	The Act provides suitable Acting Through provisions, thus delegation is not required.
1.2.5 disposal of sick or injured animals	Propose delegation be revoked	The Act provides suitable Acting Through provisions, thus delegation is not required.
1.2.6 Close Thoroughfares to Vehicles	3 – Temporary Road Closures 4 – Revocation of Temporary Road Closures	Missing reference to section 3.50A Partial Closure of Thoroughfares for repairs and Maintenance, missing reference to F & G Regulations. Currently have no delegation to revoke a temporary road closure.
1.2.7 Reserves under control of Local Government	5 – Reserves under the Control of Local Government	New delegation provides for appropriate limitations imposed under the Local Government Act 1995 in relation to section 5 of the Parks & Reserves Act 1895 and the Land Administration Act 1997.
1.2.8 Expression of Interest and Tenders	6 – Expression of interest for Goods and Services 7 – Tendering for Goods and Services 8 – Tenders - Minor variations to contracts	Have been separated into 2 delegations to ensure clarity is achieved regarding the difference legislative requirements between Expressions of Interest and Calling of Tenders. New delegation to permit the CEO to agree to minor variations to contracts, subject to conditions.
1.2.9 Disposing of Property	9 – Disposal of Property by way of lease	In practice, the disposition (sale) of Council property is passed by council resolution, and in addition the current conditions placed on the delegation make it redundant. However there needs to be a mechanism to allow the CEO to action dispositions by way of lease and a new delegation has been prepared to address this need.
1.2.10 Electors' General Meeting	Propose delegation be revoked	The Act provides suitable Acting Through provisions, thus delegation is not required.
1.2.11 Senior Employees	Propose delegation be revoked	The Act provides suitable Acting Through provisions, thus delegation is not required.

Old Delegation Register	New Delegation	Reason
1.2.12 Payment from Municipal or Trust Fund	10 - Payments from Municipal Fund and Trust Fund	Amended to suit new Organisational Chart and compliance requirements.
1.2.13 Determine Grant, Sponsorship and Donation Allocations	11 - Cultural, Event and Corporate Sponsorship – Allocation of Annual Donations Budget	No provisions for donations in the budget, need to add to the 15/16 budget
1.2.14 Power to Defer, Grant Discount or Write Off Debts	12 – Waiving and grant of concessions and write-off of debts other than rates	Improved clarity
1.2.15 Power to Invest and Manage Investments	13 – Investment of Surplus Funds	Improved clarity
1.2.16 Agreement as to Payment of Rates and Services Charges	14 – Agreement as to Payment of Rates and Service Charges	Amended to reflect new Organisational Chart
1.2.17 Determine the Date that Rates or Service Charges are Due and Payable	15 – Due date for payment of rates and service charges	Reworded to ensure compliance with sub-sections (1) and (2) of S6.50
1.2.18 Local Government May require lessee to pay rent	16 – Recovery of unpaid rate of service charge	New delegation addresses this delegation and the next delegation, where legal action is required to recover unpaid rates.
1.2.19 Actions against land where rates or services charges unpaid	See above	See above
1.2.20 Objection and Review – Objection to Rate Record	17 – Objection to Rate Record – Extension of time	New delegation for CEO to consider extensions of time to object to rate record.
1.2.21 General Review of Imposition of Rate or Service Charge	Propose delegation be revoked	No ability to delegate this power to the CEO, only the local government can make the decision to refer it to SAT.
1.2.22 Requirement to Construct or Repair Crossing	18 – Crossing from Public Thoroughfare to Private Land or Private Thoroughfare	Revised delegation to ensure all statutory limitations/compliance requirements are covered in delegation.
1.2.23 Public Works on, Over or under Public Places	19 – Private works on, over or under public places	Revised delegation to ensure all statutory limitations/compliance requirements are covered in delegation.
1.2.24 Sole Supplier of Goods and Services	Propose delegation be revoked	Matter addressed in new Tendering for goods and services delegation
1.2.25 Purchasing Limits	Propose delegation be revoked	Matter addressed in new Payments from Municipal Fund and Trust Fund delegation.

Old Delegation Register	New Delegation	Reason
1.2.26 Acting Chief Executive Officer	Propose delegation be revoked	The appointment of an Acting CEO, for a short interim period whilst the CEO is on leave, is a responsibility of the CEO (with notification being given to Council).
2.1.1 Powers, Duties and Functions of a Local Government – Bushfires Act 2008	20 – Bushfires Act – Powers and Duties 21 – Bushfires Act – Authorised Officers 22 – Prohibited and Restricted Burning Times Variation	Revised delegation to ensure all statutory limitations/compliance requirements are covered in delegation. New Delegation 21 to deal with the appointment of authorised officers under the Bushfires Act. New delegation 22 to provide authority for the variation of prohibited and restricted burning times.
2.2.1 Prohibition Orders – Food Act 2008	23 – Food Act 2008 – appointment of Designated Officers & Authorised Officers	Revised delegation to ensure all statutory limitations/compliance requirements are covered in delegation.
2.2.2 Determine Compensation	Propose delegation be revoked	All compensation claims should be determined by Council.
2.2.3 Registration of Food Businesses	24 – Approve Applications for Registration of a Food Business, Vary Conditions and Cancel Registrations	Revised delegation to ensure all statutory limitations/compliance requirements are covered in delegation.
2.2.4 Appoint Authorised Officers	Now dealt with by Item 2.2.1 above	See item 2.2.1 above
2.2.5 Prosecutions	25 – Food Act 2008 Prosecutions	Legislation requires that delegation be given to a person, not a position; new delegation ensures this compliance.
2.3.1 Grant Building Permit	26 – Building Act Functions	This proposed new delegation deals with all major functions that can be delegated under the Building Act.
2.3.2 Grant Demolition Permit	See 2.3.1 above	See 2.3.1 above
2.3.3 Grant Occupancy Permit or Building Approval Certificate	See 2.3.1 above	See 2.3.1 above
2.3.4 Designate Authorised Persons – Building Act	See 2.3.1 above	See 2.3.1 above
2.3.5 Building Orders	See 2.3.1 above	See 2.3.1 above
2.3.6 Inspection and Copies of Building Records	See 2.3.1 above	See 2.3.1 above
2.4.1 Illegal Development	27 – Illegal Development	Placed in new format
2.4.2 Planning Delegation to CEO	28 – Planning Functions	Placed in new format

Gnowangerup Shire – A thriving, inclusive and growing community built on opportunity

In addition to the above delegations in place, a series of additional delegations have been identified to assist staff with the Day to Day operations, Council may wish to give consideration to adopting. These are as follows:

Delegation Number	Delegation Title	Function and Purpose	Staff Justification for needing the delegation
29	Administration of Local Laws	Grants power to the CEO to administer the Shires local laws and initiate legal action, where necessary.	It is part of the Governance framework and needs updating after a specified time
30	Altering Thoroughfare Alignments	Grants power to the CEO to give notice of any proposal to fix or alter the alignment of a public thoroughfare, or drain water from a public thoroughfare	required in regard to OH&S risk where flooding/damage has impacted roads or footpaths
31	Amending Rate Record	Grants power to the CEO to determine whether to amend the rate record for the preceding 5 years.	Provides continuity and stability
32	Applications for the Use of Battery Powered Smoke alarms in Dwellings	Grants power to the CEO to approve or refuse applications for the use of battery powered smoke alarms within a dwelling.	To ensure that all dwellings comply with the national construction code of Australia.
33	Caravan Park and Camping Grounds Act – Authorised Persons	Appoints employees as ‘authorised persons’ under the Caravan Parks & Camping Grounds Act 1995 and regulations.	Compliance inspection can be delegated to EHO or appropriate person
34	Disposal of Surplus Equipment	Grants power to the CEO to dispose of surplus equipment, materials, tools, etc with a market value of less than \$20,000.	Efficiency
35	Dog Act – Functions of Local Government	Grants power to the CEO to perform all the functions and duties of the local government under the Dog Act 1976, including the appointment of authorised persons and registration officers.	As per the legislation this is a requirement
36	Excavation on Public Thoroughfares	Grants power to the CEO to approve or refuse applications for excavation works on a thoroughfare, impose conditions and recover costs associated with reinstatement works where the applicant failed to reinstate the thoroughfare correctly.	Required in order to control damage that could be associated with proposed works
37	Executing and Affixing Common Seal to Documents	Grants power to the Shire President and CEO to execute and affix the common seal to specific documents.	To allow documents to be processed appropriately and in a timely manner
38	Gates and Other Devices across Thoroughfares	Grants power to the CEO to approve or refuse applications for a gate or other device to be placed across a thoroughfare.	Required to ensure that all correct and necessary access is authorised
39	Health Act Functions	Grants power to the CEO and the Environmental Health Officer to perform the functions under Parts IV,	This can only be delegated to an accredited officer

		V, VI, VII of the Health Act 1991 and associated regulations.	
40	Issue licence to deposit material on Street and Excavate on Land Abutting a Street	Grants power to the CEO to issue licences for the depositing of material on a street, way or other public place; issue licence for the excavation on land abutting a street, way or public place, subject to conditions.	may be required in regard to works program or to facilitate private works
41	Long Service Leave Applications	Grants power to the CEO to determine applications received from employees under the <i>Local Government Long Service Leave) Regulations</i> .	To ensure Long Service Leave applications are processed in a timely manner ensuring workload and time of leave are accounted for.
42	Performing Functions Outside own District	Grants power to the CEO to determine whether things done by the Shire in performing its executive function will be done outside its own district, subject to conditions.	Required in regard to boundary roads where negotiation between Shires to maintain outlying roads is needed.
43	Permits for heavy Haulage Vehicles	Grants power to the CEO to recommend to Main Roads WA approval or refusal of any heavy haulage application, subject to conditions.	to liaise with Main Roads in regard to the usage of council designated roads
44	Public inspection of certain documents	Grants power to the CEO to make available for inspection by the public notice papers and agendas relating to any Council or Committee meeting that is open to the public, subject to conditions.	This supports the FOI legislation and the requirements of the LG Act 1995
45	Regulatory Sign Applications	Grants power to the CEO to make application to Main Roads WA for the installation of regulatory signs and markings at such places the CEO considers warranted.	to liaise with Main Roads where the installation of regulatory signs in warranted
46	Reimbursement of Expenses incurred by an Employee	Grants power to the CEO to reimburse an employee for an expense incurred in relation to a matter affecting the local government, subject to conditions.	To allow for the timely reimbursement of out of pocket expenses such as Travel and training costs otherwise incurred by the staff members
47	Reimbursement of Expenses incurred by Councillors	Grants power to the CEO to approve the reimbursement of expenses to councillors, subject to conditions.	To allow for the timely reimbursement of out of pocket expenses such as travel, training and communication costs otherwise incurred by the councillors.
48	Vehicles – use of by Employees	Grants power to the CEO to supply employees with means of transportation in order they may provide effective and efficient services.	This is relevant to the an officer performing his/her duties in the best interests of the community

In all aspects, it is the Council's decision on how much authority they wish to delegate. All delegations are only proposed and Council is in no way obligated to approve all delegations; merely those ones which the Council believes will assist in delivering efficient, effective and good government.

Section 5.42 of the Act requires that for Council to grant or revoke any delegation, it must do so by an absolute majority.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil.

LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995

Parks and Reserves Act 1895

Land Administration Act 1997

Bushfires Act 1954

Building Act 2011

Building Services Registration Act 2001

Caravan Parks & Camping Grounds Act 1995

Dog Act 1976

Health Act 1911

Trustees Act 1962

Food Act 2008

Planning & Development Act 2005

Litter Act 1979

Local Government (Administration) Regulations 1996

Local Government (Functions and General) Regulations 1996

Local Government (Financial Management) Regulations 1996

Local Government (Uniform Provisions) Regulations

Road Traffic (Events on Roads) Regulations 1991

Food Regulations 2009

Building Regulations 2012

Caravan Park and Camping Grounds Regulations 1997

Dog Regulations 2013

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

Litter Regulations 1981

Local Government (Long Service Leave) Regulations

Shire of Gnowangerup Town Planning Scheme 2

Shire of Gnowangerup Local Laws

POLICY IMPLICATIONS

This will require a review of some corporate policies to bring them in line with the delegations

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Additional delegation of authority will result in improved administrative efficiencies.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

It is timely for a review of the Delegations Register to be completed and to ensure it meets all statutory requirements.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

0515. That Council:

Adopted the New Delegation Register as per the attachment

AMENDMENT

Add additional wording to the officer recommendation to include the adoption of the new format.

COUNCIL RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr R House

0515.47 That Council

Add the following words to the officer recommendation;
“format and”

UNANIMOUSLY CARRIED: 8/0

COUNCIL RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr F Gaze

0515.48 That Council;

Adopt the New format and Delegation Register, as per the attachment.

UNANIMOUSLY CARRIED: 8/0

Cr L Martin declared a Financial and Proximity Interest in item 12.2 as his son is employed by Ratten and Slater who are the owners of the adjoining property to Lot 556 Yougenup Road and left the meeting at 5:11pm

12.2	ADOPTION OF DRAFT STRUCTURE PLAN FOR LOT 556 YOUNGUP ROAD, GNOWANGERUP
Location:	Lot 556 (Reserve 51639) Yougenup Road, Gnowangerup
Proponent:	N/A
File Ref:	Reserve 51639
Date of Report:	18 May 2015
Business Unit:	Strategy & Governance
Officer:	Phil Shephard, Planning Officer
Disclosure of Interest:	Nil

ATTACHMENTS

- Draft Lot 556 Yougenup Road, Gnowangerup Structure Plan (May 2015 Edge Planning & Property).

PURPOSE OF THE REPORT

To consider the adoption of the draft Structure Plan prepared for the Shire by Edge Planning & Property for submission to the WA Planning Commission.

The consultant will be attending the May 2015 Council Meeting to present and discuss the draft Structure Plan.

The recommendation is to adopt the draft Structure Plan and refer it to the WA Planning Commission for comment and then to commence advertising for submissions.

BACKGROUND

The Shire has been pursuing the development of Lot 556 Yougenup Road for additional light/service industries and service commercial uses. In particular, the Shire has been approached by Landmark wishing to secure a site to relocate their existing business.

The Shire has contracted the services of Edge Planning & Property to prepare the attached Structure Plan. Local Planning Scheme No. 2 requires a Structure Plan to be prepared and endorsed by the WA Planning Commission prior to the land being developed and/or subdivided.

The lot is contained within Reserve 51639 for the purpose of the Use and Requirements of the Shire of Gnowangerup. Staff have contacted the Department of Lands to initiate the freeholding of the land to enable its future disposal and a further report will be prepared for the Council to consider when the information has been received.

COMMENTS

There are various planning layers affecting Lot 556 Yougenup Road as follows:

The land is zoned as a Special Use Zone and included within Schedule 4 of the Scheme as follows:

No	Description of Land	Special Use	Conditions
16	<i>Southern Portion of Lot 426 (DP221136) Yougenup Road</i>	<i>As determined in any approved Structure Plan for the site.</i>	<ol style="list-style-type: none"> 1. <i>All use and development requires Planning Approval.</i> 2. <i>Prior to any use commencing on the site a Structure Plan shall be prepared and approved by Council and the Western Australian Planning Commission in accordance with Clause 6.3. It shall also address the matters cited in Schedule 12.</i>

The land is also within a Structure Plan Area and included within Schedule 12 of the Scheme as follows:

Area No (SPA)	Description of Land Area	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to Clause 6.2.2)	Associated Provisions
SPA5	<i>Southern Portion of Lot 426 (DP221136) Yougenup Road</i>	<i>Land use will be as defined in the Structure Plan and shall recognise the strategic location of the site at the entrance to the Gnowangerup townsite and the proximity of the Water Corporation dam.</i>	<ol style="list-style-type: none"> 1. <i>Defining the principal land uses.</i> 2. <i>Proposed subdivision design.</i> 3. <i>Management of the interface to Special Use Zone No 10.</i> 4. <i>Provision of suitable buffers to any residential components and/or to surrounding residential development including the hospital.</i> 5. <i>Water</i> 	<ol style="list-style-type: none"> 1. <i>Service commercial, mixed business or service industrial uses must be compatible with sensitive land uses and incorporate appropriate setbacks and landscaping.</i> 2. <i>Uses that may present a contamination risk to the adjacent water supply will not be permitted.</i>

			<p><i>management and stormwater discharge, particularly in relation to runoff to the adjacent water supply dam.</i></p> <p>6. Access to Yougenup Road.</p> <p>7. The protection of water quality and function of the adjacent water supply dam through the restriction of inappropriate land uses.</p>	
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The draft Structure Plan has been prepared to address the above planning requirements and in accordance with c.6.3 Structure Plans under Local Planning Scheme No. 2.

The draft Structure Plan has been prepared for Lot 556 Yougenup Road which adjoins the Ratten and Slater machinery dealership development and the existing residential area on Whitehead Road/Corbett Street (see image below):



Lot 556 (Reserve 51639) Yougenup Road, Gnowangerup shown in red

The Executive Summary in the draft Structure Plan advises:

The Local Structure Plan has been prepared to guide subdivision/development of Lot 556 Yougenup Road, Gnowangerup and to meet the requirement of the Shire of Gnowangerup Local Planning Scheme No. 2 (the Scheme).

The site is located only 500 metres from the town centre and is surrounded by a range of land uses making it an ideal site for allowing a relocation of rural produce businesses from the town centre.

The Structure Plan proposes light/service industry and service commercial uses in the northern part of the site and residential development in the southern section. A modest area of POS is proposed for the purpose of retaining a band of mature trees, the detention of stormwater and low-key recreation.

The Structure Plan will facilitate new employment land in Gnowangerup along with a range of housing close to the town centre and other facilities. New development will be designed to sensitively interface with existing development and complement the Gnowangerup town centre.

The Structure Plan will facilitate improved vehicle and pedestrian permeability through a logical extension of the surrounding road network. The Structure Plan promotes safe and convenient access for pedestrians, cyclists and motorists. Safety will be assisted through separating light industrial/commercial and residential traffic.

The following summarises the key outcomes of the Structure Plan:

Structure Plan Summary Table		
Item	Data	Section number reference within the Structure Plan report
Total area covered by the Structure Plan	8.4541 hectares	Part Two, section 1.2.2
Area of each land use: - Residential - Light & Service Industry - Public open space	1.6 hectares 5.53 hectares 0.3 hectares	Part Two, sections 3.2, 3.3 and 3.7
Estimated lot yield - Total	17 lots 18 (including POS)	Part Two, section 3.1
Estimated number of dwellings	15 dwellings	Part Two, section 3.3
Estimated residential site density	10.6 dwellings per site hectare (for residential area)	Part Two, section 3.3
Estimated population	35	Part Two, section 3.3
Number of schools	Nil	Part Two, section 3.6

This Structure Plan comprises two parts. Part One is the statutory section and Part Two is the explanatory (non-statutory) section.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

The preparation of a Structure Plan requires the Shire to advertise for submissions (c.6.3.8 'Advertising of Structure Plan' of Local Planning Scheme No. 2) for a minimum period of 21-days.

The advertising required shall include one or more of the following ways—

- (i) Notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
- (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place in the Development Area to which the proposed structure plan applies; and
- (iii) Give notice in writing to all owners whose land is included in the proposed structure plan; all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan; and such public authorities and other persons as the local government nominates.

Following receipt of comments from the WA Planning Commission, the draft Structure Plan will be advertised within the Great Southern Herald and local newspapers and displayed on the Shire's Public Notice Board and website for comment. Copies of the draft Structure Plan will be referred directly to adjoining/nearby landowners and relevant Government agencies including Department of Health, Department of Water, Water Corporation, Western Power, Main Roads WA, Great Southern Development Commission etc.

LEGAL AND STATUTORY REQUIREMENTS

The preparation of a Structure Plan is controlled by c.6.3 'Structure Plans' of Local Planning Scheme No. 2. The relevant parts of the clause at this stage are as follows:

6.3 Structure Plans

6.3.1 Interpretation

6.3.1.1 In Clause 6.3, unless the context otherwise requires:

*"owner" means an owner or owners of land in the Development Area; and
"structure plan" means a structure plan that has come into effect in accordance with clause 6.3.12.*

6.3.2 Purpose of Structure Plans

6.3.2.1 The purpose of the Structure Plans is to co-ordinate subdivision and development in areas requiring comprehensive planning.

6.3.2.2 The local government may require a structure plan for any other zoned or reserve areas in the Scheme where it is of the opinion that comprehensive planning is required, and the relevant provisions of clause 6.3 will apply. Areas requiring Structure Planning may also be identified within a 'Structure Plan Area' on the Scheme map. Structure Plans in these areas will need to address, to the satisfaction of the local government, the applicable land use expectations, matters to be addressed and associated provisions contained in Schedule 12, in addition to the matters specified in clause 6.3.6.1.

6.3.3 Subdivision and Development

6.3.3.1 The subdivision and development of land is to generally be in accordance with any structure plan that applies to that land.

6.3.4 Structure Plan Required

6.3.4.1 *The local government is not to-*

- (a) *consider recommending subdivision; or*
- (b) *approve development of land which requires a structure plan unless there is a structure plan for the relevant part of that land.*

6.3.4.2 *Notwithstanding clause 6.3.4.1, a local government may recommend subdivision or approve the development of land which requires a structure plan prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the land.*

6.3.5 Preparation of Structure Plans

6.3.5.1 *A proposed structure plan may be prepared by:*

- (a) *the local government; or*
- (b) *an owner.*

6.3.5.2 *A proposed structure plan may be prepared for all, or part of, an area.*

6.3.6 Details of Proposed Structure Plan

6.3.6.1 *A proposed structure plan is to contain the following details:*

- (a) *A map showing the area to which the proposed structure plan is to apply;*
- (b) *A site analysis map showing the characteristics of the site including—*
 - (i) *landform, topography and land capability;*
 - (ii) *conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;*
 - (iii) *hydrogeological conditions, including approximate depth to water table;*
 - (iv) *sites and features of Aboriginal and European heritage value.*
- (c) *A context analysis map of the immediate surrounds to the site including—*
 - (i) *The pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;*
 - (ii) *transport routes, including arterial routes and neighbourhood connector alignments, public transport routes and bus stops (if applicable) and strategic cycle routes;*
 - (iii) *existing and future land uses.*
- (d) *For Local structure plans a map showing proposals for—*
 - (i) *neighbourhoods around proposed neighbourhoods and town centres;*
 - (ii) *existing and proposed commercial centres;*
 - (iii) *natural features to be retained;*
 - (iv) *street block layouts;*
 - (v) *the street network including street types;*
 - (vi) *transportation corridors, public transport network (if applicable), and cycle and pedestrian networks;*
 - (vii) *land uses including residential densities and estimates of population;*
 - (viii) *school(s) and community facilities;*
 - (ix) *public parklands; and*

- (x) *urban water management areas.*
- (e) *A written report to explain the mapping and to address the following—*
 - (i) *the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;*
 - (ii) *the site analysis including reference to the matters listed in Clause 6.3.6.1 (b) above, and in particular, the significance of the conservation, environmental and heritage values of the site;*
 - (iii) *the context analysis including reference to the matters listed in Clause 6.3.6.1 (c) above;*
 - (iv) *how planning for the structure plan area is to be integrated with the surrounding land;*
 - (v) *the design rationale for the proposed pattern of subdivision, land use and development;*
 - (vi) *traffic management and safety;*
 - (vii) *parkland provision and management;*
 - (viii) *proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;*
 - (ix) *the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.*

6.3.6.2 *The maps referred to in Clause 6.3.6.1 are to—*

- (a) *be drawn to a scale that clearly illustrates the details referred to in Clause 6.3.6.1; and*
- (b) *include a north point, visual bar scale, key street names and a drawing title and number.*

6.3.6.3 *A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land.*

6.3.6.4 *A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.*

6.3.7 *Submission to Local Government and Commission*

6.3.7.1 *A proposed structure plan prepared by an owner is to be submitted to the local government.*

6.3.7.2 *Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.*

6.3.7.3 *The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.*

6.3.7.4 *The Commission is to provide its comments to the local government as soon as practicable after receiving the structure plan.*

6.3.8 *Advertising of Structure Plan*

- 6.3.8.1 *Within 60 days of preparing or receiving a proposed structure plan that conforms with Clause 6.3.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—*
- (a) *advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—*
 - (i) *notice of the proposed structure plan published in a newspaper circulating in the Scheme area;*
 - (ii) *a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and*
 - (b) *give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—*
 - (i) *all owners whose land is included in the proposed structure plan;*
 - (ii) *all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;*
 - (iii) *such public authorities and other persons as the local government nominates.*

- 6.3.8.2 *The advertisement and notice are to—*
- (a) *Explain the scope and purpose of the proposed structure plan;*
 - (b) *Specify when and where the proposed structure plan may be inspected; and*
 - (c) *Invite submissions to the local government by a specified date being not less than 21 days after the giving the erection of the notice or publication of the advertisement, as the case requires.*

6.3.16 Appeals

- 6.3.16.1 *An owner who has submitted a proposed structure plan under clause 6.3.7.1 may appeal, under Part V of the Planning and Development Act 2005—*
- (a) *any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 6.3.8.1;*
 - (b) *any determination of the local government—*
 - (i) *to refuse to adopt a proposed structure plan (including a deemed refusal); or*
 - (ii) *to require modifications to a proposed structure plan that is unacceptable to the owner.*

POLICY IMPLICATIONS

There are no existing Policies that apply to the application.

FINANCIAL IMPLICATIONS

The staff administration (consultant, advertising, referrals etc.) costs of preparing the Structure Plan is provided for in the Shire's 2014/2015 Budget.

STRATEGIC IMPLICATIONS

The policy impacts on a number of items in the strategic plan as follows:

Strategic Focus	Built Environment and Infrastructure
Goals:	A built environment and infrastructure that supports the community and the economy
Outcome 3.1:	<ul style="list-style-type: none"> • Appropriate planning and development
Strategy 3.1.2	Provide planning and development advice on land developments.
Strategy 3.1.3	Ensure quality, consistent and responsive development and building assessment approval processes.

Strategic Focus	Governance and Organisation
Goals:	Proactive leadership, good governance and efficient service delivery
Outcome 5.1:	<ul style="list-style-type: none"> • Strategic governance and leadership
Strategy 5.1.5	Ensure compliance with Local Laws and statutory requirements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has a number of options available to it, which are discussed below:

1 Not adopt the draft Structure Plan

The Local Government can choose to not adopt the draft Plan. This would mean the development/subdivision of the area for further light/service industry and service commercial use would not proceed and the land would remain vacant.

2 Adopt the draft Structure Plan

The Local Government can adopt the draft Plan, with or without modification.

3 Defer the proposal

The Local Government may elect to defer the matter for a period of time and seek additional information or comment, if deemed necessary, before proceeding to make a decision.

This is a discretionary decision of the Shire and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONCLUSION

The draft Structure Plan has been prepared in accordance with Local Planning Scheme No. 2 requirements and addresses the planning requirements in Schedule 4 and 12. The draft Plan should now be submitted to the WA Planning Commission for comment and then be advertised for public comment for a minimum period of 21-days as set out in the Consultation section of this report.

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr B Hinkley

0515.49 That Council:

1. Pursuant to c.6.3 of Local Planning Scheme No. 2 adopt the draft Lot 556 Yougenup Road, Gnowangerup Structure Plan (May 2015 Edge Planning & Property) and submit it to the WA Planning Commission for comment.
2. Following receipt of comments from the WA Planning Commission indicating support for the draft Structure Plan, the Plan to be advertised for a minimum period of 21-days as follows:
 - Within the Great Southern Herald and local newspapers;
 - Displayed on the Shire's Public Notice Board and website;
 - Copies of the draft Structure Plan to be referred directly to adjoining/nearby landowners and relevant Government agencies including Department of Health, Department of Water, Water Corporation, Western Power, Main Roads WA, Great Southern Development Commission etc.
3. The CEO be delegated authority to deal with any comments received from the WA Planning Commission to finalise the draft Structure Plan for advertising with any changes required by the WA Planning Commission to the draft Structure Plan to be reported to Council.

UNANIMOUSLY CARRIED: 7/0

Cr L Martin returned to the meeting at 5:13pm

12.3	PROPOSED BAIT MANUFACTURING SHED JACKITUP ROAD NORTH, GNOWANGERUP
Location:	Lot 403/Location 4997 Jackitup Road North, Gnowangerup
Proponent:	P Patterson
File Ref:	A407
Date of Report:	12 May 2015
Business Unit:	Strategy & Governance
Officer:	Phil Shephard, Planning Officer
Disclosure of Interest:	Nil

ATTACHMENTS

- Copy of planning application and fax letter

PURPOSE OF THE REPORT

To consider the proposal for planning approval to produce poison baits from a purpose built shed on the above property. The land use has not commenced although the shed has been constructed without planning approval or a Building Permit being issued.

The recommendation is to approve the proposal with conditions.

BACKGROUND

Nil.

COMMENTS

Application Process

The Shire initially received a facsimile in December 2014 from the proponent advising that he had completed construction of a shed to be used to manufacture 1080 poison baits and security fence. This appears to have been done at the same time the proponent was applying to the Department of Health for a licence to manufacture the baits.

No planning or building approvals were in place at this time.

Despite numerous attempts by staff to have the proponent provide a planning/building application, the proponent provided a completed planning application by facsimile on 15 May. In the interim, the Shire has issued a Building Order (BA21) requiring the proponent to submit approved/stamped plans for 2 sheds (large machinery shed and bait manufacturing shed) or face further action under the *Building Act 2011*.

The planning application advises an 18m x 9m shed with a concrete floor, roller doors, office and bunding/sumps will be developed. No plans were provided for the shed or other improvements. The proponent advises that a security fence has also been erected.

Zoning and Land Use

The property is zoned 'General Agriculture' under the Shire's Local Planning Scheme No. 2. The objectives for the General Agriculture zone are set out in c.4.2 of the Scheme as follows:

To provide for a range of rural uses which are compatible with the capability of the land and retain the rural character and amenity of the locality.

The development of the bait manufacturing shed falls within the definition of industry - rural under the Scheme as follows:

“industry—rural” means—

- (a) an industry handling, treating, processing or packing rural products; or*
- (b) a workshop servicing plant or equipment used for rural purposes; ‘storage’ means premises used for the storage of goods, equipment, plant or materials;*

This land use is a ‘D’ discretionary use in the General Agriculture zone which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.

The Scheme (c.5.7) requires that development comply with Table 2 – Development Table which sets out the site and development requirements for various land uses in the Scheme area. There are no specific requirements for industry – rural within Table 2 and c.5.7.3 advises:

5.7.3 Where a land use is not listed in Table 2 the development is to conform to the requirements for the predominant use of the zone in which it is situated as determined by the local government. Where the local government considers such requirements are inappropriate the local government may determine other requirements having due regard to streetscape, amenity and the merit of the proposal.

There are no requirements in the Scheme for the General Agriculture zone. The normal development standards that apply from Table 2 are discussed in relation to the proposal below:

Setbacks

The proposed bait manufacturing shed appears to have been constructed approximately 50m from the front boundary of the lot (using the photos in the BA21 form) and is adjacent to other existing farm buildings including the homestead, sheds, silos etc.

Plot Ratio

The floor area of the bait manufacturing shed is 162m² and would represent a plot ration of less than 0.01 of the site.

Landscaping

No landscaping has been proposed and landscaping of rural uses/developments is not normally required.

Car Parking

No details of employees is provided. Given the large size of the lot, ample areas are available for either staff parking or loading/unloading activities.

Retrospective Approval

In considering the retrospective aspects of the application, c.8.4 of Local Planning Scheme No. 2 advises:

8.4 *Unauthorised Existing Developments*

8.4.1 *The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.*

8.4.2 *Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced shall be deemed to be lawful upon the grant of planning approval.*

Note—

- 1. Applications for approval to an existing development are made under Part 9.*
- 2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*

Should the proposal proceed, conditions of planning approval relating to site plan, licensing of the use, stormwater drainage and managing site emissions are proposed having due regard to the 27 matters mentioned in the Scheme to be assessed in determining whether to approve/refuse the planning application.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil undertaken.

The Council may elect to require consultation with affected landowners if considered necessary.

LEGAL AND STATUTORY REQUIREMENTS

The application is required to be determined in accordance with the requirements of Local Planning Scheme No. 2 which is an operative local planning scheme under the *Planning and Development Act 2005*.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The applicant is required to pay the retrospective planning application fee of \$768 as set out in the adopted 2014/15 Schedule of Fees and Charges. The fee is calculated using the original fee of \$256 and adding twice that amount as a penalty being \$512 to a total fee of \$768.

STRATEGIC IMPLICATIONS

The request impacts on a number of items in the Strategic Community Plan 2013-2022 as follows:

Strategic Focus	Natural Environment
Goal 2:	Natural assets that are protected and secured for future generations
Outcome 2.2:	Water resources security
Strategy 2.2.2	Protect and enhance water catchments and waterways.
Strategy 2.2.3	Provide effective wastewater collection, treatment and disposal services.

Strategic Focus	Built Environment and Infrastructure
Goal 3:	A built environment and infrastructure that supports the community and the economy
Outcome 3.1:	Appropriate planning and development
Strategy 3.1.2	Provide planning and development advice on land developments.
Strategy 3.1.3	Ensure quality, consistent and responsive development and building assessment approval processes.

Strategic Focus	Local Economy and Business
Goal 4:	A strong and diverse local economy
Outcome 4.1	A vibrant and growing economic base
Strategy 4.1.2	Promote and support local industry development initiatives.
Outcome 4.2	Viable businesses providing local employment
Strategy 4.2.1	Attract new businesses and assist where possible the expansion of existing businesses.

Strategic Focus	Governance and Organisation
Goal 5:	Proactive leadership, good governance and efficient service delivery
Outcome 5.1:	<ul style="list-style-type: none"> • Strategic governance and leadership
Strategy 5.1.5	Ensure compliance with Local Laws and statutory requirements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has a number of options available to it, which are discussed below:

- 1 *Approve the proposal*
The Local Government can choose to approve the proposal, with or without conditions. If this option was chosen, the use and development could proceed, subject to any conditions placed by Council.
- 2 *Advertise the proposal*
The Local Government can choose to advertise the proposal for public comment if considered necessary. If this option was chosen, this would allow comments from affected landowners and other interested parties to be received on the proposal for Council to consider in regards to its suitability and/or acceptability for the area.
- 3 *Not approve the proposal*
The Local Government can choose to not approve the proposal giving reasons for the decision.
- 4 *Defer the proposal*

The Local Government can elect to defer the matter for a period of time and seek additional information from the proponents, if deemed necessary to complete the assessment, before proceeding to make a decision.

CONCLUSION

The proposal to manufacture baits is consistent with the definition of an industry – rural land use and the development of a purpose-built shed is considered consistent with the zoning of the land for General Agriculture. The proposal is considered consistent overall with those matters set out in c.10.2 and the general requirements of Local Planning Scheme No. 2.

The proponent has acknowledged that the development was commenced without the necessary planning approval being in place. The proponent should pay the penalty fee accordingly.

The outstanding building matters will be progressed by staff in accordance with the *Building Act 2011*.

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION

Moved: Cr F Gaze

Seconded: Cr B Hinkley

0515.50 That Council:

In accordance with c.8.4 of Local Planning Scheme No. 2 grant retrospective planning approval to the bait manufacturing shed on Lot 403/Location 4997 Jackitup Road North, Gnowangerup subject to the following conditions:

- 1) No manufacturing activity associated with this planning approval may commence until the proponent has secured all necessary permits from the Department of Health (for bait manufacturing), Department of Mines and Petroleum (Dangerous Goods Licence for storage of materials) and Department of Environmental regulation (controlled waste licence) and provided a copy of their approval advice to the Shire for records purposes.**
- 2) The proponent to submit a Site Plan showing the precise location of the bait manufacturing shed on the property including setbacks to boundaries and distances to other buildings on the property for approval by the Chief Executive Officer. When received and approved, all development to generally comply with the approved stamped plans.**
- 3) The shed being designed to ensure that no soil contamination of the site from the manufacturing process occurs.**
- 4) All staff parking and loading/unloading of vehicles shall occur on-site.**
- 5) Stormwater discharge from the shed to be controlled and disposed of on-site.**
- 6) The construction of the shed requires a retrospective Building Permit to be obtained from the Shire.**

UNANIMOUSLY CARRIED: 8/0

12.4	PROPOSED INDUSTRIAL SUBDIVISION LOT 347 QUINN STREET, GNOWANGERUP
Location:	Pt. Lot 347 Quinn Street, Gnowangerup
Proponent:	Calibre Consulting (Aust) on behalf of State of WA/Department of Lands
File Ref:	R28654
Date of Report:	14 May 2015
Business Unit:	Strategy and Governance
Officer:	Phil Shephard, Planning Officer
Disclosure of Interest:	N/A

ATTACHMENTS

Application
Proposed Subdivision Plan
Subdivision Concept Plan

PURPOSE OF THE REPORT

To consider a proposal to subdivide a portion of Lot 347 into 4 lots and create a new road reserve as shown on the attached Proposed Subdivision Plan.

BACKGROUND

The subdivision forms Stage 1 of the future overall subdivision of Lot 347 Quinn Street for industrial purposes. The subdivision is being facilitated by LandCorp through the Regional Development Assistance Program application previously submitted by the Shire.



Aerial image of Lot 347 Quinn Street, Gnowangerup (from Google Earth)

COMMENTS

The subdivision design has been based on the feedback from prospective purchasers to LandCorp during meetings held in Gnowangerup. The design and size of the lots enables some flexibility should those requirements change (particularly in respect to proposed Lot 2).

Quinn Street will be upgraded to a 9m-wide pavement similar to the existing formation and stormwater will be intercepted and detained in a temporary basin at the end of the road extension.

Servicing will include roads, water (including fire hydrants), telecommunications and electricity supply (extension of LV and HV and installation of transformer/switchgear included. The new lots will be required to retain/dispose of their own stormwater on-site.

The Water Corporation have advised that no sewer is planned for the area or available and on-site effluent disposal for individual business will be required with the expectation that the lots will be developed for dry-type industries.

The existence of remanet vegetation on adjoining Lot 326 Quinn/Richardson Streets creates a moderate to extreme bushfire hazard level and the consultants recommend all buildings on the lots be developed to a BAL 19 standard of separation from the hazard areas.

The land was zoned Industrial through Amendment No. 5 completed in November 2014. The objectives for the Industrial zone are contained within c.4.2 of Local Planning Scheme No. 2 as follows:

To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.

Future land uses and development of the lots will need to be approved by the Shire in accordance with Local Planning Scheme No. 2 requirements.

c.5.12.2 'Development within the Industry Zone' of Local Planning Scheme No. 2 advises:

5.12.2 Subdivision within Industry zone is to be in accordance with a guide plan adopted by the local government which provides for remnant vegetation protection and waterway protection and where considered appropriate by the local government, visual amenity as viewed from Residential zones and public roads to the local government's satisfaction.

The application contains a Subdivision Concept Plan that fulfils this requirement.

The aims of the Scheme (c.1.6) that are relevant to the proposal include:

- *To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.*
- *To protect and enhance the environmental values and natural resources of the local government area and to promote ecologically sustainable land use and development.*
- *To safeguard and enhance the character and amenity of the built and natural environment of the Shire.*

- *Protecting the natural environment and biodiversity while ensuring appropriate development opportunities within the local government are realised.*

The relevant policies of the state government in this instance include:

State Planning Policy SPP4.1 ‘State Industrial Buffer Policy’ being amended
 Development Control Policy DC4.1 ‘Industrial Subdivision’
 Development Control Policy DC4.2 ‘Planning for Hazards and Safety’

The WA Planning Commission (WAPC) is the determining authority for subdivision applications and assesses applications in accordance with their policies.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

The proposal has been referred by the Western Australian Planning Commission (WAPC) to the Shire with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application.

All applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and Local Government). The WAPC provides 42 days for comments (closing on 23 June 2015) to be received from stakeholders. It is the WAPC’s decision to act on any advice or recommendation received from Council.

LEGAL AND STATUTORY REQUIREMENTS

The application is required to be determined in accordance with the requirements of Local Planning Scheme No. 2 which is an operative local planning scheme under the *Planning and Development Act 2005*.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government and/or WA Planning Commission to the State Administrative Tribunal if aggrieved by the decision.

POLICY IMPLICATIONS

There are no existing Policies that apply to the application.

FINANCIAL IMPLICATIONS

The costs for preparing this report are covered in the planning section of the adopted 2014/15 Budget.

STRATEGIC IMPLICATIONS

The request impacts on a number of items in the strategic plan as follows:

Strategic Focus	Built Environment and Infrastructure
Goals:	A built environment and infrastructure that supports the community and the economy
Outcome 3.1:	<ul style="list-style-type: none"> • Appropriate planning and development
Strategy 3.1.2	Provide planning and development advice on land developments.
Strategy 3.1.3	Ensure quality, consistent and responsive development and building

	assessment approval processes.
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Strategic Focus	Local Economy and Business
Goals	A strong and diverse economy
Outcome 4.1	A vibrant and growing economic base
Strategy 4.1.2	Promote and support local industry development initiatives
Strategy 4.1.3	Ensure the provision of serviced commercial and industrial land
Outcome 4.2	Viable businesses providing local employment
Strategy 4.2.1	Attract new businesses and assist where possible the expansion of existing business
Strategy 4.2.2	Develop and strengthen relationships with local businesses

Strategic Focus	Governance and Organisation
Goals:	Proactive leadership, good governance and efficient service delivery
Outcome 5.1:	<ul style="list-style-type: none"> • Strategic governance and leadership
Strategy 5.1.5	Ensure compliance with Local Laws and statutory requirements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has a number of options available to it, which are discussed below:

- 1 *Not support the proposal*
The Council can choose to not support the application and advise the WAPC giving reasons. If this option was chosen, the subdivision may or may not proceed, at the discretion of the WAPC.
- 2 *Support the proposal*
The Council can choose to support the proposal, with or without conditions.
- 3 *Defer the proposal*
The Council can choose to request the WAPC defer the matter for a period of time and seek additional information from the proponents, if deemed necessary to complete the assessment, before proceeding to make a decision.

VOTING REQUIREMENTS

Simple Majority

CONCLUSION

The proposed subdivision is considered to satisfy the requirements of Local Planning Scheme No. 2 and the objectives and requirements of the WAPC's industrial subdivision policies and could be supported. If supported, there are a number of conditions recommended to be placed upon the approval by the WA Planning Commission.

COUNCIL RESOLUTION

Moved: Cr R House

Seconded: Cr F Gaze

0515.51 That Council:

- 1) Receive the Subdivision Concept Plan included within the application as a Guide Plan in accordance with c.5.12.2 of Local Planning Scheme No. 2.
- 2) Support the proposed Stage 1 subdivision of Lot 347 Quinn Street, Gnowangerup as shown on WAPC Application 151903 subject to the following conditions/advice:
 - AD1 Prior to the Western Australian Planning Commission's endorsement of a diagram or plan of survey (deposited plan) for the creation of the lots proposed by this application, the lot that is the subject of this application being created on a separate diagram or plan of survey (deposited plan) and the plan being endorsed by the Western Australian Planning Commission. (Western Australian Planning Commission)
 - B9 The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land. (Local Government)
 - D4 The land being filled, stabilised, drained and/or graded as required to ensure that:
 - a) lots can accommodate their intended development; and
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)
 - E2 Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)
 - T1 Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost. As an alternative, and subject to the agreement of the Local

- Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
- T2** Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
- a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or
 - b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or
 - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension, to the satisfaction of the Western Australian Planning Commission. (Local Government)
- T11** All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's DC 4.1 Industrial Subdivision. (Local Government)
- T20** Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)
- T21** Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto the proposed unnamed new 25m-wide road reserve being lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the landowner/applicant. The covenant is to prevent access, to this unmade road reserve and is to specify: "No vehicular access is permitted from unnamed new 25m-wide road reserve." (Local Government)
- Ta2** The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
- W1** Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
- W5** A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'A reticulated sewerage service is not available to the lot/s and all future development will need to be serviced by on-site

effluent disposal systems approved by the Local Government/Department of Health.’ (Local Government)

UNANIMOUSLY CARRIED: 8/0

Town Planner Phil Shepherd left the meeting at 5:21pm

13. CORPORATE SERVICES

13.1	WIRRPANDA FOUNDATION COMMUNITY GRANT
Location:	Gnowangerup
Proponent:	Wirrpanda Foundation
File Ref:	12.4.1
Date of Report:	29/04/2015
Business Unit:	Community Development
Officer:	Neah Stewart, Special Projects Officer
Disclosure of Interest:	Nil

ATTACHMENTS

- Community Grant Application Form completed by the Wirrpanda Foundation.

PURPOSE OF THE REPORT

To approve a budget variation of \$3,500 in order to approve the Wirrpanda Foundations Community Grant application to host an Indigenous round on the 18th July 2015.

BACKGROUND

Applications for the 15/16 Community Financial Assistance Grants have been open since March 2015. In late March we received a community grant application for \$5,000 from the Wirrpanda Foundation to help cover the costs of hosting an Indigenous round on the 18th July for all teams in the Ongerup Football League. Gnowangerup versus Borden has been selected as the priority match for this year’s Indigenous Round.

The application requested \$5,000 to assist with covering the costs of a traditional Noongar Dance Troupe, a Smoking and Healing Ceremony, attendance by Troy Cook and Dale Kickett, a Welcome to Country delivered by local Elders and the design and development of NAIDOC round Guernseys for the senior football matches. The Wirrpanda Foundation is providing \$3,150 towards the event and they have also applied to several other funding sources (including the South West land and Sea Council) but are yet to hear the outcome.

Unfortunately, the event falls early into the new financial year and therefore it cannot be certain that Council has adopted the 15/16 budget before the date of their event. The Wirrpanda Foundation can therefore not go ahead in planning the event without knowing if they are successful or not.

It was raised during the briefing session of the April meeting that Council consider the application and provide suggestion on how they would like to fund the proposed event. As it is prohibited to make financial decisions about the new budget until budget deliberation,

the only option to assist with funding the application is to request a budget variation from the 2014/15 budget.

It was presumed that the \$1,000 currently budgeted for NAIDOC week could be repurposed to assist with covering the \$5,000 deficit, however on more recent conversations, the Wirrpanda Foundation would prefer if this contribution could remain to assist with a separate NAIDOC event for local children. In light of this, they would prefer if Council reduce the Community Assistance request by \$1,000.

COMMENTS

Staff have spent considerable time investigating budget allocations that have not yet been utilised and have determined there is an unused amount of \$3,500 remaining in GL account number 33432 for the purpose of “*Other Recreation Expenditure*”. Therefore in order to avoid putting the 2014/15 budget into deficit for this request, the remaining \$3,500 plus the \$1,000 earmarked for NAIDOC week could comprise Councils donation to the Wirrpanda Foundation for a total of \$4,500 to cover both events, and utilised via a budget amendment.

Given it is very difficult to approve a singular community grant request without the context of the number of applications that are yet to come, a donation of \$3,500 to this one event is still a significant contribution.

Consultation with the Wirrpanda Foundation in regard to the budget situation has been very positive and staff at the Foundation has been very appreciative of Council’s early consideration of the application.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil

LEGAL AND STATUTORY REQUIREMENTS

Section 6.8 of the Local Government Act 1995 states:

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by a resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency*

*** denotes an absolute majority**

(1a) *In subsection (1) –*

additional purpose *means a purpose for which no expenditure estimate is included in the local government’s annual budget.*

(2) *Where expenditure has been incurred by a local government –*

- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute majority

COUNCIL RESOLUTION

Moved: Cr L Martin

Seconded: Cr F Hmeljak

0515.52 That Council-

1. Approve a community grant of \$3,500 to the Wirrpanda Foundation for assisting with the costs of hosting an Indigenous Round in the Ongerup Football Association on 18 July 2015.
2. Approve the following budget amendment to fund the community grant to the Wirrpanda Foundation in 2014/15-

Account No	Description	Increase/ (Decrease)	Account Adjustment
33432	Other Recreation Expenditure	(\$3,500)	(\$3,500)
03212.230	Donations and Subsidies	\$3,500	\$3,500
	Overall Net Adjustment		\$0

UNANIMOUSLY CARRIED: 8/0

13.2 MALLEEFOWL PRESERVATION GROUP COMMUNITY GRANT REQUEST

Location:	Monjebup Reserve- Heritage Land
Proponent:	Malleefowl Preservation Group
File Ref:	12.4.1
Date of Report:	14/5/2015
Business Unit:	Community Development
Officer:	Neah Stewart, Special Projects Officer
Disclosure of Interest:	Nil

ATTACHMENTS

- Community Grant Application Form completed by the Malleefowl Preservation Group.
- Map outlining the plantation locations

PURPOSE OF THE REPORT

For Council to deliberate the Malleefowl Preservation's Group Community Grant request and decide an appropriate amount, given it will require a budget repurpose request from the 2014/15 budget.

BACKGROUND

Applications for the 15/16 Community Financial Assistance Grants have been open since March 2015. In early May we received a community grant application for \$5,000 from the Malleefowl Preservation Group to request assistance with transporting 100-200 youth volunteers from Perth to Ongerup to be involved in National Tree Day and the Malleefowl Wildlife Corridor Revegetation Project on the 24th - 26th July 2015.

The application requested \$5,000 to assist with covering the costs of transporting "Nature Deficit" youth volunteers from Perth to the planting site, to the Stirling Range Retreat of an evening and back to Perth on Sunday 26th July. Activities for the weekend include planting the 16,000 trees as well as an evening 'Silent Disco' in the bush land to encourage the volunteers to engage in conservation. Local community members will also be encouraged to attend the planting and silent disco.

Unfortunately, the event falls early into the new financial year and therefore it cannot be certain that Council has adopted the 15/16 budget before the date of their event. The Malleefowl Preservation Group can therefore not go ahead in the finer details of planning the event without knowing if they are successful. As it is prohibited to make financial decisions about the new budget until budget deliberation, the only option to assist with funding the application is to request a budget variation from the 2014/15 budget.

Another issue realised by staff after receiving the completed application is that the guidelines of the Community Financial Assistance Grants state for eligibility that "The

organisation must be based within the Shire of Gnowangerup". Last year the Malleefowl preservation Group made the decision to move their office space to Perth/Fremantle and is therefore technically no longer based in Ongerup. This questions the eligibility of the application despite the event being hosted within our shire. It has become apparent throughout the application assessments that this criterion will need to be tightened for future rounds.

COMMENTS

Staff have spent considerable time investigating budget allocations that have not yet been utilised and have determined there is an unused amount of \$1,500 remaining in GL account number 04052 for the purpose of "Civic Functions and Events" (Australia Day etc) that could be repurposed.

Given it is very difficult to approve a singular community grant request without the context of the number of applications that are yet to come, Council need to decide if they are prepared to fund this event and if so to what monetary figure. Up to \$1,500 is available within the Community Development/Services budget to be repurposed.

Consultation with the Malleefowl Preservation Group in regard to the budget situation has been positive. Given Council funded \$5,000 towards their 21st Birthday Celebrations in 2013 they are appreciative we are considering their latest application.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil.

LEGAL AND STATUTORY REQUIREMENTS

Section 6.8 of the Local Government Act 1995 states:

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by a resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency*

*** denotes an absolute majority**

- (1a) *In subsection (1) —*

additional purpose *means a purpose for which no expenditure estimate is included in the local government's annual budget.*
- (2) *Where expenditure has been incurred by a local government —*
 - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

If Council would like to fund more than the \$1,500 available from the Community Services budget, a new agenda item will need to be prepared for next council meeting identifying what area of the budget the money will be repurposed from. This may then be too late for the Malleefowl Preservation Group to continue with planning the event.

VOTING REQUIREMENTS

Absolute majority

OFFICERS RECOMMENDATION

0515. That Council;

1. Approve a community grant of \$_____ to the Malleefowl Preservation Group for assisting with the costs of transporting youth volunteers from Perth to Ongerup and return on the 24th to the 26th July 2015.
2. Approve the following budget amendment to fund the community grant to the Malleefowl Preservation Group in 2014/15-

Account No	Description	Increase/(Decrease)	Account Adjustment
04052.230	Civic Functions and Events	(\$____) <i>(Up to \$1,500)</i>	(\$____) <i>(Up to \$1,500)</i>
03212.230	Donations and Subsidies	\$____	\$____
Overall Net Adjustment			\$0

AMENDMENT

That council amend the motion to include the figure of \$1500.00

COUNCIL RESOLUTION

Moved: Cr F Gaze

Seconded: Cr B Gaze

0515.53 That Council;

- 1. Approve a community grant of \$1500.00 to the Malleefowl Preservation Group for assisting with the costs of transporting youth volunteers from Perth to Ongerup and return on the 24th to the 26th July 2015.**
- 2. Approve the following budget amendment to fund the community grant to the Malleefowl Preservation Group in 2014/15-**

Account No	Description	Increase/(Decrease)	Account Adjustment
04052.230	Civic Functions and	(\$____)	(\$____)

Base Radio Officer- John Campbell
Dual Fire Control Officers:
Kent- Scott Hemley and Luke Fisher
Jerramungup - John Harding
Cranbrook - Jeremy Hitsert
Broomehill-Tambellup - Wayne Pech
Albany - Graham Moir & Darren Baum

FINANCIAL IMPLICATIONS

The cost of producing the Fire Break Order Booklet has been allowed for in the budget.

STATUTORY ENVIRONMENT

Section 33 of the *Bush Fires Act 1954*
Bush Fires Act 1954

STRATEGIC IMPLICATIONS

Nil

CONSULTATION

Shire of Gnowangerup Bush Fire Advisory Committee

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr F Hmeljak

0515.54 That Council;

- 1) Adopt the 2015-2016 Fire Break Order as presented.**
- 2) Endorse the following appointments by the Shire of Gnowangerup Bush Fire Advisory Committee for the 2015-2016 Fire Season:**

Chief Bush Fire Control Officer	Graham Moir
Deputy Chief Fire Control Officer	Owen Gaze
Fire Weather Control Officer	Owen Gaze
Communications Officer	Wayne Davis
Base Radio Operator	John Campbell

Dual Fire Control Officers:

Kent	Scott Hemley and Luke Fisher
Jerramungup	John Harding
Cranbrook	Jeremy Hitsert
Broomehill-Tambellup	Wayne Pech
Albany	Graham Moir & Darren Baum

UNANIMOUSLY CARRIED: 8/0

Neah Stewart left the meeting 5:34pm

14.2	PURCHASE OF HOIST FOR WORKSHOP
Location:	Gnowangerup
Proponent:	
File Ref:	Number
Date of Report:	18/05/2015
Business Unit:	Infrastructure
Officer:	Yvette Wheatcroft, Manager of Operations (Infrastructure)
Disclosure of Interest:	

ATTACHMENTS

- Repco Albany
- Equipment Automotive
- D R Electrical

PURPOSE OF THE REPORT

For council to consider approving a budget amendment by relocating \$7000 for a trailer mounted grader wheel changer to the purchase of a new hydraulic hoist for the workshop.

BACKGROUND

There was an allocation of \$7000 in the 14/15 budget for a trailer mounted grader wheel changer. The idea behind this was for the mechanic to take the trailer and the spare wheel out to the grader and for the grader driver and mechanic to change the wheel together. However on discussion with the works crew it was found that the works department already had 3 vehicle mountable mechanical hoists that were able to lift the tyres onto and off the back of a ute which is the most difficult part of the tyre changing process. These lifts have been removed from the utes but can be easily remounted and will do the same role as the trailer mounted spare wheel changer. The mechanic has asked that the Shire consider purchasing a hoist for light vehicles which would allow him to undertake repairs and maintenance in a safe and practical way.

COMMENTS

Romeo is an experienced mechanic and is able to repair, service and rebuild all size motors and has taken on the responsibility of servicing of all our smaller fleet vehicles which were previously outsourced. This has the advantage of Romeo being better informed of current issues occurring with vehicles and early preventative action can be taken. The depot has a mechanics pit that was designed for heavy vehicle but is not as suitable for the smaller vehicles. The pit also has 8 heavy covers that need to be removed and replaced each time the pit is used. The lift with height adjustment is better suited to tyre rotation and brake

servicing and significantly decreases the time taken to complete these jobs with the added advantage of approved ergonomics for the mechanic.

Note There are cheaper hoists on the market but that are not commercial quality and more suited to the smaller mechanical workshops. We have chosen single phase not 3 phase as the maximum amperage drawn is the same and electrical installation is \$700 cheaper.

SUPPLIER & DETAILS	PRICE (EX. GST)	COMMENTS
Repeco DP10A-240V 4500kg hoist	\$5,500	This is the preferred hoist with an extended height of 19cm
Installation	\$1,200	Installation is cheaper as they will tie it in with work in Albany Electrical connection not included
Equipment Automotive 4000kg	\$8,895	This includes installation, and training but not electrical installation
DPR Electrical	\$636.36	This is the electrical installation for single phase. The cost for 3 phase is a further \$700

NOTE: There are cheaper hoists available at \$3500 but are not recommended for our workshop they are more suited to smaller workshops. The above hoists are all commercial grade hoists.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil

LEGAL AND STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This would be a budget amendment to the 14/15 budget.

A hoist will allow the mechanic to service all light vehicles in house saving the cost of outsourcing which includes further downtime of vehicle and driver when travelling to Katanning or Albany.

STRATEGIC IMPLICATIONS

None

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

That council does not purchase the new hoist and servicing will continue to be outsourced. The projected savings and ergonomic advantages that could have been accomplished due the in-house servicing will not be achieved.

VOTING REQUIREMENTS

Simple majority

COUNCIL RESOLUTION

Moved: Cr F Gaze

Seconded: Cr B Hinkley

0515.55 That Council:

1. Approve the purchase of a light vehicle hoist for the Gnowangerup Depot Workshop
2. Approve the following budget amendment to fund the purchase of the hoist:

Account No	Description	Increase/(Decrease)	Account Adjustment
40454	Trailer mounted wheel changer	(\$7000)	(\$7000)
To be allocated a GL code	4.500kg Hoist from Repco Automotive	\$7,400	\$7000
40464 -	From small plant purchases	\$400	\$400

UNANIMOUSLY CARRIED: 8/0

15. STATUTORY COMPLIANCE

Nil.

16. FINANCE

16.1 ACCOUNTS FOR PAYMENT AND AUTHORISATION – APRIL 2015

Location: Shire of Gnowangerup
File Ref: 12.14.1
Date of Report: 8 May 2015
Business Unit: Finance
Officer: CA Shaddick – Senior Finance Officer
Disclosure of Interest: Nil

ATTACHMENT

- April 2015 Cheque Listing

COMMENTS

The April 2015 cheque list is attached as follows

FUND	AMOUNT
Municipal Fund	\$ 482,707.21
Trust Fund	\$ 100.00
Credit Card	\$ 358.71
TOTAL	\$ 483,165.92

COUNCIL RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr F Gaze

0515.56 That the Schedule of Accounts: Municipal Fund Cheques 26451–26483, EFT 9642 – EFT 9721 totalling \$482,707.21 Trust Fund cheques 733-734 - totalling \$100.00 and Corporate Credit Card totalling \$358.71 be approved.

UNANIMOUSLY CARRIED: 8/0

16.2 APRIL 2015 MONTHLY FINANCIAL REPORT

Location: Shire of Gnowangerup
Proponent:
File Ref: 12.14.1
Date of Report: 12 May 2015
Business Unit: FINANCE
Officer: D. Long - Finance Consultant
C. Shaddick – Senior Finance Officer
Disclosure of Interest: NIL

Attachments

- Monthly Financial Statements for period 30 April 2015 including;
 - Statement of Financial Activity to 30 April 2015.
 - Report on Material Differences.
 - Comprehensive Income by Program and Nature & Type
 - Statement of Financial Position.
 - Statement of Cash Flows.
 - Current Assets and Liabilities.

Summary

Adoption of the April 2015 Monthly Financial Report

Comments

Presented to Council is the Financial Statement to 30 April 2015.

Consultation

Nil

Statutory Environment

Local Government Financial Regulations (1996) 22, 32 and 43 apply.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

COUNCIL RESOLUTION

Moved: Cr L Martin

Seconded: Cr F Hmeljak

0515.57 That the April 2015 Monthly Financial Report be received and noted.

UNANIMOUSLY CARRIED: 8/0

17. CONFIDENTIAL

Nil

OTHER BUSINESS AND CLOSING PROCEDURES

18. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

Nil

19. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. DATE OF NEXT MEETING

That the next Ordinary Council Meeting will be held on the 24th of June 2015

21. CLOSURE

The Shire President thanked council and staff for their time and declared the meeting closed at 5:43pm.