



AGENDA

ORDINARY MEETING OF COUNCIL

25 JUNE 2014
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

Shire of Gnowangerup

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Dear Council Member

The next Ordinary Meeting of the Shire of Gnowangerup will be held on Wednesday 25 June 2014, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3.30pm.



.....
S Pike
CHIEF EXECUTIVE OFFICER

Meaning of and CAUTION concerning Council's "In Principle" support:

When Council uses this expression it means that:

- (a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and*
- (b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.*

Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.

Disclaimer:

"Warning - Verbal Information & Advice:

Given the inherent unreliability and uncertainty that surrounds verbal communication, the Shire strongly recommends that, if a matter is of importance to you, then you should NOT act upon or otherwise rely upon any VERBAL information or advice you receive from the Shire unless it is first confirmed in writing."



DECLARATION OF INTEREST FORM

To: Chief Executive Officer
Shire of Gnowangerup
28 Yougenup Road
GNOWANGERUP WA 6335

I,(1) _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on (2) _____

Agenda Item(3) _____

The type of Interest I wish to declare is (4).

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 6.51 of the Local Government Act 1995
- Closely Associated Persons pursuant to Section 5.62 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is (5) _____

The extent of my interest is (6) _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

Notes:

1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- c) Preside at the part of the Meeting, relating to the matter or;
- d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest; (a) in a written notice given to the Chief Executive Officer before the Meeting; or (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

Shire President Keith House welcomed Councillors, Staff and visitors and opened the meeting at _____pm.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

3. APPLICATION FOR LEAVE OF ABSENCE

4. RESPONSE TO QUESTIONS TAKEN ON NOTICE

5. PUBLIC QUESTION TIME

6. DECLARATION OF FINANCIAL INTERESTS AND INTEREST AFFECTING IMPARTIALITY

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

7.1 PETITIONS

7.2 DEPUTATIONS

7.3 PRESENTATIONS

7.3.1 SES PRESENTATION

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 28 MAY 2014

COUNCIL RESOLUTION

0614. That the minutes of the Ordinary Council Meeting held on Wednesday 28 May 2014 be confirmed as a true record of proceedings.

9. USE OF THE COMMON SEAL

| | |
|--------------------------------|----------------------------------|
| 9.1 | COMMON SEAL |
| Location: | Shire of Gnowangerup |
| Proponent: | N/A |
| Business Unit: | Strategy and Governance |
| Date of Report: | 12/6/2014 |
| Officer: | S Pike - Chief Executive Officer |
| Disclosure of Interest: | Nil |

ATTACHMENT

- Copy of Common Seal Register

PURPOSE

This report is a standard report and for noting purposes only.

BACKGROUND

Section 2.5 of *the Local Government Act 1995* states that a Local Government is a Body Corporate with perpetual succession and a common seal. A document is validly executed by a Body Corporate when the common seal of the Local Government is affixed to it by the Chief Executive Officer, and the President/Chairman and the Chief Executive Officer attest the affixing of the seal.

Since the last meeting of Council the common seal has been applied to the following documents:

- Shire of Gnowangerup Local Planning Scheme No2, Amendment No 5 (3 Copies)
- Shire of Gnowangerup Local Planning Scheme No 2, Amendment No 6 (4 copies)
- Shire of Gnowangerup Town Planning Scheme No 2, scheme Amendment No 7 (3 copies)
- Shire of Gnowangerup Scheme No 2, Scheme Amendment No 8 (3 copies)
- Ongerup Community Development Inc, Lease of CWA Hall Ongerup (2 copies)

The Chief Executive Officer is primarily responsible for the governance role of the Shire of Gnowangerup which includes ensuring all legislative requirements are complied with including: adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. This use of the Common Seal is a Standard Report for noting by Council.

All documents validly executed will have the common seal affixed and the President and the Chief Executive Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the seal was applied.

POLICY IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Section 2.5(2) of the Local Government Act 1995. The local government is a body corporate with perpetual succession and a common seal Section 9.49. Documents, how authenticated. A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

CONCLUSION

This is a standard report for Elected Members information.

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

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)

11.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING (LEMC)

Location: Shire of Gnowangerup
Proponent: N/A
File Ref: 9.8.4
Date of Report: 20 February 2014
Business Unit: Infrastructure
Officer: G McGraw – Executive Manager Infrastructure
Disclosure of Interest: Nil.

ATTACHMENT

- Minutes of the LEMC meeting held on 4 June 2014

PURPOSE OF THE REPORT

To advise Council of the LEMC meeting held on 4 June 2014

BACKGROUND

The LEMC Committee met on 4 June 2014 and the minutes of the meeting are attached for receiving and noting.

COMMENTS

Nil

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil

LEGAL AND STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

The LEMC is a Committee of Council and Council is required to receive and note the minutes from the meeting held on 4 June 2014.

VOTING REQUIRMENTS

Simple Majority

COUNCIL RESOLUTION

0614. That Council

Receives and notes the minutes of the Local Emergency Management Committee (LEMC) meeting held on 4 June 2014

12. STRATEGY AND GOVERNANCE

12.1 LOCAL LAWS REVIEW

| | |
|--------------------------------|---|
| Location: | Shire of Gnowangerup |
| Proponent: | N/A |
| File Ref: | 19.6.3 |
| Strategic Plan Ref: | 5.1.5 – Strategic Governance & Leadership |
| Date of Report: | 17 February 2014 |
| Business Unit: | Corporate Services |
| Officer: | R. Seneviratne – Executive Manager Corporate Services |
| Disclosure of Interest: | Nil |

ATTACHMENTS

- Local Laws and explanatory notes:
 1. Meeting Procedures Local Law 2014
 2. Repeal Local Law 2014
 3. Bushfire Prevention and Emergency Management Local Law 2014
 4. Extractive Industries Local Law 2014
 5. General Local Law 2014

PURPOSE OF THE REPORT

To commence with the final stage of the Shire of Gnowangerup's Local Laws by means of publishing the Local Laws in the Gazette and providing a copy to the Minister and any other minister who administers the act under which the local law is proposed to be made, to that other Minister s3.12 (5).

BACKGROUND

Council received a report on the commencement of the review of Local Laws in August 2013. The process for consultation was endorsed by Council and as a result the community, in September 2013, was asked to suggest the topics for local laws and any other ideas and comments about local laws. As a result of the advertising, there were no suggestions or comments received.

Council officers then commenced a review of all the local laws and drafted five (5) new local laws for the Shire. In addition, the *Standing Orders Local Law 2007* was also reviewed given that its expiration was imminent and would have required review in the near future.

In December 2013, Council again received report detailing the proposed local laws, as drafted, and were requested to provide comments and suggestions in relation to the relevancy and applicability of the local laws for the Shire of Gnowangerup. At the same time, Council advertised in the West Australian newspaper and in local publications, the opportunity for members of the public to informally provide feedback on the proposed local laws. The relevant local laws were also sent directly to interested members of the public for comments. One member of the public made a comment about the local laws in general at the Annual Electors Meeting held on 10 February 2014 but no other comments have been received either formally or informally.

Council also received a briefing on the subject of local laws at its strategic briefing session held on 12 February 2014 and were advised of the commencement of the formal statutory process.

At the Ordinary Meeting of Council 26 February 2013 it was endorsed by absolute majority that council proceed with the formal commencement of the local laws in accordance with the *Local Government Act 1995* and formally resolve to adopt the Local laws. State wide Public Notice was

given to advise that Council intends to make the local laws. Upon formal advertising of the local laws, the public were invited to make formal submissions. The local laws were advertised for a period of 42 days and during this time; no formal or informal submissions from members of the public were received.

After some research and to fall in line with other surrounding Shire's Local Laws, it has been noted that a change to the Interpretation of Persons in relation to the Law regarding Extractive Industry be made. The proposed change would be from "means and person, company, employer and includes the owner, licensee and previous licensee" to "does not include the local government". This minor change is necessary so Council is not required to have a license for the extraction of gravel for use on Council roads. Under section s3.12 (4) a change that is not significantly different from what was proposed can be made only when passed by absolute majority of Council.

If council was not to make this change it would then be required to abide by the local law when extracting gravel for future works programs ie: roads.

It is recommended that Council endorse by absolute majority the local laws.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

The draft local laws have been advertised on two occasions for community comment and all the statutory requirements for consultation have been met.

Officers received advice from the Department of Local Government and Communities regarding the minor change in relation to the Extractive Industry Local Law.

LEGAL AND STATUTORY REQUIREMENTS

The *Local Government Act 1995*.

The *Interpretation Act 1984*.

The making of local laws must follow the process prescribed in Section 3.12 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council have budgeted an amount in the current budget for the development and review of Local Laws. However, as the process may extend into the 2014/2015 financial year, some funds will be allocated for this activity in the 2014/2015 budget

STRATEGIC IMPLICATIONS

Local Laws are a strategic part of the operations of Local Government and are commonly known as local legislation as they only fall within the local government boundary. The review and development of local laws falls within the Strategic Community Plan 2013-2022 in strategy 5.1.5 – Strategic Governance & Leadership: Ensure compliance with Local Laws and statutory requirements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICERS RECOMMENDATION

0614. That by Absolute Majority, Council

- 1. Endorse the Shire of Gnowangerup Meeting Procedures Local Law 2014;**
- 2. Endorse the Shire of Gnowangerup Repeal Local Law 2014;**
- 3. Endorse the Shire of Gnowangerup Bushfire Prevention and Emergency Management Local Law 2014**
- 4. Endorse the Shire of Gnowangerup Extractive Industries Local Law 2014 with the proposed change to the Interpretation of Person to read “does not include the local government”**
- 5. Endorse the Shire of Gnowangerup General Local Law;**
- 6. Publish the Local Laws in the Gazette and provide a copy to the Minister and any other Minister whom administers the act under which the local law is proposed to be made s3.12 (5).**

12.2 Submission on Draft Great Southern Regional Planning & Infrastructure Framework Planning Strategy

| | |
|--------------------------------|---|
| Location: | N/A |
| Proponent: | WA Planning Commission/Department of Planning |
| File Ref: | 14.9.14 & 14.9.18 |
| Date of Report: | 4 June 2014 |
| Business Unit: | Strategy & Governance |
| Officer: | P. Shephard, Planning Officer |
| Disclosure of Interest: | Nil |

ATTACHMENTS

- Draft Great Southern Regional Planning and Infrastructure Framework document.

PURPOSE OF THE REPORT

Council to consider providing a submission on the draft Great Southern Regional Planning and Infrastructure Framework.

BACKGROUND

Nil.

COMMENTS

The draft Great Southern Regional Planning and Infrastructure Framework (GSRP&IF) has been prepared by the Department of Planning under the guidance of the Great Southern Regional Planning Advisory Committee. The Committee membership includes Department of Planning (Chair), Great southern Development Commission, WA Local Government Association (Shires of Plantagenet, Katanning and Jerramungup), Department of Environment and Conservation, Department of Health, Main Roads WA, LandCorp, Department of Regional Development and Lands, Department of Agriculture and Food, Department of Water and Department of Transport.

The GSRP&IF will set the strategic planning direction and prioritises infrastructure needs to guide future government investment decisions. When completed it will become a regional planning strategy under the State Planning Framework and local governments will be required to have due regard to the recommendations when preparing and reviewing their local planning strategies and schemes.

The frameworks will be used by the Department of Planning to guide future land use, land supply, land development, environmental protection, infrastructure investment and delivery of physical/social infrastructure for the region and inform the WA Planning Commission's Infrastructure Coordinating Committee decisions.

The draft GSRP&IF contains:

- A vision for the Great Sothern;
- Objectives and agreed strategic direction for economic growth, population, and sustainable settlements, transport, community infrastructure, essential services, natural assets and culture and heritage;
- 3 tables outlining Planning Initiatives (Table A), Committed Great Southern Infrastructure Projects (Table B) and Anticipated Directions for Regional Infrastructure (Table C); and
- A Framework Map.

The Department of Planning are seeking submissions prior to finalising the GSRP&IF and staff would recommend a submission be prepared to include the following points:

- i. The preparation of the draft GSRP&IF as set out in section 1.3 should have included consultation directly with all Local Government's covered by the strategy and other regional stakeholders.
- ii. Given the scope of the GSRP&IF and its proposed timeframe to be implemented over the next 20-years, any regional planning committee formed to implement the completed GSRP&IF should include representatives of all Local Government's covered by the strategy.
- iii. The vision (2.1) for the draft GSRP&IF should remove reference to 'multicultural' as it is not relevant to the growth of the region's population and cannot reasonably be expected to be implemented through a planning strategy. The Shire acknowledges that Katanning has a considerable multicultural population that is distinct from other centres in the region.
- iv. The Shire requests that Gnowangerup be considered for future designation as a sub-regional centre given the previous and expected growth in local industries and population currently being experienced in Gnowangerup.
- v. The economic growth section (2.3) should include:
 - Reference to the servicing constraints/costs to develop lots within Gnowangerup and enable local solutions to be used to address constraints.
 - Reference to the growth of manufacturing and agriculture service sector business in Gnowangerup and ensure the GSRP&IF enables future land to be identified for industrial growth in Gnowangerup if required.
 - Recognition of the importance of bulk grain storage facilities and local transport businesses and operators to the local economy.
- vi. The transport network section (2.5) should include reference to the importance of maintaining and upgrading South Coast Highway and other regional roads linking the Albany Port with the hinterland areas and their dual role supporting tourism in the region.
- vii. The initiatives outlined in the essential service infrastructure section (2.7) are supported as they support the removal of capacity constraints to the development of future residential, commercial and industrial land in Gnowangerup.
- viii. The proposed review of the Lower Great Southern Strategy in section 3.2 should be expanded to include all Local Governments covered by the GSRP&IF.

Any additional comments from Councillors can be included when the item is being discussed.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil.

LEGAL AND STATUTORY REQUIREMENTS

The GSRP&IF will become a regional planning strategy in the State Planning Framework under Part 3 of the *Planning and Development Act 2005* and local governments will be required to have due regard to the recommendations when preparing local planning strategies and schemes.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The GSRP&IF will impact on the proposed new strategy and scheme being prepared by the Council and affects the outcome of the following item in the strategic plan:

Strategy 3.1.1 Review, amend and implement new Town Planning Scheme

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

1 Not provide a submission

The Local Government can choose not to provide a submission. If a submission is not provided, the Shire of Gnowangerup's views on the proposed GSRP&IF planning strategy would not be considered by the Department of Planning in finalising the strategy.

2 Provide a submission

The Local Government can provide a submission to enable the Shire's views on the proposed GSRP&IF planning strategy are considered by the Department of Planning in finalising the strategy.

3 Seek an extension to the period to provide a submission

The Local Government may elect to discuss the submission further and can request the Department of Planning extend an opportunity to provide a submission. For Councillors information, the submission period has already been extended and advice from the Department is that any further extensions are unlikely.

CONCLUSION

The Shire of Gnowangerup should provide a submission on the GSRP&IF planning strategy to outline its views on the proposed new regional planning strategy being prepared by the WA Planning Commission/Department of Planning.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

0614. That Council:

- 1) That Council provide the following submission to the Department of Planning on the draft GSRP&IF:
 - i. The preparation of the draft GSRP&IF as set out in section 1.3 should have included consultation directly with all Local Government's covered by the strategy and other regional stakeholders.
 - ii. Given the scope of the GSRP&IF and its proposed timeframe to be implemented over the next 20-years, any regional planning committee formed to implement the completed GSRP&IF should include representatives of all Local Government's covered by the strategy.
 - iii. The vision (2.1) for the draft GSRP&IF should remove reference to 'multicultural' as it is not relevant to the growth of the region's population and cannot reasonably be expected to be implemented through a planning strategy. The Shire acknowledges that Katanning has a considerable multicultural population that is distinct from other centres in the region.
 - iv. The Shire requests that Gnowangerup be considered for future designation as a sub-regional centre given the previous and expected growth in local industries and population currently being experienced in Gnowangerup.
 - v. The economic growth section (2.3) should include:
 - Reference to the servicing constraints/costs to develop lots within Gnowangerup and enable local solutions to be used to address constraints.
 - Reference to the growth of manufacturing and agriculture service sector business in Gnowangerup and ensure the GSRP&IF enables future land to be identified for industrial growth in Gnowangerup if required.
 - Recognition of the importance of bulk grain storage facilities and local transport businesses and operators to the local economy.
 - vi. The transport network section (2.5) should include reference to the importance of maintaining and upgrading South Coast Highway and other regional roads linking the Albany Port with the hinterland areas and their dual role supporting tourism in the region.
 - vii. The initiatives outlined in the essential service infrastructure section (2.7) are supported as they support the removal of capacity constraints to the development of future residential, commercial and industrial land in Gnowangerup.
 - viii. The proposed review of the Lower Great Southern Strategy in section 3.2 should be expanded to include all Local Governments covered by the GSRP&IF.
- 2) Request the CEO contact other adjoining Shires in the GSRP&IF area with the intention of discussing the outcomes and implementation of the GSRP&IF when completed.

| | |
|--------------------------------|---------------------------------------|
| 12.3 | Future Industrial Land Request |
| Location: | Lot 347 Quinn Street, Gnowangerup |
| Proponent: | Duraquip |
| File Ref: | |
| Date of Report: | 6 June 2014 |
| Business Unit: | Strategy & Governance |
| Officer: | Phil Shephard, Planning Officer |
| Disclosure of Interest: | Nil |

ATTACHMENTS

- Duraquip request.

PURPOSE OF THE REPORT

To consider a request from Duraquip to:

- Allow the temporary use of a portion of the future industrial land on Lot 347 Quinn Street, Gnowangerup for industrial use/development.
- Enable some preliminary levelling of the proposed site.
- Allow the continued use of Lot 30 (No 106) Aylmore Street, Gnowangerup for concrete batching on a temporary basis.

BACKGROUND

Shire administration have been dealing with a complaint regarding the unauthorised use of a residential property in Aylmore Street, Gnowangerup for concrete batching and have been exploring options to resolve the complaint including identifying options for the activity to be relocated to an appropriate location within Gnowangerup.

The Shire has recently resolved at its 30 April 2014 meeting to seek final approval to a scheme amendment that will see Lot 347 zoned for industrial purposes. The scheme amendment is awaiting final approval from the Minister for Planning which is expected to occur in the next 1-2 months.

COMMENTS

The complaint relates to the use of the land at Lot 30 (No 106) Aylmore Street for concrete batching purposes whilst constructing the floor and apron areas of the new industrial building on Duraquip's adjoining property (Lot 31). The use is not permitted by Local Planning Scheme No. 2 and they have been advised to cease the activity (correspondence dated 13 May 2014) and remove it from the site.

During discussions with Duraquip the matter of identifying suitable alternative sites within Gnowangerup were discussed and have led to the request now being presented to Council. The request includes several components which are discussed below:

Relocation of the Batching Plant to Lot 347 Quinn Street, Gnowangerup

The area of land requested is approximately 4,000m² and shown on the attached map. It has frontage to Quinn Street (road reserve recently cleared). Their design shows a vegetated buffer along the rear of the area to provide a visual separation to the adjoining future rural residential area south of Jordan Street

When the scheme amendment was prepared it included a Subdivision Concept Plan to show the potential for subdivision of the land when rezoned. An alternative design has been provided by LandCorp staff for the land also. Whilst the Council has not finalised a plan of subdivision at this stage, both designs have their merits and it is intended to finalise the design using additional resources from the Regional Development Assistance Program that has been lodged with LandCorp. The proposed area can easily be accommodated into a future lot and would not prejudice the potential outcome of the subdivision.

The land will not be zoned until the Minister for Planning has granted final approval to the amendment and the notice has been published in the Government Gazette. Information from the Department of Planning and retiring Planning Officer advise that this is expected to be completed in the next 1-2 months.

Given the land is in its final stages of being rezoned to allow industrial development and the proposal is consistent with the Subdivision Guide Plan, staff support the request to enable a temporary use of the site pending the final approval and subdivision of the land for industrial use and development. The proponents offer to purchase the land into the future is an encouraging and welcome sign to support the development of the new industrial area. The purchase would be negotiated at the time of subdivision.

To ensure that the roles/responsibility of both the Shire and user are clear, it is recommended that an exchange of letters take place.

The use of the property as a concrete batching plant is still subject to a formal application for planning approval being considered and the application meeting all necessary requirements. At this early stage, the site is considered capable and suitable to support the proposed concrete batching activities.

Clearing of Quinn Street and Subject Area

Recently the Quinn Street road reserve was cleared to enable the construction of a road to Location 3587. Whilst the earthmoving machinery was in the area undertaking this work, approval from the CEO was granted for the subject area to be levelled.

The site was inspected by the Planning Officer prior to the work commencing and following the works. The subject area had been previously disturbed and some minor occurrences of household dumping, gravel extraction etc. was evident. The area was largely infested with weeds and grasses and no substantial vegetation such as trees were damaged. The levelling of this disturbed area has also assisted staff in evaluating the future subdivision and development of the site.

Use of Current Site on a Limited Basis

The proponents have requested permission to continue to use Lot 30 (No 106) Aylmore Street, Gnowangerup whilst they finish the concrete batching required for the industrial building apron area. They propose to use the site only between the hours of 7am – 3pm on limited days during school holidays (mid-July) until they can relocate to the new site or make some other arrangements.

As stated previously the present use cannot be permitted under the Local Planning Scheme No. 2. Whilst the motives for the introduction of the activity which was to complete the concrete batching for the new industrial building's floor and apron areas is understood, it cannot remain. The Shire has advised the landowners of Lot 30 Aylmore Street accordingly (Cahejo Pty Ltd) and the complainant has been advised accordingly.

Given the *Planning and Development Act 2005* (s.214) requires a 'Directions by responsible authority regarding unauthorised development' notice to stop the unauthorised use of land allow a minimum of 60-days to comply, it is expected that the use of the land at Aylmore Street, Gnowangerup shall cease by the end of July (14 May – 31 July 2014 = 78 days).

If the activity is not ceased and the site cleaned by the end of July 2014, staff will prepare an item requesting that Council consider initiating a prosecution against the landowners for non-compliance.

It was also clear from the discussions with the proponents that they are likely to seek the zoning of this land (and possibly other land in the area) to industrial when the new local planning scheme is being prepared and/or considered by Council.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil undertaken.

LEGAL AND STATUTORY REQUIREMENTS

The Local Planning Scheme No. 2 is an operative scheme under the *Planning and Development Act 2005*. The disposal of any land by the Local Government must comply with the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

| Strategic Focus | Community |
|------------------------|---|
| Goals: | A thriving, supportive and safe community |
| Outcomes 1.1: | <ul style="list-style-type: none"> Health, education and family support services that are accessible and meet the needs of the community |
| Strategy 1.1.4 | Promote opportunities for youth development, employment and activities. |

| 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 3.1.1 | Review, amend and implement the Town Planning Scheme. |
| 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 |
|------------------------|---|
| Goals: | A strong and diverse local economy |
| Outcome 4.1: | <ul style="list-style-type: none"> A vibrant and growing economic base |
| Strategy 4.1.1 | Investigate economic development opportunities to broaden the 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: | <ul style="list-style-type: none"> • Viable businesses providing local employment |
| Strategy 4.2.1 | Attract new businesses and assist where possible the expansion of existing businesses. |
| 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 Shire of Gnowangerup has a number of options available to it, which are discussed below:

1 Not agree with the proposal

The Local Government can choose not to agree with the proposal and advise the proponents that it will not enable any use prior to the amendment and subdivision being completed. If this option was selected, the present activity on Aylmore Street would cease and the only option would appear to be for the proponents to relocate the plant onto their existing property.

2 Agree with the proposal

The Local Government can agree with the proposal and set conditions upon its approval. This option seems to align closely with the strategies in the adopted Shire Strategic Community Plan 2013 – 2022.

3 Defer the proposal

The Local Government may elect to ‘lay the matter on the table’ for a period of time and seek additional information before proceeding to make a decision.

CONCLUSION

The Shire of Gnowangerup should support the proposal subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

0614. That Council:

- 1) Support and approve Duraquip’s proposed use of a portion of Lot 347 Quinn Street, Gnowangerup as shown on the sketch provided for future industrial activity (concrete batching plant) subject to the following conditions:**
 - i. The use and development of the land for concrete batching shall be subject to a separate application for planning approval which the proponents will have to have gained prior to any relocation taking place.**
 - ii. The Shire and Duraquip to enter into a formal agreement to rent the subject property at a rental to be determined prior to the subdivision being completed and include the opportunity for Duraquip to purchase the lot when subdivision is approved.**

- iii. Duraquip to be responsible for any infrastructure development required to support the use prior to the subdivision of the land including power, water, roads, access/egress, firefighting, effluent disposal etc and indemnify the Council accordingly.**
- 2) Note the purpose and reason for the recent clearing activities associated with Quinn Street and the subject land.**
- 3) Advise that whilst the motives are understood, Council confirms its previous advice to Cahejo Pty Ltd/Duraquip that the land at Lot 30 (No 106) Aylmore Street, Gnowangerup cannot be used for concrete batching as the land is zoned for residential uses not industrial and the Shire expects the activity will cease by the end of July 2014 with the site to be restored with the sea container and water tank and all material stockpiles removed and the site levelled out to enable grasses to regrow and to assist prevent dust from the site.**

| | |
|--------------------------------|---|
| 12.4 | SES CAPITAL GRANT APPLICATION – AMENITIES BUILDING |
| Location: | Lot 118 & 119 Bell Street, Gnowangerup |
| Proponent: | N/A |
| File Ref: | 9.8.3 |
| Date of Report: | 25 June 2014 |
| Business Unit: | Strategy and Governance |
| Officer: | Shelley Pike Chief Executive Officer |
| Disclosure of Interest: | Nil |

ATTACHMENTS

Nil

PURPOSE OF THE REPORT

For Council to advise the Department of Fire and Emergency Services (DFES) that it is not in a position to make up the shortfall in funding for the construction of the proposed SES building and is therefore reluctantly withdrawing from the project.

BACKGROUND

The original application for grant funding was successful for the amount of \$421,542. Unfortunately all six of the tenders were well in excess of the amount of funding available. The preferred tenderer quoted an amount of \$578,719, a shortfall of \$157,177. In this regard the Shire of Gnowangerup agreed to provide an amount of \$27,000 which comprised \$15,000 of works in kind and \$12,000 as a cash contribution, leaving a shortfall of \$130,177.

In February 2014 the Shire and the SES volunteers in Gnowangerup wrote to the Local Member, the Honorable Terry Waldron, requesting his assistance in securing the shortfall in funding. Mr Waldron has since advised that he has addressed this matter with the relevant Minister but was unable to gain a commitment for the additional funding.

A letter of request to DFES was sent on 6th March 2014 detailing the current situation as above and noted that in the successful tender document, the demolition works of \$25,650 and site works of \$40,648 were ineligible for the grant funding. Our letter to DFES advised them of the shortfall in funding required as follows:

| | |
|---------------------------|------------------|
| Preferred Tenderer | \$578,719 |
| Plus re-tendering process | \$ 5,000 |
| Less ineligible costs | \$ 66,298 |
| Less grant funding | <u>\$421,542</u> |
| Total shortfall | <u>\$ 95,879</u> |

DFES was advised that Council had initially budgeted an amount of \$27,000 to support this project but was prepared to allocate an additional \$39,298 to bring the total assistance package to \$66,298 in order to bring this project to a conclusion.

At the ordinary meeting of Council on 26 March 2014 Council resolved:

Moved: Cr S Hmeljak

Seconded: Cr S Lance

0314.32 That Council:

Commits to funding \$66,298 toward the construction of the new SES building subject to the agreement by FESA to roll over the existing grant funding and the successful application for supplementary funding in 2014-15.

UNANIMOUSLY CARRIED: 9/0

Council has not been successful in acquiring any supplementary funding for the project.

SUMMARY

Following a meeting with the SES volunteers and the District Officer, it was agreed to initiate a five staged approach to finalising the project:

Stage 1

Obtain confirmation of additional funding from DFES – DFES have advised that they are unable to confirm any additional funding.

Stage 2

Write to the Local Member to request his assistance with gaining confirmation of the additional funding required – A verbal response has been received indicating that this approach was unsuccessful.

Stage 3

A letter of request to DFES for additional funding was sent on 6th March – no reply has been received.

Stage 4

Arrange roll over of existing funding to 2014-2015

Stage 5

Approach the architect to request details of any additional costs to reduce the size of the building and the likely reduction in costs (in case the additional funding is not approved) – The architect has indicated that there would be minimal cost savings as the building has already been reduced in scale and is required to conform to DFES design.

COMMENT

This project has been continually frustrated by the lack of adequate funding, the slow response from DFES to requests for information, the lack of co-operation and the internal staff changes that have taken place since this project was initiated in 2011. Should Council determine to continue with this project the tender process would need to be repeated due to the time that has passed since tenders were last called at a cost of approximately \$5000.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has committed to significant capital expense in 2014-2015 for the construction of the replacement swimming pool.

STRATEGIC IMPLICATIONS

Shire of Gnowangerup Community Strategic Plan Functional areas 3.4.1.4

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

0614. That Council:

Notify DFES of its intention to withdraw from the project due to the lack of grant funding available.

13. CORPORATE SERVICES & COMMUNITY DEVELOPMENT

Nil.

14. INFRASTRUCTURE AND ASSET MANAGEMENT

Nil.

15. STATUTORY COMPLIANCE

Nil.

16. FINANCE

| | |
|--------------------------------|--|
| 16.1 | MAY 2014 MONTHLY FINANCIAL REPORT |
| Location: | Shire of Gnowangerup |
| Proponent: | N/A |
| File Ref: | 12.14.1 |
| Date of Report: | 12 June 2014 |
| Business Unit: | FINANCE |
| Officer: | C. SHADDICK – SENIOR FINANCE OFFICER |
| Disclosure of Interest: | Nil |

ATTACHMENTS

- Monthly Financial Statements for period 31 May 2014 including;
 - Statement of Financial Activity to 31 May 2014.
 - Report on Material Differences.
 - Capital Budget Report.
 - Building Maintenance financial and progress report.
 - Bank Reconciliation Report.
 - Reserve Cash Balances.
 - Investment Register

SUMMARY

Adoption of the May 2014 Monthly Financial Report

COMMENTS

Presented to Council is the Financial Statement to 31 May 2014.

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

OFFICER RECOMMENDATION

0614. That the May 2014 Monthly Financial Report be received and noted.

| | |
|--------------------------------|--|
| 16.2 | ACCOUNTS FOR PAYMENT AND AUTHORISATION – MAY 2014 |
| Location: | Shire of Gnowangerup |
| Proponent: | N/A |
| File Ref: | 12.14.1 |
| Date of Report: | 12 June 2014 |
| Business Unit: | Finance |
| Officer: | CA Shaddick – Senior Finance Officer |
| Disclosure of Interest: | Nil |

ATTACHMENT

- May 2014 Cheque Listing

COMMENTS

The May 2014 cheque list is attached as follows

| FUND | AMOUNT |
|----------------|----------------------|
| Municipal Fund | \$ 413,646.98 |
| Trust Fund | \$ |
| Credit Card | \$ 652.48 |
| TOTAL | \$ 414,299.46 |

OFFICER RECOMMENDATION

0614. That the Schedule of Accounts: Municipal Fund Cheques 26117–26153, EFT 8713 – EFT 8820 totalling \$413,646.98 Trust Fund cheques totalling \$00.00 and Corporate Credit Card totalling \$652.48 be approved.

17. CONFIDENTIAL

Nil.

OTHER BUSINESS AND CLOSING PROCEDURES

18. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

19. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

20. DATE OF NEXT MEETING

That the next Ordinary Council Meeting will be held on 23rd July 2014.

21. CLOSURE

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