



AGENDA

ORDINARY MEETING OF COUNCIL

**Wednesday, 19 December 2012
Commencing at 3pm**

**Council Chambers
28 Yougenup Road, Gnowangerup WA 6335**

COUNCIL'S VISION

Community and Council working together to improve the quality of life for all our people.

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 19 December, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3.00pm.



.....
S Pike
CHIEF EXECUTIVE OFFICER

14 December 2012

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 you 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 CLOSURE

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.

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PART A – OPENING PROCEDURES

- 1. OPENING AND ANNOUNCEMENT OF VISITORS**

- 2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**
 - 2.1 ATTENDANCE
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- 3. RESPONSE TO QUESTIONS TAKEN ON NOTICE**

- 4. PUBLIC QUESTION TIME**

- 5. APPLICATION FOR LEAVE OF ABSENCE**

- 6. DECLARATION OF FINANCIAL INTERESTS AND INTEREST AFFECTING IMPARTIALITY**

- 7. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
 - 7.1 PETITIONS
 - 7.2 DEPUTATIONS
 - 7.3 PRESENTATIONS
 - 7.4 SUBMISSIONS

- 8. CONFIRMATION OF PREVIOUS MEETING MINUTES**
 - 8.1 ORDINARY MEETING OF COUNCIL MINUTES 28 NOVEMBER 2012

- 9. RECEIPT OF MINUTES OF COUNCIL COMMITTEES**
 - 9.1 PLANT AND WORKS
 - 9.2 HEALTH AND DEVELOPMENT
 - 9.3 FINANCE
 - 9.4 AUDIT

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 SHIRE PRESIDENTS ACTIVITY REPORT NOVEMBER/DECEMBER 2012

Date of Report: 13 December 2012
Officer: KN Stone – Shire President

Shire President Stone's Activity Report for the December 2012 period is as follows:

Wednesday 5 December

Hosted Hon. Murray Cowper MLA Minister for Training and Workforce Development; Corrective Services visit to Gnowangerup. Toured the Gnowangerup Training Centre and discussed the future of the facility.

Thursday 6 December

Attended LEMAC meeting at Council Chambers

Monday 10 December

Attended Councillor workshop with Brad Smith of CAMMS to discuss Community Consultation findings

Wednesday 12 December

Attended Annual Senior Citizens Morning Tea at Council Chambers
Attended Southern Agcare meeting

Thursday 13 December

Attended Ongerup School Concert

Friday 14 December

Will attend the Annual Shire Councillors and Staff Christmas party

Monday 17 December

Will attend the Borden School Concert

Tuesday 18 December

Will attend the Audit Risk Management meeting in Albany
Will attend Great Southern Development Commission's Christmas function in the evening

Wednesday 19 December

Ordinary Council meeting at Council Chambers

PART B – MATTERS FOR INFORMATION

1. USE OF COMMON SEAL

Location:	Shire of Gnowangerup
Proponent:	
Business Unit:	Strategy and Governance
Date of Report:	
Officer:	SD Pike - Chief Executive Officer
Disclosure of Interest:	Nil

Attachments

- 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:

- Agreement with Warren Blackwood Waste Services for provision of kerbside collection and recycling

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.

2.

PLANT MECHANICS MONTHLY REPORT

Business Unit: Infrastructure
Date of Report: 11 December 2012
Officer: K Tomlinson – Plant Mechanic

Attachments

- November AMPRO Report

**3. WORKS DEPARTMENT MONTHLY REPORT
NOVEMBER/DECEMBER 2012**

Business Unit: Infrastructure
Date of Report: 11 December 2012
Officer: R Minitier – Works Supervisor

Attachments

- Road Construction Program spread sheet

ONGOING WORKS

The construction crew have currently been working on the Ongerup Boxwood Road. The team commenced clearing the RR40 construction works for 2012 on 30 October, with road surveying and clearing taking place. There have been some minor delays through rock blasting to bring the road to appropriate alignment.

Construction Grader GDR8 GN0015

	Action
➤ Toompup Rd	Heavy grade 2k badly corrugated road
➤ Ongerup /Boxwood Rd	Clearing Construction works RR40,4k
➤ Holden Rd	Gravel Sheet clay patches
➤ Nightwell Rd	Gravel Sheet various 2k (re-shape 600mtr curve at 7-8%)
➤ Magitup Rd	2k Construct and gravel sheet.

Ongerup Boxwood Rd, usual works will continue to increase and improve with the perfect construction condition for works to be carried out. With the clearing and formation underway, the works have already been up graded by a re alignment of the existing Dogleg to be taken out to pick up the standard of the road.

Borden Grader GDR7 GN005

	Action
➤ Salt River	Maintenance grade (shoulder grade)
➤ Stirling rd north	Maintenance grade
➤ Hobbs Rd	Maintenance grade
➤ Magitup Rd	Maintenance grade

Borden grader will be continuing on with grading to road moisture conditions working in with harvest due to carting grain.

Blowout fixing- gravel patching as damage occurs

Ongerup Grader GRD9 GN0021

- Tieline Rd
- Oneill Rd
- Hart Rd
- Holden Rd , RC57

Action

- Maintenance grade
- Maintenance grade
- Maintenance grade
- Gravel sheeting clay patches

Ongerup maintenance grader will take advantage of gravel carting while construction works are being carried out in the Ongerup area. With gravel truck when they are available. When doing works on Holden Rd.

Gnowangerup Grader GRD8 GN0015

- Nth Boundary Rd
- Eastwood Rd
- Jackitup Roads
- Parker Rd

Action

- Maintenance graded
- Maintenance graded
- Maintenance graded
- Maintenance graded

Grader will be continuing on with winter grading until moisture condition dry's up.

Maintenance – Drainage Crew

- Rubbish Tip Maintenance
- Blowout fixing /Bitumen roads ,Sandlewood, Ongerup Pingerup Rd
- Magitup Road , Installation and widening of culverts on existing works RC66

Drainage will also be helping out with construction works.

Roads that are already sprayed:

Strathaven Rd

Hinkley Rd

Black Road

Old Ongerup Rd

Tambellup Rd

Kwobrup Rd

Gleeson Rd

Boxwood-Ongerup Rd

Salt river Rd

Sandalwood Rd

Tieline Rd

Nightwell Rd

Kwobrup Nth

Airport Rd

Borden-Bremer Rd

Ongerup-Pingrup Rd

New country Rd

Entrances into GNP, Borden, Ong.

Pruned and Slashed Roads:

Highdenup Rd

Salt River Rd

Black Rd

Old Ongerup Rd

Borden Bremer Rd

Toompup sth Rd

Hinkley Rd

(Completed previous 2012 works)

Strathaven Rd reseals

Tie line Rd Failure No 1

RC68Toompup Sth 3k gravel sheet

Completed All Town Footpaths,

Tie line Rd Failure No 2

Tambellup Rd RC71 (No 2 Rd Failure)

Magitup Rd RC58 (clay patches)

RG11Tieline full width reseals

Hams Street reseals

Air Strip Enrichment

Spraying maintenance and slashing, of all roads will be recorded as works have been carried out as we know we have a lot of maintenance to be done in this area of works due to lack of maintenance staff.

Works Report for Western Australia Natural Disasters Relief and Recovery Arrangements (WANDRRA) Tornado Storms Damage

Communities in Western Australia are affected by a range of natural disasters each year. Although significant efforts are undertaken by the emergency services, state agencies and local government, communities and individuals to mitigate the impact of such disasters it is not possible to prevent such disasters as the current storm that struck the southwest region including the Shire of Gnowangerup and surrounds. With local budgets being stretched showing the negative impact on Western Australian communities. Whilst primary responsibility is for safeguarding and restoring public Assets.

Current works on the Borden Bremer Bay Road

Clearing commenced on the 21/ 11/ 12 with engineer consultant Les Hewer and myself overseeing the everyday works, contractors, Palmers earthmoving / Slashing, local contractors, Coromup contractors have been working in together with Albany Traffic Control to clean up the storm damage, and overhanging trees from recent storms and beyond bringing the road verge standard up to date saving the shire time ,to carry on with previous works , Over the past ten years the roadwork's of the Borden Bremer have seen overgrowth of trees, surface damage such as water erosion.

The previous works will see benefits to prevent these problems from reoccurring, the next step in the mini Tornado Storm Damage is to carry out similar works on side roads then continue on with Sandalwood Rd, overall the roads throughout our Shire will see the benefits from this process.

4.

BUILDING SURVEYOR REPORTS NOVEMBER 2012

Business Unit: Corporate & Statutory

Date of Report:

Officer: D Baxter – Building Surveyor

Attachments

- Yearly Return of Building Permits
- Monthly Service Report November 2012

PART C – MATTERS FOR DECISION

1. PLANT AND WORKS

2. COMMUNITY PLANNING AND DEVELOPMENT

3. STATUTORY PLANNING

3.1 PROPOSED EXTENSIONS TO FACTORY BUILDING

Location:	Lot 31 (#20) House Street, Gnowangerup
Proponent:	Mr Garry Richardson
Business Unit:	Corporate & Statutory
File Ref:	
Date of Report:	11 December 2012
Officer:	C Pursey – Planning Officer
Disclosure of Interest:	

Attachments

- Planning Application
- Development Plan from Scheme Amendment No.2

Purpose of the Report

Council has received an application to extend the existing factory at Lot 31 (#20) House Street, Gnowangerup. Lot 31 is zoned Industry, the proposed land use is 'General Industry' and is permitted in the 'Industry' zone.

The proposal has been assessed against the Scheme requirements and the recommendations of the Scheme Amendment No 2 documentation taking into consideration such issues as noise management, hours of operation, landscaping, building design, security lighting and signage.

Conditional planning approval is recommended.

Background

Subject Site

Lot 31 is 1.0215ha in area and zoned 'Industry' by the Shire of Gnowangerup Local Planning Scheme No.2 (the Scheme).

Lot 31 is developed with a factory building and ancillary office housing the business Duraquip. Duraquip manufactures specialised agricultural, general farming and harvesting machinery, transport trailers etc. It is also an outlet for 'Hydraulink' hose and fittings. Duraquip is the largest private company within the townsite supplying agricultural machinery across the state

The existing Duraquip premises extend to the adjoining lot to the east, Lot 103, that appears to be used for storage in association with the factory building.

The existing house immediately to the north on Lot 30 is under the same ownership.

An existing residential area is located opposite the site on House Street.

Scheme Amendment No.2

Council granted final approval to the rezoning of the northern portion of what is now Lot 31 at its meeting of 24th February 2010. The purpose of this rezoning was to facilitate the expansion of the Duraquip factory.

At this meeting Council resolved to grant final approval to the amendment but required the following relevant modifications:

- *That the landscaping/screen buffer be extended along the frontage of House Street.*
- *That the proponent be advised that any planning application for the extension of the factory must not conflict with the surrounding residential properties and must address such issues as noise management, hours of operation, landscaping, building design, security lighting, signage etc.*

The WAPC in adopting the amendment for final approval added the following relevant requirement:

“Modify the amendment documents to include the generic noise assessment carried out by Lloyd George Acoustics as an appendix; and include a reference within the amendment documents stating that at the time of development Council may require the measures mentioned in the assessment to be implemented.”

Boundary realignment

In February 2011 Council supported the boundary realignment between then Lots 102 & 106 that effectively moved the property boundary into alignment with the new zoning boundary.

Comments

Proposal

The proposal is to extend the existing factory building in a north westerly direction, towards Aylmore Street. This extension consists of:

- A 40m wide by 37m long extension toward the northern boundary;
- A 9m wide extension along the House Street frontage to be used for storage to bring the shed forward in line with the existing office building. A 12m setback to House Street will be retained;
- A total extension of 1800m² of floor space
- Two additional driveways to House Street;
- Landscaping along the House Street and Cecil Street frontages.

The reason for extending in this direction is to enable the existing gable and associated gantry crane to be extended. This is required to provide the ability to move trailers and other items being constructed across the building. Extending in the other directions would not be feasible.

A copy of the proposed plans are attached to this report.

Scheme Requirements

The existing land use is considered to be 'General Industry'. The current application is an extension to this land use. The Scheme has the following requirements for the proposed development, as shown in the table below:

Requirement	Comment	Compliance
7.5m setback to front & rear boundaries	12.0m is proposed to House Street. Approximately 30m is proposed to the rear boundary.	Complies
15% landscaping	The site is currently has some remnant vegetation but this will be removed as part of the current proposal. Landscaping is proposed along the frontage to Cecil Street and House Street. 15% of the site is 1532m ² of landscaping. Approximately 420m ² of landscaping is proposed. The landscaping is well located to perform a function of screening the development from the nearby residential area and will beautify the existing development. A condition of planning approval requiring a good standard of landscaping may be more useful rather enforcing than gross amount.	Requires a relaxation from Council. The Development Plan adopted as part of the rezoning of this site shows screening landscaping along the boundary with Lot 30 to the north. This should be enforced as part of any planning approval; it will add 255m ² of landscaping to the site.
1 parking bay per 2 employees	Parking is shown in the southern portion of Lot 31. There are approximately 16 employees, eight bays are required. 12 bays are shown. The standard of the parking area needs to be examined. Council appears to have accepted gravel parking areas in the past. There are no policies of Council requiring anything different. However, there is the potential to require a sealed, marked and drained parking area as a condition of approval.	Complies. Up grading of the parking area should be considered as a condition of planning approval.
Impact of development within the Industry zone is to be contained within the extent of that zone in terms of odour, electrical interference, fumes, service	The current use appears to have functioned without significant complaint. The proposal is an extension of the existing use and comes only marginally closer to a number of houses in House Street and Lot 30 adjoining to the north owned by the applicant. All development is required to comply with the Environmental Protection (Noise) Regulations 1997. These are enforced under separate legislation.	This matter is discussed in more detail below.

vapour, steam or potentially negative outputs.		
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Scheme Amendment No.2

The rezoning document that extended the Industry zone in this area included a 'Development Plan' that described how the site would be developed. This plan varies from the current proposal by:

- Proposing a lesser setback to the northern boundary
- A lesser setback to House Street;
- An additional crossover and roller door access from House Street;

The implications of these changes are explored elsewhere in this report. A copy of the development plan is attached to this report.

The rezoning document and Council's assessment of the rezoning document lead to a number of requirements by the Shire and commitments from the landowner. These stem from the fact that the proposed factory extension is located within reasonable proximity to existing residences. Dealing with this interface between different land uses has raised the issue of amenity and noise.

Amenity

Landscaping to the northern boundary and returning along House Street to screen the end wall of the development from nearby and adjoining residences was required in the original amendment document. These should be required as a condition of planning approval.

The original proposal included in the Scheme Amendment documentation showed a fully landscaped 8m setback to the northern boundary. This has been reduced to 3m in the current application. A 3m setback complies with the requirements of the Building Code of Australia and may still be an adequate area for effective buffer landscaping if the correct species are used.

The colour of the extensions is proposed to blend with the existing and no new signage is proposed.

Any security lighting should be directed inward and not spill into adjoining or nearby properties.

Noise Management

The main issue with the proposed development is that of noise management given its proximity to existing residences. Whilst the existing business appears to operate without complaint, the proposed expansion will increase the amount of work on the property and bring the development closer to existing residences.

The Scheme Amendment document states:

“Noise is likely to be the main concern and sources could be from grinding, welding, cutting, panel beating or noise associated with the spray painting process include pumps, compressors, compressed air and spray booths.

Proposed noise management measures include insulation of the building, no openings facing the residential area and restricting operations to normal business hours, ie no working after 7:00 pm.”

Appendix 2 of the Scheme Amendment document is a generic noise assessment carried out by Lloyd George Acoustics that makes a series of recommendations in regard to the current application. These are:

- *The building extension should be designed such that any openings required for access (roller doors, etc) or for ventilation, be positioned so that they face away from noise sensitive premises;*
- *Gaps between the wall and roof should be minimised during construction;*
- *Noise equipment, such as compressors, if located outside, should be placed inside an acoustic enclosure and/or on the side of the building opposite the residences;*
- *If reversing alarms are required on mobile equipment, such as forklifts, then they should be broad-band alarms and not the common tonal beepers;*
- *The perforated wall and roof insulation proposed for thermal reasons, does have an acoustic benefit, as it reduces the reverberant level within the workspace, which inturn can reduce the noise break-out;*
- *Noisy activities, such as grinding and use of rattle guns, should be kept to a minimum and where practicable, should occur inside the building;*
- *If it is found that noisy activities do become an issue to neighbouring properties, it can be treated by constructing a special room within the factory. This room-within a-room is very effective in reducing noise breakout;*
- *Hours of operation should be limited to 7am to 7pm Mondays to Saturdays If it is desirable to start work prior to 7am, this is permissible provided it is for non-noisy activities.*

These issues have been included in the conditions of planning approval and should address the issue of noise on the site.

There is one main departure from the original development plan; the current application shows a new driveway to House Street.

The applicant has pointed out that in the 3 years since the scheme amendment was adopted their planning for the extension has been refined from the original generic concept. The driveways to House Street are required to allow for large vehicles to unload and move through the site freely.

Provided that the roller doors are kept closed when grinding and welding type activities are undertaken this should not present too much of an issue. The extensions are to be insulated and the frontage to House Street used for storage purposes. Importantly, the land

use is required to meet the requirements of the Environmental Protection (Noise) Regulations 1997 and these are enforced under separate legislation.

Consultation with the Community and Government Agencies

None required, but extensive consultation was undertaken at the time of rezoning. The issues that arose during this consultation have been addressed in the assessment above.

Legal and Statutory Requirements

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council.

Policy Implications

None

Financial Implications

None for Council

Strategic Implications

Nil

Alternate Options and their Implications

The proposed land use is a permitted land use in the Scheme and may therefore not be refused on this basis. However, the proposal must still comply with the Scheme requirements and failure to do so may attract a refusal. Therefore Council has other options available to it as follows:

- Refuse the application based on the variances between the development plan used to justify the original rezoning and insist on a greater setback to the northern boundary and House Street. This approach may result in an appeal to the State Administrative Tribunal. Whilst the development plan formed part of the scheme amendment document and this influenced Council's decision to support the rezoning, the recommendations of the scheme amendment document are not binding upon the applicant as they do not form part of the Scheme. It is uncertain whether a refusal would stand up to appeal.
- Approve the application subject to conditions requiring a greater setback to the northern boundary and House Street. This would also be open to appeal and it may affect the viability and effectiveness of the proposed business.
- Lay the matter on the table until such time as the applicant can provide additional information regarding noise management and the ramifications of potential changes to the plans. This would delay the construction program of the applicant. However, the application was only lodged recently and there has not been much time to work through any issues.

Conclusion

The application is an extension of an existing land use and the impacts on nearby residential areas may be mitigated through planning conditions; approval is recommended.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council,

1. Approve the application lodged by Mr Garry Richardson for extensions to the existing factory building at Lot 31 (#20) House Street, Gnowangerup subject to the following conditions:

- a) All runoff from impervious surfaces being contained within the property and disposed of to the Shire of Gnowangerup's satisfaction.**
- b) The materials and colours of the proposed extension are to blend and harmonise with the existing development to the satisfaction of the Chief Executive Officer.**
- c) Any existing crossovers not included as part of the proposed development on the approved plan being closed and the kerb, footpath and the verge reinstated.**
- d) Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of the Shire. All parking spaces being marked out and maintained in good repair thereafter.**
- e) A landscaping plan being prepared showing dense landscaping along the northern boundary and along House Street to buffer the proposed factory extension, to the satisfaction of the Shire of Gnowangerup prior to the issue of a Building Permit. The plan should provide details on size, species, location and reticulation of trees and shrubs to be planted or retained.**
- f) The landscaping plan required at condition (e) being implemented prior to occupation of the site.**
- g) The loading and unloading of goods to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.**
- h) Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.**
- i) Gaps between the wall and roof are to be minimised during construction.**
- j) Noise equipment, such as compressors, if located outside, should be placed inside an acoustic enclosure and/or on the side of the building opposite the residences.**
- k) If reversing alarms are required on mobile equipment, such as forklifts, they are to be broad-band alarms and not the common tonal beepers.**
- l) Perforated wall and roof insulation is to be provided throughout the extension to the satisfaction of the Shire of Gnowangerup.**

- m) Noisy activities, such as grinding and use of rattle guns, should be kept to a minimum and where practicable, should occur inside the building with the roller doors facing House Street closed.*
 - n) If it is found that noisy activities do become an issue to neighbouring properties, Council reserves the right to it can be treated by constructing a special room within the factory. This room-within a- room is very effective in reducing noise breakout;*
 - o) Hours of operation shall generally be limited to 7am to 7pm Mondays to Saturdays. If it is required to start work prior to 7am, this is permissible provided it is for non-noisy activities.*
- 2. Advise the applicant in footnotes on the planning approval that;**
- i) Planning approval is not consent for site works or construction. A building permit is required prior to any commencement of works.*
 - ii) Compliance with the Environmental Protection (Noise) Regulations 1997 is required.*
 - iii) Any signage requires the separate approval of the Shire of Gnowangerup.*

Council Recommendation

Reason for Change to Recommendation

Implications of Changes to Officers Recommendation

3.2 PROPOSED FACTORY & OFFICE

Location:	Lot 326 Corbett Street, Gnowangerup
Proponent:	Mr John Richardson
Business Unit:	Corporate & Statutory
File Ref:	
Date of Report:	11 December 2012
Officer:	C Pursey – Planning Officer
Disclosure of Interest:	

Attachments

- Planning application plans

Purpose of the Report

Council is to consider a planning application to establish a factory, office and fenced hardstand area on Lot 326 Corbett Street, Gnowangerup.

Lot 326 has a dual zoning; Industry fronting Quinn Street and Residential facing Richardson Street at the rear. Shire staff has been in ongoing discussions with the applicant regarding the process required to develop the entire site for industrial purposes.

The current proposal meets many of the Scheme requirements but requires a number of modifications in regard to retention of vegetation, buffers to existing land use and parking before final approval is granted.

Background

The current planning application is the result of considerable background work by the Shire, Catholic Church (current landowners) and Auspex Steel (applicant). It is summarised as follows:

- The Shire has been investigating options to secure additional industrial land in the Gnowangerup town site as a shortage has been identified in the Local Planning Strategy and by local business looking to expand.
- Discussions started with Catholic Church over possibility of them selling unused portions of Lot 326 for industrial purposes with the idea that the Shire would facilitate its development as an industrial park.
- Council resolve to authorise the CEO to purchase a portion of Lot 326 in May 2010.
- Valuation received and offer made to Catholic Church to purchase.
- Church decided to place on public tender rather than deal with Shire.
- Auspex appear to have won the tender and have made an offer on all of Lot 326 in order to expand their existing shed manufacturing business.

- Subdivision lodged and supported by Council in October 2012; subdivision yet to be completed, lot still owned by the Catholic Church.

Subject Site

Lot 326 Corbett Street, Gnowangerup is 2.0644ha in area and located on the corner of Corbett and Quinn Streets. An unmade road reserve runs along the rear boundary of the site which is an extension of Richardson Street.

Lot 326 is currently developed with the Catholic Church on the corner of Quinn and Corbett Streets, with the vast majority of the property being undeveloped and covered in remnant vegetation.

The site has a dual zoning of 'Industry' and 'Residential' with the frontage of the site being zoned Industry.



The proposed buildings are located on the portion of Lot 326 zoned 'Industry'. Zoning Plan from the Shire's Scheme (WAPC 2012)

Rezoning

Discussions have been held with the applicant regarding the need to rezone the 'Residential' zoned portion of the lot to Industry and some support has been provided given the identified shortage of land for this purpose.

Scheme Amendment documentation is yet to be lodged but may be expected once the subdivision process has been completed.

The current Residential zone, whilst forming a buffer to the sporting grounds to the east, seems difficult to sustain given the adjacent 'Industry' zoning.

Clearing

The applicant has made enquiries about clearing the site. These have been directed to the Department for Environment and Conservation (DEC) who have advised that as an area greater than 1 hectare is proposed for clearance that a clearing permit would be required from the DEC.

CommentsProposal

Council is requested to consider a planning application that proposes to construct a factory and office development fronting Quinn Street on the undeveloped portion of Lot 326. A large hard stand area at the rear of the property is proposed.

The development is intended to accommodate the relocation/expansion of Auspex Steel, an existing shed manufacturing business with premises in Corbett Street.

More specifically the following development is proposed:

- A 1680m² workshop;
- A 168m² office
- 24 parking bays fronting Quinn Street
- Landscaping between the workshop, office and Quinn Street; and
- The remainder of the site cleared, fenced and converted to a hardstand area.

A full copy of the development proposal is attached to this report.

Scheme Requirements

The proposed factory would be considered to be 'General Industry' when assessed against Local Planning Scheme No.2.

The Scheme has specific requirements that apply to the Industry zone and in particular to the 'General Industry' and use. It also has general matters to be considered listed at Part 10.2 that include application of proper and orderly planning principles, amenity of the locality, any effect on the natural environment, the relationship of a proposal on adjoining land use, access and egress considerations and any other consideration the local government considers relevant.

The specific Scheme requirements are reviewed in the table below:

Scheme requirement	Comment	Compliance
7.5m setback to front & rear boundaries	7.5m setback to Quinn Street proposed.	Complies
15% landscaping	Approximately 300m ² of landscaping is proposed around the proposed buildings, well short of the minimum recommended in	Requires a relaxation of development requirement. Buffers to existing church, street frontage and sporting grounds to the east could be

	<p>the Scheme.</p> <p>Some screening vegetation is proposed adjacent to the existing church.</p> <p>The remainder of the site is proposed to be cleared.</p>	<p>more substantial.</p> <p>This issue is discussed below in detail.</p>
1 parking bay per 2 employees	<p>Unsure of the number of staff proposed but 24 parking bays are proposed which should be more than adequate for visitors and staff.</p>	<p>Number of parking bays complies.</p> <p>However, their arrangement using the road reserve for access is unacceptable. This is discussed in more detail below.</p>
Impact of development within the Industry zone is to be contained within the extent of that zone in terms of odour, electrical interference, fumes, service vapour, steam or potentially negative outputs.	<p>The current factory operates successfully in a more built up area.</p> <p>The existing church is an intermittent land use that is used mostly on Sundays when the factory is not open.</p> <p>There are existing residences on the north side of Corbett Street but the proposed industrial land use brings industry no closer than the existing industrial area.</p> <p>The workshop is away from the common boundary and presents a blank wall to the church.</p>	<p>Complies.</p> <p>The development is subject to compliance with the requirements of the Environmental Protection (Noise) Regulations 1997 which may be enforced if the applicant operates in an unacceptable manner.</p>

Assessment

There are a number of concerns with the proposed plans that require addressing. These include the location of car parking, retention of remnant vegetation and clearing, access to an unmade road reserve, development in the 'Residential' zone and buffers to adjoining land uses. These are discussed below.

Car parking

The application shows 24 parking bays accessed directly from Quinn Street. The parking at the existing Auspex business at Lot 21 Corbett Street is arrayed in the same way. However, car parking and its access and manoeuvring areas should be located wholly within private property.

Amended plans should be lodged showing the car parking and manoeuvring areas shown within the property and accessed by a single crossover. The current application affectively creates a 90m crossover and would have cars reversing out into the street where heavy vehicles operate.

Remnant Vegetation and buffers to adjoining uses

Lot 326 is currently covered in remnant vegetation. The DEC have advised that a clearing permit would be required if the applicant wishes to clear the entire site as it exceeds 1ha of clearing.

At this stage it is difficult to see that there would be demand for a cleared hardstand area in excess of 1.3ha in area and it is suggested that areas of the existing remnant vegetation could be kept in the current design for the time being.

The 1.5m to 2m wide landscaping strip to the existing church is inadequate to buffer the church from the proposed industry and this should be increased in depth and planted with supplementary plantings to form an effective buffer between land uses.

The half of the site that fronts Richardson Street is zoned 'Residential' and is identified in the Local Planning Strategy as a visual buffer between the sporting grounds and the industry zone fronting Quinn Street. It is hard to see why a 50-60m wide strip land should be retained as remnant vegetation when it could be made available to industrial land uses but the visual buffer could be retained with the retention of existing vegetation until such time as the residential portion of the lot is rezoned.

In the short term it is recommended that a large portion of the remnant vegetation in this area is retained until such time as the rezoning of this land has progressed. There should be no issue with a portion of this part of Lot 326 being used for temporary storage of materials or manoeuvring of large vehicles whilst the scheme amendment documents are being prepared for Council's consideration. However, the complete conversion of this area to industrial purposes whilst still zoned 'Residential' is not in keeping with the spirit of the Scheme.

It is recommended that amended plans be prepared showing a larger area of remnant vegetation on the site being retained in order to buffer the church and sporting grounds from the proposed factory and office until such time as scheme amendment documents have been accepted by Council. This document will propose changing the zoning of the entire site to Industry and will need to address the issue of buffers to adjoining land uses in detail.

Access to Richardson Street

The application shows an access point onto the unmade road reserve at the rear, Richardson Street. If this street is to be used it should be upgraded by the applicant, or a contribution to its upgrade made. In the short term, as it is located on the other side of the Residential zoned land it should be removed from the application until this matter can be assessed as part of the rezoning proposal.

Consultation with the Community and Government Agencies

None required

Legal and Statutory Requirements

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council.

Policy Implications

Nil

Financial Implications

None for Council

Strategic Implications

The proposed land use will facilitate the expansion of an existing industrial use and retain employment and business in the town site.

The Local Planning Strategy identifies the site as 'Residential' until such time as a wider study can be completed that identifies if a ring road is required through this area. This will be important to resolve when assessing a scheme amendment document at some time in the future.

Alternate Options and their Implications

1. Approve the application as proposed.
There will be lesser buffers to the adjoining land uses, some potential for increased vehicular conflict from vehicles reversing on to the street and excessive clearing in the short term.
2. Refuse the Application
It would set back the expansion plans of a local business and may result in an appeal to SAT which has uncertain results.
3. Lay the matter on the Table until Council has received amended plans for their consideration.
It would set back the expansion plans of a local business as Council does not sit again until February 2013 but would be a conservative approach to the current proposal.

Conclusion

The main part of the proposed development is located in land zoned Industry and complies with the requirements of the Scheme. Approval is recommended for the proposal subject to the following modifications:

1. Increase the amount of remnant vegetation retained on the property in the portion currently zoned Residential and reduce the hard stand area to the minimum required to support the proposed business;
2. Increase the width and quality of the buffer to the existing church;
3. Change the parking area so that the parking and manoeuvring areas are located wholly within the subject site; and
4. Removing the access point onto Richardson Street until this issue can be resolved at the time of rezoning.

In order to expedite the processing of this application Council is requested to delegate the authority to approve amended plans subject to the modifications listed above.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

THAT Council,

- 1. *Extend Delegated Authority to the Chief Executive Officer under Clause 11.3.1 of the Shire of Gnowangerup Local Planning Scheme No.2 to issue a Planning Approval for a Factory and Office (General Industry) at Part Lot 326 Corbett Street, Gnowangerup, subject to the following modifications to the planning application:***
 - a) Increase the amount of remnant vegetation retained on the property in the portion currently zoned Residential and reduce the hard stand area to the minimum required to support the proposed business;***
 - b) Increase the width and quality of the buffer to the existing church;***
 - c) Change the parking area so that the parking and manoeuvring areas are located wholly within the subject site; and***
 - d) Removing the access point onto Richardson Street until this issue can be resolved at the time of rezoning.***
- 2. *Once amended plans have been received to the satisfaction of the Chief Executive Officer conditions of planning approval are to be applied that include:***
 - a) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.***
 - b) Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of the Shire. All parking spaces being marked out and maintained in good repair thereafter.***
 - c) A landscaping plan being prepared showing dense landscaping between the church and proposed factory and the retention of remnant vegetation, to the satisfaction of the Shire of Gnowangerup prior to the issue of a Building Permit. The plan should provide details on size, species, location and reticulation of trees and shrubs to be planted or retained.***
 - d) The landscaping plan required at condition (c) being implemented prior to occupation of the site.***
 - e) The loading and unloading of goods to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.***
 - f) Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.***

g) The new crossovers being constructed to Council's specifications, levels and satisfaction. A permit from Council is required prior to any work being carried out within the road reserve.

3. Advise the applicant that;

(i) Planning approval should not be construed as an approval to commence works as a separate building licence is also required.

(ii) A Clearing Permit may be required from the department of Environment and Conservation prior to clearing any vegetation on the site.

Council Recommendation

Reason for Change to Recommendation

Implications of Changes to Officers Recommendation

3.3 PROPOSED SCHEME AMENDMENT No 3

Location:	Reserve 27903 Lot 5001 Hinkley Road, Gnowangerup and surrounds
Proponent:	Water Corporation
Business Unit:	Corporate & Statutory
File Ref:	31.1.2
Date of Report:	11 December 2012
Officer:	C Pursey – Planning Officer
Disclosure of Interest:	

Attachments

Nil

Purpose of the Report

Council is to consider final adoption Scheme Amendment 3 to the Shire of Gnowangerup Local Planning Scheme No 2 to:

- a) Insert a Special Control Area No.3 – Gnowangerup WWTP Odour Buffer on the scheme maps, surrounding the Gnowangerup Wastewater Treatment Plant;
- b) Insert scheme provisions to prevent the introduction and intensification of odour sensitive uses within the buffer area; and
- c) Restructure Part 6 of the scheme text, in order to make consistent with the model scheme text and allow for additional SCA to be included.

The Special Control Area is intended to identify a buffer area to the existing waste water treatment plant and restrict the land uses that may occur within this buffer area.

The amendment has been advertised for public comment during which time 2 submissions were received. This report recommends that the amendment be adopted for final approval.

Background

Council has been progressing a proposed land swap with the Water Corporation for some time. As part of the proposed land swap Water Corporation are working toward securing the buffer to the existing waste water treatment plant. This is consistent with their actions throughout the rest of the State.

The Water Corporation have maintained throughout this process that the land swap will be dependent upon the gazettal a Special Control Area into the Scheme to provide an odour buffer to protect the operation of the waste water treatment plant.

At its meeting of 24 March 2010 Council considered a proposed scheme amendment to introduce a Special Control Area around the waste water treatment plant. The relevant part of this resolution is reproduced below:

“1. That the Water Corporation be advised that Council is prepared to further consider an Amendment to Local Planning Scheme No 2 to introduce a Special Control Area around the waste water treatment plant. However, the Amendment should also at the same time include R27370 and R12911 in a Residential zone.

2. The Water Corporation must prepare the draft Amendment documentation for Council to review and include:

- a) Sufficient information to substantiate to the Environmental Protection Authority that a reduction of the buffer from 500m to 300m is appropriate;*
- b) A definition of an odour sensitive premises; and*
- c) Proposed consultation with the affected 19 freehold landowners....”*

The executive summary of this document states:

“The Water Corporation (and previous authorities) has operated the Gnowangerup Wastewater Treatment Plant (WWTP) at Reserve 27903 Lot 5001 Hinkley Road, since 1965, and is now seeking to amend the Shire of Gnowangerup’s Town Planning Scheme No.2, to insert appropriate protection to safeguard its long term operations from the threat of encroachment by sensitive land uses.

The amendment also seeks to restructure Part 6 of the scheme in order to bring in line with the format recommended within the Model Scheme text of the Town Planning Regulations (1967). The proposed scheme provisions afford clear direction to the Council in assessing land planning and development proposals within the prescribed area, which whilst effective in protecting the plant, do not unduly restrict the lands capacity for use or development.

WWTPs are essential infrastructure assets to the functioning of towns and urban areas as well as they’re ability to grow. WWTPs receive and treat all of the liquid waste (and associated suspended solids) generated from the properties within their catchment areas, via the network of gravity and pressure mains conveying wastewater to them.

The nature of the effluent that WWTPs treat, dictates that even with best practice odour control technology and plant management, a base level of odour emissions and at times higher odour emissions will exist.

These emissions have the potential to impact on the amenity of nearby properties and can cause conflict with certain land uses, referred to as odour sensitive uses, which require a high degree of amenity to successfully function. Ensuring that these uses are separated from a town’s WWTP, is therefore consistent with the orderly and proper planning of the town.”

The area that would be affected by the Special Control Area (SCA) is shown in the plan overleaf.

The SCA will restrict certain incompatible land uses within its boundaries. However, it does not prevent the construction of a Single House and outbuildings. The major impact will be that the properties within the SCA will be unable to further subdivide or develop grouped dwellings. There are also a number of discretionary land uses in the 'Residential' zone such as day care centres, bed & breakfast establishments, consulting rooms, etc that are considered to be 'odour sensitive'.



Proposed SCA around the Waste Water Treatment Plant (Water Corporation 2011)

Following this the water Corporation prepared Scheme Amendment documents that met the above resolution. These were presented to Council's meeting on the 23rd November 2011 where Council initiated Amendment No.3 to its Local Planning Scheme No.2 as follows:

1. *"Council Resolves to INITIATE Amendment No. 1 to Local Planning Scheme No. 2 in pursuance of section 75 of the Planning and Development Act 2005 for the purposes of:
 - a) *Inserting Special Control Area No.3 – Gnowangerup WWTP Odour Buffer on the scheme maps, surrounding the Gnowangerup Wastewater Treatment Plant, located on Reserve 27903 Lot 5001 Hinkley Road, Gnowangerup;*
 - b) *Inserting scheme provisions relating to SCA No.3, to prevent the introduction and intensification of odour sensitive uses within the prescribed area; and*
 - c) *Restructure Part 6 of the scheme text, in order to make consistent with the model scheme text and allow for additional SCA to be included."**

The numbering of the amendment was changed for advertising purposes as amendment number 1 & 2 were already taken.

Comments

The role of the Council at this stage of the scheme amendment process is to assess the public submissions and determine if changes are required to the scheme amendment as a result.

The submissions lodged raised no objections or substantive comments regarding the proposed scheme amendment. No modifications are proposed and final approval is recommended.

Consultation with the Community and Government Agencies

The Amendment was referred to the Environmental Protection Authority (EPA) who advised that no environmental assessment is required on the 5th September 2012.

The amendment has been placed on public advertising and adjacent landowners and relevant government agencies written to individually.

Formal advertising of Scheme Amendment 3 closed on the 30th November 2012, during which time 2 submissions were received; both from government agencies.

The Department of Environment and Conservation and the Department of Indigenous Affairs both raised no objection. Full copies of any submissions are available to Councillors on request, and will be provided to the WAPC who undertakes final assessment of the amendment.

Legal and Statutory Requirements

All amendments undergo a statutory process including referral to the EPA, public advertising and ultimately approval of the amendment is required by the Minister for Planning.

Should Council decide to adopt the Amendment for final approval it will be forwarded to the Western Australian Planning Commission (WAPC) and Minister for Planning for final approval and gazettal.

If Council decide to refuse the Amendment at this stage the proponent has a right of appeal to the State Administrative Tribunal (SAT).

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The Land Swap provides a large amount of strategic development for Council in the advancement of the Gnowangerup Town Site and will provide building blocks for Council well into the future.

Alternate Options and their Implications

Council's role at this stage of the scheme amendment process is to assess the scheme amendment against any submissions received and decide whether or not to approve, approve with modifications or refuse the proposed scheme amendment.

In this case the two submissions raise no objections so refusal based on the submissions received is not an option.

If Council is dissatisfied with the fact that there have been no substantive submissions on the proposal then Council could choose to request permission from the WAPC to readvertise the scheme amendment. This would delay the eventual land swap but provide peace of mind that a full and robust public consultation has occurred.

Conclusion

Scheme Amendment No.3 was advertised for a period of 42 days and only two submissions were received, neither of which object to the proposal.

Final approval for the amendment is recommended.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Adopt Amendment No 3 to the Shire of Gnowangerup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;

- a) Inserting Special Control Area No.3 – Gnowangerup WWTP Odour Buffer on the scheme maps, surrounding the Gnowangerup Wastewater Treatment Plant, located on Reserve 27903 Lot 5001 Hinkley Road, Gnowangerup;***
- b) Inserting scheme provisions relating to SCA No.3, to prevent the introduction and intensification of odour sensitive uses within the prescribed area; and***
- c) Restructure Part 6 of the scheme text, in order to make consistent with the model scheme text and allow for additional SCA to be included.***

COUNCIL RECOMMENDATION

REASON FOR CHANGE TO OFFICER RECOMMENDATION

IMPLICATIONS OF CHANGES TO OFFICER RECOMMENDATION

3.4 PROPOSED SCHEME AMENDMENT No 4

Location:	Lot 426 Garnett Road and Lots 183 184 & 185 Whitehead Road, Gnowangerup
Proponent:	Shire of Gnowangerup
Business Unit:	Corporate & Statutory
File Ref:	31.1.2
Date of Report:	11 December 2012
Officer:	C Pursey – Planning Officer
Disclosure of Interest:	

Attachment

- Concept Subdivision Plan

Purpose of the Report

Council is to consider final adoption Scheme Amendment 4 to the Shire of Gnowangerup Local Planning Scheme No 2 to:

1. Rezoning a portion of Lot 426 DP221136 (Reserve 12911) Garnett Road, Gnowangerup from a reserve for Public Purposes 'Water' to the 'Residential' zone with a density coding of 'R20' and a reserve for 'Recreation';
2. Rezoning Lots 183, 184 and 185 DP224130 (Reserve 27370) Whitehead Road, Gnowangerup from a reserve for Public Purposes 'Public Utilities' to the 'Residential' zone with a density coding of 'R20';
3. Rezoning a portion of Lot 426 DP221136 (Reserve 12911) Garnett Road, Gnowangerup from a reserve for 'Recreation' to a reserve for Public Purposes 'Water'; and
4. Amending the Scheme Maps accordingly.

The proposed scheme amendment is intended to secure the former water catchment reserve in town for the expansion of the residential area in Gnowangerup.

The amendment has been advertised for public comment during which time 1 submission was received. This report recommends that the amendment be adopted for final approval.

Background

Council has been progressing a proposed land swap with the Water Corporation for some time. As part of the proposed land swap the former water catchment area was identified as a potential area for expanding the residential area of the Gnowangerup townsite.

The proposal includes a 7.5ha portion of Reserve 12911 associated with the town dam to be retained by the Water Corporation in the short to medium term. Much of the remaining portion of Reserve 12911 will be made available to the Shire for residential development and parkland.

Reserve 12911 is made up of a number of individual lots with the subject site consisting of Lot 426 Garnett Road. Lot 426 is reserved for Public Purpose 'Water' and 'Recreation' under the Shire's Local Planning Scheme No.2. The scheme amendment proposed a portion of this site to be rezoned to residential to facilitate the development of additional housing by the Shire at some time in the future.

Council considered a concept plan for the use of Reserve 12911 (Lot 426) early in the land swap process, a copy of which is attached to this report. Future development of this area can extend from Whitehead Road in a cost effective and logic fashion. Development costs and considerations for this change of zoning include road extensions, all urban services and stormwater drainage. Stormwater will need to be managed to ensure that it does not flow directly into the dams along Garnett Road.

Council considered Scheme Amendment No 4 at their meeting on the 23rd November 2011 where initiated Amendment No.4 to its Local Planning Scheme No.2 as follows:

"Council Resolves to INITIATE Amendment No. 2 to Local Planning Scheme No. 2 in pursuance of section 75 of the Planning and Development Act 2005 for the purposes of:

- a) Rezoning part of Lot 426 (Reserve 12911) Garnett Road, Gnowangerup from a reserve for Public Purposes 'Water' to the 'Residential' zone with a density coding of 'R20' and a reserve for 'Recreation';*
- b) Rezoning Lots 183, 184 and 185 (Reserve 27370) Whitehead Road, Gnowangerup from a reserve for Public Purposes 'Public Utilities' to the 'Residential' zone with a density coding of 'R20'; and*
- c) Amending the Scheme Maps accordingly."*

The numbering of the amendment was changed for advertising purposes as amendment numbers 2 & 3 were already taken.

Comments

The role of the Council at this stage of the scheme amendment process is to assess the public submissions and determine if changes are required to the scheme amendment as a result.

The submission lodged raised no objections or substantive comments regarding the proposed scheme amendment.

The Amendment was referred to the Environmental Protection Authority (EPA) on the 28 July 2012 for assessment. The EPA's response on the 5th September 2012 raised concerns with the separation distance to the existing CBH facility in terms of potential for impact on future residents with dust, noise, odour and risk. It also raised issue with potential for clearing.

Separation Distances

There are generic buffer distances between industry and residential land uses called up by State Planning Policy 4.1 State Industrial Buffer Policy and described in the EPA Guidance Statement No 3 "Separation Distances Between Industrial and Sensitive Land Uses" (2005)

These guidelines would apply a generic buffer distance of 500m between the proposed residential and existing CBH site. This report recommends that this is not appropriate in these circumstances for the following reasons:

1. Historically, there is a greater acceptance of lesser buffer distances between industrial and residential development in small country towns, and in particular Gnowangerup where these uses are separated by only a street in many cases.
2. There will be a separation distance of 310m secured by Public Open Space reservation in the Scheme between the proposed residential area and the closest portion of the CBH site;
3. The CBH site is in decline with other sites in the locality being upgraded since use of the railway was discontinued; and
4. There is existing remnant vegetation that will be retained between the two uses that will assist in buffering the uses visually and from a noise perspective.

No modifications are recommended in response to this issue.

Clearing

Only minimal clearing will be required as part of future residential development. Existing remnant vegetation near to the common boundary with Yougenup Road would be removed but street trees would be planted and the large portion of the site retained in its natural state in POS reserve.

No modifications are recommended in response to this issue.

Consultation with the Community and Government Agencies

The Amendment was referred to the Environmental Protection Authority (EPA) who advised that no environmental assessment is required on the 5th September 2012. However, they did raise the issue of the separation distances to the existing CBH site that is addressed in the previous section of this report.

The amendment has been placed on public advertising and adjacent landowners and relevant government agencies written to individually.

Formal advertising of Scheme Amendment 4 closed on the 30th November 2012, during which time 1 submission was received from the Department of Indigenous Affairs raising no objection. A copy of the submission is available to Councillors on request, and will be provided to the WAPC who undertakes final assessment of the amendment.

Legal and Statutory Requirements

All amendments undergo a statutory process including referral to the EPA, public advertising and ultimately approval of the amendment is required by the Minister for Planning.

Should Council decide to adopt the Amendment for final approval it will be forwarded to the Western Australian Planning Commission (WAPC) and Minister for Planning for final approval and gazettal.

If Council decide to refuse the Amendment at this stage the proponent has a right of appeal to the State Administrative Tribunal (SAT).

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

The Land Swap provides a large amount of strategic development for Council in the advancement of the Gnowangerup Town Site and will provide building blocks for Council well into the future.

The Local Planning Strategy identifies and supports the proposed scheme amendment.

Alternate Options and their Implications

Council's role at this stage of the scheme amendment process is to assess the scheme amendment against any submissions received and decide whether or not to approve, approve with modifications or refuse the proposed scheme amendment.

In this case the submission raised no objections so refusal based on the submissions received is not an option.

If Council is dissatisfied with the fact that there have been no substantive submissions on the proposal then Council could choose to request permission from the WAPC to readvertise the scheme amendment. This would delay the eventual land swap but provide peace of mind that a full and robust public consultation has occurred.

Conclusion

Scheme Amendment No.4 was advertised for a period of 42 days and only one submission was received, raising no objection.

Final approval for the amendment is recommended.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

- 1. *Adopt Amendment No 4 to the Shire of Gnowangerup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;***
 - a) Rezoning a portion of Lot 426 DP221136 (Reserve 12911) Garnett Road, Gnowangerup from a reserve for Public Purposes 'Water' to the 'Residential' zone with a density coding of 'R20' and a reserve for 'Recreation';***
 - b) Rezoning Lots 183, 184 and 185 DP224130 (Reserve 27370) Whitehead Road, Gnowangerup from a reserve for Public Purposes 'Public Utilities' to the 'Residential' zone with a density coding of 'R20';***
 - c) Rezoning a portion of Lot 426 DP221136 (Reserve 12911) Garnett Road, Gnowangerup from a reserve for 'Recreation' to a reserve for Public Purposes 'Water'; and***
 - d) Amending the Scheme Maps accordingly.***

COUNCIL RECOMMENDATION**REASON FOR CHANGE TO OFFICER RECOMMENDATION****IMPLICATIONS OF CHANGES TO OFFICER RECOMMENDATION**

4. FINANCE

4.1 NOVEMBER 2012 MONTHLY FINANCIAL REPORT

Location: Shire of Gnowangerup
Proponent:
Business Unit: Finance & Asset Management
File Ref:
Date of Report: 12 December 2012
Officer: J A Anning – Executive Manager Finance
Disclosure of Interest:

Attachments

- Monthly Financial Statements for period 30 November 2012 including;
 - Statement of Financial Activity to 31 November 2012.
 - Report on Material Differences
 - Capital Budget Report
 - Building Maintenance financial and progress report
 - Bank Reconciliation Report
 - Reserves Cash Balances
 - Investment Register

Summary

Adoption of the November 2012 Monthly Financial Report.

Comments

Presented to Council is the financial statement to 30 November 2012.

Consultation

Works Supervisor
Executive Manager of Corporate Services
Executive Manager of Community Development

Statutory Environment

Local Government Financial Regulations (1996) (as amended) 22, 32 and 34 apply.

Policy Implications

Nil

Financial Implications

All expenditure has been approved via adoption of the 2012/2013 Annual Budget, or resulting from a Council motion for a budget amendment.

Amendments to date –

Account	Description	Current Budget	New Budget	Net Impact
33124	Synthetic Surface – Gnowangerup Complex	\$0	\$300,000 (\$238,864 Cash; \$61,136 WIK)	0* <i>Loan funded – no impact on 2012/2013 surplus position</i>
24002	Refuse – Administration Costs	\$0	\$20,850	0* <i>Reserve funded – no impact on 2012/2013 surplus position</i>
39112	Road Maintenance	\$120,000	\$100,000	\$20,000
RC74	Nightwell Road	\$8,500 (materials)	\$0	\$8,500
Surplus	Allocation of additional surplus from 11/12	\$0	\$80,000	\$80,000
95002	Transfer from Reserves* To fund the external painting of the Ongerup Hall	\$2,156,485	\$2,177,485	\$21,000
39112	Road Maintenance – Storm Damage	\$0	\$133,100	-\$133,100
95002	Transfers from Reserves* To fund the Mens Shed due to the reallocation of CLGF	\$2,177,485	\$2,217,485	\$0 As this is a reallocation the cost to Council will be nil.
NET IMPACT				-\$3,600

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION***That the November 2012 Monthly Financial Report be received.***

4.2 ACCOUNTS FOR PAYMENT AND AUTHORISATION – NOVEMBER 2012

Location: Shire of Gnowangerup
Proponent:
Business Unit: Finance & Asset Management
File Ref:
Date of Report: 10 December 2012
Officer: C A Shaddick – Senior Finance Officer
Disclosure of Interest:

Attachment:

- November 2012 Cheque Listing

Comments

The November 2012 cheque list is attached as follows

FUND	AMOUNT
Municipal Fund	\$ 540,951.16
Trust Fund	\$ 284.49
Credit Card	\$ 1,847.17
TOTAL	\$ 543,082.82

OFFICER RECOMMENDATION

That the Schedule of Accounts: Municipal Fund Cheques 25421–25490, EFT 6881 – EFT 7038 totalling \$540,951.16 Trust Fund cheques 523 - 525 totalling \$284.49 and Corporate Credit Card totalling \$1,847.17 be approved.

4.3 2012/2013 ALLOCATION OF COUNTRY LOCAL GOVERNMENT FUNDING

Location:	Shire of Gnowangerup
Proponent:	
Business Unit:	Finance & Asset Management
File Ref:	
Date of Report:	11 December 2012
Officer:	JA Anning – Executive Manager Finance
Disclosure of Interest:	

Attachments

- 2012-2013 Guidelines for the Country Local Government Fund Program

Purpose of the Report

For Council to approve the allocation of the 2012/2013 Country Local Government Funding (Royalties for Regions)

Background

The Country Local Government Fund (CLGF) was established in 2008/2009 to provide funding to Country Local Governments for the purpose of infrastructure provision and renewal.

In 2009/2010 all Local Governments that received CLGF were required to produce and submit to the Department, a Five Year Forward Capital Works Plan (FCWP). Three community workshops were held as part of the FCWP process to encourage community input. Council adopted the completed FCWP in December 2010.

Council now need to revise the projects identified within the Forward Capital Works Plan and submit documentation to the Department of Regional Development and Lands prior to 30 December 2012 in order to secure 2012/2013 funding.

The focus for 2012/2013 is to continue the delivery of projects identified in Council's Forward Capital Works Plan. Council has identified one project for 2012/2013 CLGF being the replacement of the Gnowangerup Swimming Pool.

Comments

The Shire of Gnowangerup has been allocated \$332,761 for the 2012/2013 CLGF.

There are three criteria that need to be met in order to be considered an eligible project –

1. Projects must be identified in a Council approved FCWP.

The Gnowangerup Swimming Pool has been clearly identified within Council's current FCWP. The project is also the only capital infrastructure project for the next 10 years identified by the community at the recent community consultation workshop

2. Local governments should be well advanced in their project planning.
Whilst Council still have a number of issues to resolve regarding the Swimming Pool project initial planning has been undertaken. A feasibility study has been completed and a more recent review of the project by a qualified consultant was discussed with Council in October. Funding sources are being investigated and Council staff has discussed funding options with relevant agencies.
3. CLGF expenditure must be directly related to the delivery of capital works projects.
An upgrade to the Gnowangerup Swimming Pool is considered capital works in nature.

Council Officers have held off on the presentation of this item to Council to gauge from Council and the Community, through the Community Strategic Planning workshops, whether there may be any competing priorities of a capital nature for Council to consider allocating the CLGF to. However, the community consultation has further highlighted that this is a priority project for Council (of a capital infrastructure nature).

Officers recognise that a number of decisions still need to be made by Council and the Community with regards to the Gnowangerup Swimming Pool project, however, by allocating this funding it will allow Council Officers to progress other funding opportunities with the knowledge that a definitive amount (minimum) has been identified by Council to contribute to the project.

The Chief Executive Officer has arranged for Mr Mark Cassidy, Council's consultant on the swimming pool project, to come to Council to workshop a number of options for the pool replacement with a view to reaching a decision for a report to be presented at the March 2013 Council Meeting.

Policy Implications

Nil

Financial Implications

This funding will not be available until the acquittal of 2010/2011 CLGF funding, however, this is expected to occur prior to 30 June 2013, which will then allow for the budgeting of this round of CLGF in the 2013/2014 budget.

CLGF is expected to be spent within two years of the signing of a financial assistance agreement.

Conclusion

As this project has been identified by both Council and the Community as a priority project (capital infrastructure) it is the recommendation of Officers that Council adhere to their Forward Capital Works Plan and allocate this funding to the Gnowangerup Swimming Pool project.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council allocate the 2012/2013 Country Local Government Funding to the Gnowangerup Swimming Pool project, as identified in the Forward Capital Works Plan.

Council Recommendation

Reason for Change to Recommendation

Implications of Changes to Officers Recommendation

4.4 ADOPTION OF ANNUAL REPORT

Location:	Shire of Gnowangerup
Proponent:	
Business Unit:	Finance & Asset Management
File Ref:	
Date of Report:	11 December 2012
Officer:	JA Anning – Executive Manager Finance
Disclosure of Interest:	

Attachments

- Annual Report and Annual Financial Report (under separate cover)

Purpose of the Report

The 2011/2012 Annual Report is presented to Council for adoption.

Background

Under separate cover is the 2011/2012 Annual Report, including the Annual Financial Report. Included in this document are the Shire President and Chief Executive Officer's annual reports which are included in the body of this item to ensure the information is recorded in the Shire Minutes.

SHIRE PRESIDENTS REPORT

I am pleased to present the 2011/2012 Shire of Gnowangerup Annual Report. A flurry of activity within the Shire has seen the completion of a number of major infrastructure projects that provide our communities with world-class facilities of which we can be proud.

2012 heralded the beginning of an exciting new phase for the Shire with the appointment in March 2012 of a new Chief Executive Officer, Shelley Pike, who becomes the organisation's first female CEO. Shelley brings with her a vast wealth of local government experience, knowledge and contacts and a determination to work constructively with councillors to ensure the Shire of Gnowangerup provides its constituents with value, consistency and creativity in its decision making and future direction.

With the continued commitment of both councillors and staff, a coordinated approach to the Shire's future via investments in infrastructure, capital works and the wellbeing of our communities, will remain a priority for all.

A number of projects began to take shape in 2011/2012 with others successfully completed during this time frame, as listed below.

Recreational Facilities

Both the Gnowangerup Sporting Complex Committee and the Borden Pavilion Committee completed Stage 1 of their respective complex upgrades and are now moving on with Stage 2 of these projects.

Completion of Stage 1 of the Borden Sports Precinct Project saw the Borden Pavilion Committee successfully relocate and construct two new netball/tennis courts, adjacent to the current hockey

oval. The construction of two new cricket practice wickets, a viewing shelter/storage area for all sports and a realigned hockey oval also occurred as part of the project.

Stage 2 which will see the relocation and construction of a new synthetic bowls green at the Pavilion to be completed by the end of the 2012/2013 financial year. Funding for this stage of the project has been successfully secured from the Department for Sport and Recreation, Royalties for Regions, Shire of Gnowangerup, Borden Bowling Club, Borden Pavilion Committee and the community.

The Gnowangerup Sporting Complex Committee also successfully completed Stage 1 of their Sporting Precinct upgrade which saw the renovation and refurbishment of the complex building. The renovations were officially opened by the Hon Terry Waldron in May 2012 and have given the Gnowangerup community an impressive and modern function, bar, kitchen and ablution facilities, to complement the existing indoor courts.

The Complex Committee will now undertake Stage 2 of their project which will involve the construction of a collocated synthetic hockey turf/tennis facility, complete with lighting, and storage/viewing shelter. Funding for this stage of the project will be met by the Complex Committee, Shire of Gnowangerup and the community.

Road works

The works crew once again had an extremely busy year successfully completing a large majority of the scheduled works program.

Of significance, the \$300 000 Tieline Road seal was completed on time and on budget. Council's other major sealing works for the year was at Nightwell Road where over \$305,000 was spent on construction and sealing. Council received funding to hotmix Buncle Street in Ongerup (\$57,000) and 3km of Toompup South Road was resheeted (\$90,000), amongst other smaller but equally important works with Council's construction program totalling over \$985,000.

Travel Stop

In a boost to the development of tourism within the Shire, the Gnowangerup Progress Association was successful in gaining funding for the construction of a Travel Stop in Gnowangerup. The Progress Association are to be congratulated on this endeavour which will be supported by the Shire through a large amount of in-kind works and a financial commitment of \$50,000 of Royalties for Regions funding.

When complete the Travel Stop will provide an oasis for travellers looking for a place to stay hopefully as part of a longer stay within our Shire and all it provides, from climbing Bluff Knoll and enjoying the views, to discovering Malleefowl at the Yongergnow Australian Malleefowl Centre.

As always I would like to extend my thanks to my fellow councillors and Shire staff for their commitment to the Shire. Once again they have all proven themselves to be a dedicated group who work tirelessly on behalf of council to achieve successful outcomes for the Shire and its residents.



Kerry Stone
President

CHIEF EXECUTIVE OFFICERS REPORT

Welcome

The Shire of Gnowangerup is proud to present the 2011-12 Annual Report.

We have celebrated many achievements this year and we invite you to read this report to find out more about the many projects which have been undertaken.

The report details our continued efforts to build sustainable local communities and to improve the quality of life within our Shire by providing the best possible services and facilities for our residents and ratepayers.

It includes a comprehensive report on our financial and non-financial performance throughout the year and shows we are in a good position for the future.

This report provides a reflection on the previous year and, as such, Council has been successful in advancing and completing the following projects:

Building Infrastructure

Gnowangerup Sporting Complex Renovations/Extensions	\$1,440,000	Completed
Borden Pavilion Precinct Plan Stage One	\$360,000	95% Complete
Gnowangerup Travel Stop	\$115,875	55% Complete
Yougenup Centre	\$110,560	100% Complete

Road Program

Funded Projects

Tieline Road (2/3rds Funded)	\$303,015	95% Complete
Buncle Street (2/3rds Funded)	\$56,896	Completed
Nightwell Road	\$305,108	Completed
Yougenup/Quinn/Strathaven Intersection	\$3,494	Completed

Council Funded Projects

Toompup South Road – <i>Resheet 3 kms</i>	\$89,247	Completed
McDonald Street – <i>Footpath</i>	\$21,279	Completed
House Street – <i>Reseal Cecil to Hughes</i>	\$5,368	Completed
Searle Street – <i>Hotmix north of Garnett Road</i>	\$32,561	Completed
McDonald Street – <i>Concrete Drainage works</i>	\$62,669	Completed
Gleeson Road – <i>Flood crossing</i>	\$12,926	Completed
Gleeson Road – <i>Seal repair</i>	\$7,500	Completed
Magitup Road – <i>Gravel sheet clay patches</i>	\$18,625	Completed
Magitup Road – <i>Seal approach to crossing</i>	\$5,679	Completed
Pallinup Road – <i>Repair and extend crossing</i>	\$6,024	Completed

Council also spent over \$1,088 million on road maintenance, which represents 21.56% of Councils overall operating expenses for 2011/2012.

The Gnowangerup Sporting Complex was reopened in May 2012 to the delight of the Gnowangerup community and Shire. The project totalled approximately \$1.5 million; which was made up of funding from the Gnowangerup Sporting Complex Committee, Department of Sport and Recreation, Shire of Gnowangerup and Lottery West. The facility has a new function area, kitchen, change rooms, crèche and outdoor area. Council are excited to see this project complete and in use by the Gnowangerup community.

The Borden Sporting Precinct Upgrade Stage 1 was also near completion at the end of 2011/2012. This project, that involved the reconstruction and relocation of the Netball and Tennis courts, construction of a Cricket practise wicket and the slight movement of the Hockey pitch, has been a successful start to the Pavilion Precinct Plan. Funding was once again sourced through the Department of Sport and Recreation, the Shire of Gnowangerup and the Borden Pavilion Committee. Stage 2 of the Plan, which involves the relocation of the Bowling Club has also received funding through the Department of Sport and Recreation and will commence in 2012/2013.

Local Government Resource Sharing

Council continue to seek opportunities to resource share with neighbouring Councils, as with previous years Council continue the following -

- Work Manager position is shared between Gnowangerup and Jerramungup on 50/50 basis
- Works Crew service provision agreement between Gnowangerup and Jerramungup.
- Shire Ranger provides services to Cranbrook and Broomehill-Tambellup
- Joint share Environmental Health and Town Planning services with the Shire of Jerramungup
- Shared Club Development Officer with the Shires of Kent and Jerramungup

Plant Purchases

Council made several plant purchases and upgraded some plant. The major items purchased were:

- Trade and Purchase of Grader
- Purchase of Backhoe
- Trade and Purchase of Tipper

Royalties for Regions

Included within the 2010/2011 budget was provision for the following Royalties for Regions Projects –

\$12,000	Ongerup Hall – Construction of Shower Block
\$150,000	Gnowangerup Sporting Complex – contribution towards extension / renovation
\$150,000	Borden Pavilion Precinct Plan – contribution towards Stage 1 of Plan
\$50,000	Gnowangerup Travel Stop – contribution towards Travel Stop project
\$16,500	Ongerup Sporting Complex – Construction of BBQ area

All Royalties funding for these projects were spent in the 2011/2012 financial year.

Summary

Whilst I have only been in the role for a short time I am very much looking forward to working with Council and staff in developing and implementing Council's ten year community strategic plan.

The Shire is always looking to the future and our focus on a culture of continuous improvement and sound decision making will stand us in good stead no matter what the future brings. We are fortunate to have such a dedicated and knowledgeable staff, at our main Administration Centre, at our Depots and at our Libraries and Swimming Pool, who work as one team to deliver the best outcomes for our wide and diverse community. I would also like to acknowledge the Shire's Councillors who provide good governance and, with my executive team, provide outstanding leadership for our community.



Shelley Pike
CHIEF EXECUTIVE OFFICER

Comments

Council have previously discussed the preferred date of the Annual Electors Meeting, with the preferred date being 11 February 2013.

Statutory Environment

Section 5.27 of the *Local Government Act (1995)* states that the Electors' general meeting is to be held on a day no more than 56 days after the local government accepts the annual report for the previous financial year.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

1. That Council accepts the 2011/2012 Annual Report as presented, including the Annual Financial Statements to 30 June 2012.

2. That Council holds its Annual Electors' Meeting on Monday 11 February 2013 at Yougenup Centre commencing at 7.30pm.

Council Recommendation

Reason for Change to Recommendation

Implications of Changes to Officers Recommendation

5. GOVERNANCE

5.1 ANNUAL REVIEW OF DELEGATIONS MANUAL

Location:	Shire of Gnowangerup
Proponent:	
Business Unit:	Strategy & Governance
File Ref:	
Date of Report:	5 December 2012
Officer:	S Pike – Chief Executive Officer
Disclosure of Interest:	

Attachments

- Delegations Manual 2012

Purpose of the Report

For Council to adopt the 2012 Delegations Manual

Background

Section 5.46(2) of the Local Government Act 1995 (“the Act”) requires Council to review its Delegations Manual once every financial year. Council last reviewed the Delegations Manual on 24 August 2011.

The Delegations Manual assists staff in their daily operations without continually referring items to Council, thus speeding up the decision making process. A copy of the Delegations Manual is included as an attachment under separate cover with the agenda.

Comments

A major review has been conducted of the Delegations Manual with substantial changes made. A number of new delegations have been added, officer’s titles changed to reflect the revised Organisation Chart and Position Descriptions and recent changes in various pieces of legislation and other manuals as adopted by Council have also been incorporated..

Listed below are the Indexes from the existing Delegations Manual and the proposed New Manual:

Old Manual	New Manual
1. ADMINISTRATION	1. INTRODUCTION
1.1 Legal Advice	1.1.1. Legislation
1.2 Proceedings under Dog Act	1.1.2. Associated Legislation
1.3 Enforcement and Legal Proceedings	1.2. Delegation by the Chief Executive Officer
1.4 Insurance Public Liability Claims	1.2.1. Matters which cannot be delegated
1.5 Authorisation of Officers	2. A BACKGROUND TO DELEGATIONS AND AUTHORISATIONS
1.6 Disputes Arbitration and Industrial Relations	2.1. The Governance Structure
2. FINANCE	2.2. Delegations
2.1 Conferences/Seminars/Training Courses Expenses of Councillors and Staff	2.3. The Power to Delegate
2.2 Investments	2.4. The Power Being Delegated
2.3 Creditors, Payment Of	2.5. General Conditions of Delegations
2.4 Contract Variations	2.6. The Interpretation Act 1984
2.5 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods	2.7. The Concept of 'Acting Through'
2.6 Insurance	3. AUTHORISATIONS FROM COUNCIL
2.7 Rate Book	3.1. Control of Vehicles (Off Road Areas) Act 1978
2.8 Surplus Equipment, Materials, Tools etc	3.2. Firebreak – Order – Variation
2.9 Tenders	3.3. Litter Act 1979
2.10 Donations	3.4. Appointment of Bush Fire Control Officers, Authorisations and Powers under the Bush Fires Act 1954
2.11 Writing Off of Debts Owing to Shire of Gnowangerup	3.5. Authorisations under the Dog Act 1976
2.12 Purchase Order Limits	3.6. Planning and Development Act 2005 / Planning Matters
2.13 Recovery of Fees and Charges	4. AUTHORISATIONS by the Chief Executive Officer
3. MEMBERS	4.1. Liquor Licensing Act 1988 – Authority to Issue Section 39 and 40 Certificates and Other Matters
Nil	4.2. Local Government (Miscellaneous Provisions) Act 1960
4. STAFF	4.3. Mining Act 1978
4.1 Vehicles, Use of	4.4. Caravan Parks and Camping Grounds Act 1995– Appointment of Authorised Persons and Issuing of Notices
4.2 Staff Relocation Expenses	4.5. Health Act 1911
4.3 Staff Housing	
4.4 Telephone (Private) Use by Employees for Council Business	
4.5 Classification of Employees	

4.6	Staff Conferences, Seminars & Training Courses	5.	DELEGATIONS FROM COUNCIL
5.	PROPERTIES	5.1.	Local Government Act 1995
5.1	Cutting Firewood on Road Reserves	5.2.	Native Title – Registration of Interest
5.2	Swimming Pool	5.3.	Recreation Facilities – Discounted Fees
5.3	Liquor, Sale of Consumption Council Property	5.4.	Payments to Employees in Addition to Contract or Award
5.4	Native Title	5.5.	Council Houses – Rental
5.5	Hall Hire	5.6.	Health Local Law – Issuing of Licences, Approvals and Permits
6.	TOWN PLANNING	5.7.	Receiving, Receipting and Accounting for Money
6.1	Setback Variations	5.8.	Issue of Notices, Cautions and Infringements
6.2	Strata Titles	5.9.	Appointment of Prosecution Officers
6.3	Signs and Hoardings	5.10.	Authorisation of Officers
7.	ENGINEERING	5.11.	Legal Matters
7.1	Private Works	5.12.	Circuses and Fairs
7.2	Purchase of Plant and Equipment	5.13.	Authority to Make Decisions on Behalf of Local Government during Council Recess
7.3	Road Trains and Extra Mass Permits	5.14.	Write Off of Monies
7.4	Road Closures Inclement Weather	5.15.	Execution of Documents
7.5	Use of Council Plant and Equipment at Fire and Other Emergencies	5.16.	Making of the Decision to Invite Tenders
7.6	Council Plant Non Profit Organisations	6.	DELEGATIONS FROM COUNCIL
7.7	Licence to Deposit Materials on or Excavate Adjacent to a Street		Building Act 2011 s.127
7.8	Traffic Regulatory Signs	6.1.	Building and Demolition Permits
7.9	Road Closures – Temporary	6.2.	Occupancy Permits and Building Approval Certificates
7.10	Events on Roads	6.3.	Enforcement – Authorised Persons
7.11	Contractors Use on Works	6.4.	Building Orders
7.12	Light Vehicles Purchase and Replacement	6.5.	Building Information
8.	HEALTH	6.6.	Private Swimming Pools
8.1	Health Act	6.7.	Transitional Provisions Relating to Local Government
8.2	Itinerant Food Vendors	7.	DELEGATIONS FROM THE CEO
8.3	Stall Holders	7.1.	Acting Chief Executive Officer
9.	BUILDING	7.2.	Performing Executive Functions
9.1	Building Licences	7.3.	Budget Expenditure
9.2	Building Extension of Time to Complete	7.4.	Salaries
9.3	Buildings ~ Issue of Section 401 Notices	7.5.	Sale / Consumption of Liquor on Council Property
9.4	Retaining Walls	7.6.	Sale of Surplus Equipment, Materials, Tools etc.
9.5	Demolition Licences		

9.6 Buildings – Dangerous	7.7. Certifying Documents
10. OTHER	7.8. Limitation May Be Placed on Who Can Tender
10.1 Burning, Prohibited and Restricted Times (Variations)	7.9. Appointment of Authorised Persons for Issuing of Licences, Approvals, Notices and Permits – Various Local Laws
10.2 Offences Bush Fires Act	7.10. Extension of Payment Time, Waiver or Reduction of Penalties, Withdrawal of Infringement Notices
10.3 Burning Road Reserves	7.11. Key Access – Community Leisure and Other Premises
10.4 Firebreak Order – Variation	7.12. Advertising on Public Open Space and Other Premises
10.5 Impounding Goods Authorised Employee	7.13. Legal Matters
	7.14. Grants and Subsidies – Application and Acceptance
	7.15. Appointment of Consultants and Contracts
	7.16. Training, Travel and Accommodation – Elected Members and Staff
	<u>EXECUTIVE MANAGER FINANCE AND ASSETS</u>
	7.17. Payment of Accounts
	7.18. Agreement as to Payment of Rates and Service Charges
	7.19. Rates or Service Charges Recoverable in Court
	7.20. Local Government May Require Lessee to Pay Rent
	7.21. Rate Record
	7.22. Municipal Fund and Trust Fund
	7.23. Annual Report, Plan for the Future of the District and Financial Reports
	7.24. Insurance
	7.25. Power to Invest
	<u>STRATEGIC PLANNING & DEVELOPMENT SERVICES</u>
	7.26. Food Act 2008 – Prohibition Orders
	7.27. Food Act 2008 – Registration of Food Business
	7.28. Food Act 2008 – Appointment of Authorised Persons and Designated Officers
	7.29. Food Act 2008 – Prosecutions

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| | <ul style="list-style-type: none">7.30. Building Licence – Extension of Time to Complete7.31. Building Licence Fees – Refunds and Exemptions7.32. Certificates of Classification7.33. Dangerous Buildings7.34. Demolition Licences7.35. Issue of Building Licences7.36. Issue of s401 Notices7.37. Removal of Neglected Dilapidated Buildings7.38. Setback Variations7.39. Unlawful Works7.40. Advertising Development Applications7.41. Development Applications7.42. Development and Performance Bonds7.43. Development Applications – Extension of Time7.44. Disposing of Confiscated or Uncollected Goods7.45. Contractors – Use on Works7.46. Temporary Closure of Roads7.47. Gates Across Public Thoroughfares7.48. Temporary Road Closures7.49. Duties When Performing Functions7.50. Partial Closure of Thoroughfare for Repairs and Maintenance7.51. Private Works On, Over or Under Public Places7.52. Verge Treatments – Protective Devices 1067.53. Fixing or Altering Levels, Alignments, Drainage7.54. Resumption of Land7.55. Light Vehicles and Plant Replacement7.56. Public Thoroughfares – Public Use and Plans7.57. Road Train and Extra Mass Permits7.58. Traffic Regulatory and Other Signs <p><u>MISCELLANEOUS</u></p> <ul style="list-style-type: none">7.59. Certain Provisions About Land7.60. Licences – Local Laws7.61. Signs and Hoardings |
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	7.62. Notice Requiring Certain Things to be Done by the Owner or Occupier of Land
	7.63. Power to Remove and Impound Goods
	7.64. Impounded Non-Perishable Goods
	7.65. Notice to Collect Goods if Not Confiscated
	7.66. Recovery of Impounding Expenses
	7.67. Disposing of Property
	7.68. Dangerous Excavation In or Near Public Thoroughfare
	7.69. Entry to Property
	7.70. Closing Roads
	7.71. Crossing From Public Thoroughfare to Private Land or Private Thoroughfare
	7.72. Requirement to Construct and Repair Crossing
	7.73. Licence to Deposit Materials On or Excavate a Street

Consultation with the Community and Government Agencies

Nil

Legal and Statutory Requirements

Part 5 - Administration (Division 4 - Employees) 5.46. Register of, and records relevant to, delegations to CEO's and employees (pg 153)

Policy Implications

Any delegation to the Chief Executive Officer or other staff member must also be exercised in conjunction with Council's current policies

Financial Implications

No financial impact

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

That Council adopt the 2012 Delegations Manual as presented.

COUNCIL RECOMMENDATION

REASON FOR CHANGE TO OFFICER RECOMMENDATION

IMPLICATIONS OF CHANGES TO OFFICER RECOMMENDATION

5.2 ANNUAL REVIEW OF COMPLIANCE CALENDAR

Location:**Proponent:****File Ref:****Date of Report** 3 December 2012**Business Unit:** Strategy & Governance**Officer:** S Pike – Chief Executive Officer**Disclosure of Interest:**

Attachments

- Compliance Calendar

Purpose of the Report

For Council to adopt the Shire of Gnowangerup Compliance Calendar

Background

Council has developed a comprehensive Compliance Calendar to assist management in meeting all compliance requirements. The Calendar is sectioned into monthly reporting for each business unit which enables a management response should a matter require attention.

Comments

To continuously maintain full compliance with the Local Government Act 1995 and the associated Regulations, a monthly report will be generated from the Compliance Calendar and reviewed by the Executive Management Team (MANEX) to ensure that Council remains compliant. This will serve the purpose of;

- 1) Further demonstrating senior management's commitment to full legislative compliance;
- 2) Reminding staff of the legislative requirements; and
- 3) Providing an opportunity for rectifying any non-compliance issues before the final return is completed.

Consultation with the Community and Government Agencies

Nil

Legal and Statutory Requirements

As per the requirements of the Local Government Act 1995, Section 7.13(i) and Local Government (Audit) Regulations 1996 (Regulations 13–15)

Policy Implications

There are no specific policy implications, except where it can be determined that a matter may be subject to a policy change where it does not currently comply with legislative requirements. There are no such instances identified in the return.

Financial Implications

No financial impact

Strategic Implications

Nil

Alternate Options and their Implications

Nil

Conclusion

Adopting the Compliance Calendar will assist Council in maintaining compliant in accordance with the Local Government Act 1995 and its associated Regulations.

Voting Requirements

Absolute majority

OFFICER RECOMMENDATION

That the Compliance Calendar be adopted and implemented by the Chief Executive Officer.

COUNCIL RECOMMENDATION

REASON FOR CHANGE TO OFFICER RECOMMENDATION

IMPLICATIONS OF CHANGES TO OFFICER RECOMMENDATION

6. CORPORATE PLANNING AND POLICY

6.1 IPAD POLICY FOR STAFF AND COUNCIL

Location: Shire of Gnowangerup
Proponent:
Business Unit: Strategy & Governance
File Ref:
Date of Report:
Officer: N Browning – Community Development Officer
V Webster – Executive Manager Corporate Services
Disclosure of Interest:

Attachments

- iPad Policy for Staff and Council (3 pages)
- iPad Terms and Conditions Authorisation Form

Purpose of the Report

Adoption of iPad Policy for Staff and Council

Background

Due to the recent purchase of iPads for Councillors and Staff, a policy outlining usage agreements of the device is required.

Comments

As stated in the policy the objective of the iPad Policy is to establish a usage agreement for all Staff and Councillors at the Shire of Gnowangerup who are supplied with an iPad in regard to usage, reimbursements, financial implications and ownership.

It provides a structure by which Council and staff will reference when purchasing, transferring ownership or returning iPads to the Shire of Gnowangerup in the future.

Policy Implications

New policy – iPad Policy for Staff and Council

Financial Implications

Nil

Conclusion

The recommended addition of the iPad Policy will ensure the correct utilisation and management of the iPads by both Council and staff and will resolve any concerns relating to the ownership of the devices.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the iPad Policy as presented.

COUNCIL RECOMMENDATION

REASON FOR CHANGE TO OFFICER RECOMMENDATION

IMPLICATIONS OF CHANGES TO OFFICER RECOMMENDATION

6.2 SHIRE OF GNOWANGERUP GIFTS AND BENEFITS INFORMATION AND REGISTER

Location: Shire of Gnowangerup
Proponent:
Business Unit: Strategy & Governance
File Ref:
Date of Report: 5 December 2012
Officer: S Pike – Chief Executive Officer
Disclosure of Interest:

Attachments

- Gift and Benefits Information and Register

Purpose of the Report

For Council to adopt the Gift and Benefits Information and Register pertaining to Code of Conduct item 2.4 *Gifts and Bribery*.

Background

At its Ordinary Meeting on 24 October 2012, Council amended the Code of Conduct Item 2.4 *Gifts and Bribery*. This is the register pertaining to the guideline.

Comment

Senior staff have reviewed the Gift and Benefits Information and Register and it has been recommended for adoption.

CONSULTATION

Senior Staff

LEGAL AND STATUTORY REQUIREMENTS

Nil – Section 5.103 (1) (3) of the *Local Government Act 1995* establishes the duty for the Council to *prepare and adopt a Code of Conduct*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gnowangerup Plan for the Future/Strategic Plan 2011 – 2016 Functional Area 1

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council

- ***Adopts Gift and Benefits Information and Register***

COUNCIL RECOMMENDATION

REASON FOR CHANGE TO RECOMMENDATION

IMPLICATIONS OF CHANGES TO OFFIER RECOMMENDATION

7. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

8. LATE ITEMS

PART D – OTHER BUSINESS AND CLOSING PROCEDURES

1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

2. DATE OF NEXT MEETING

Wednesday 27 February 2013, Council Chambers

3. CLOSURE