AGENDA

ORDINARY MEETING OF COUNCIL

25 FEBRUARY 2015
Commencing at 3.30 pm

Council Chambers
28 Yougenup Road, Gnowangerup WA 6335
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 25th February 2015, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3.30pm.

........................................

S. Pike
CHIEF EXECUTIVE OFFICER

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

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

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

Disclaimer:

"Warning - Verbal Information & Advice:

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

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

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

Agenda Item(3)_____________________________________________________________

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

□ Financial pursuant to Section 5.60A of the Local Government Act 1995
□ Proximity pursuant to Section 5.60B of the Local Government Act 1995
□ Indirect Financial pursuant to Section 6.51 of the Local Government Act 1995
□ Closely Associated Persons pursuant to Section 5.62 of the Local Government Act 1995

The nature of my interest is (5) ________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________

The extent of my interest is (6) ________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________

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

Yours sincerely

______________________________________    __________________________________    
Signed Date

Notes:
1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).
DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)
A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

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

A member, who makes a disclosure in respect to an interest, must not:
c) Preside at the part of the Meeting, relating to the matter or;
d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)
The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageous or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.

2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit, or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.

4. If in doubt declare.

5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it MUST be given when the matter arises in the Agenda, and immediately before the matter is discussed.

6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

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

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

1. OPENING AND ANNOUNCEMENT OF VISITORS
   Shire President Keith House welcomed Councillors, Staff and visitors and opened the meeting at ______pm.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE
   2.1 ATTENDANCE
   2.2 APOLOGIES
   2.3 APPROVED LEAVE OF ABSENCE

3. APPLICATION FOR LEAVE OF ABSENCE

4. RESPONSE TO QUESTIONS TAKEN ON NOTICE
   Questions Taken On Notice at the Annual Electors Meeting Tuesday 10th February 2015
   4.1 Sandy Vaux
   When will the Ongerup Pingerup Road be fixed?
   
   CEO Shelley Pike
   The works for the Ongerup Pingerup Road are underway. The Shire of Gnowangerup will continue to monitor the road over the coming months.

   4.2 Mick Lance
   At the November Ordinary Council Meeting Travis Hawkins asked;
   Can Council confirm that if the Swimming Pool Project does not go ahead will the old pool still be operational?
   Shire President Keith House deferred the question to CEO Shelley Pike, the current cost of running and maintaining the existing pool are increasing as equipment fails. For example $50 000 was spent on a replacement pump last year. As the facilities age the costs of maintenance and replacement will continue to escalate making the pool very expensive to operate.

   I believe these figures are wrong and the pump only cost $6000 - $8000. I am also concerned that the Swimming pool will run over budget.

   CEO Shelley Pike
   You are correct- the actual figure for the cost of the pump was $8686.00 this figure includes GST however does not include the 4 weeks downtime and extra health and pathology tests required to get the pool back up and running. In regard to your concerns that the construction of the pool will run over budget I can say that the contract we have signed is a fixed sum contract with no possibility of Council being required to make up any cost over runs. We have also employed and experienced and highly regarded project manager to oversee the project and protect Council’s interests.
5. PUBLIC QUESTION TIME

6. DECLARATION OF FINANCIAL INTERESTS AND INTEREST AFFECTING IMPARTIALITY

7. PETITIONS / DEPUTATIONS / PRESENTATIONS
   7.1 PETITIONS
   7.2 DEPUTATIONS
   7.3 PRESENTATIONS

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 17 DECEMBER 2014

COUNCIL RESOLUTION

0215. That the minutes of the Ordinary Council Meeting held on Wednesday 17th December 2014 be confirmed as a true record of proceedings.

8.2 ANNUAL ELECTORS MEETING MINUTES 10 FEBRUARY 2015

COUNCIL RESOLUTION

0215. That the minutes of the Annual Electors Meeting held on Tuesday 10th February 2015 be confirmed as a true record of proceedings.
9. USE OF THE COMMON SEAL

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<td>Location:</td>
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</tbody>
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ATTACHMENT
- Copy of Common Seal Register

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

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

Since the last meeting of Council the common seal has been applied to the following documents:
- Housing Authority Lease Rental Agreement – Lot 61, 40 Corbett Street
- Housing Authority Lease Rental Agreement – Lot 191, 12 Corbett Street
- McCorkell Construction - Swimming Pool Construction Contract

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

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

POLICY IMPLICATIONS
Nil

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

CONCLUSION
This is a standard report for Elected Members information.
10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 ELECTED MEMBERS ACTIVITY REPORT

Date of Report: N/A
Officer: Various

Attended the following meetings/events

F Gaze:

F Hmeljak:

B Hinkley:

B Gaze:

L Martin:

R House:

S Lance:

S Hmeljak:

K House:
11. COMMITTEES OF COUNCIL

11.1 AUDIT COMMITTEE
Nil.

11.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE
Nil

11.3 STRATEGIC FINANCIAL MANAGEMENT COMMITTEE
Nil

11.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)
12. STRATEGY AND GOVERNANCE

12.1 ASSET MANAGEMENT POLICY AND STRATEGY

Location: Gnowangerup  
Proponent: Nil  
File Ref: 5.11.16.3  
Date of Report: 12/2/2015  
Business Unit: Strategy and Governance  
Officer: Chief Executive Officer Shelley Pike  
Disclosure of Interest: NIL

ATTACHMENTS
- Asset Management Plan

PURPOSE OF THE REPORT
For Council to formally adopt the Asset Management Plan.

BACKGROUND
In late 2013 the Shire of Gnowangerup adopted and Asset Management Policy and an Asset Management Strategy. These two documents together with the Asset Management Plan (AMP) provide a framework to assist Council in its decision making and management of its assets. The AMP has been prepared to show how we will manage our infrastructure assets and ensure service delivery continues in line with the aspirations of the community, set out in the Council’s Strategic Community Plan.

COMMENTS
In October 2010, the WA Department of Local Government (DLG) released the Integrated Planning and Reporting Framework (IP&R Framework). Details of the IP&R Framework can be found on the Integrated Planning web site at integratedplanning.dlg.wa.gov.au.

The Local Government Act 1995 requires each local government to prepare a Plan for the Future. Amendments to the Local Government (Administration) Regulations 1996 came into effect in August 2011 and now define what comprises the Plan for Future, which is the preparation of an Integrated Strategic Plan (ISP) comprising a Strategic Community Plan (SCP) and Corporate Business Plan (CBP).
From the diagram above it can be seen that asset management is an informing strategy to the ISP. The DLG has also prepared an Asset Management Framework that defines what local governments should strive to develop in order to have sufficient information to inform the ISP. The Asset Management Framework is set out as follows:

The aim of the asset management plan is to communicate to key stakeholders and the community, how Council manages its infrastructure asset portfolio.
The format of the asset management plan aligns with the format set out in the Institute of Public Works Engineering Australia (IPWEA)’s International Infrastructure Management Manual (IIMM).

A key component of the asset management plan is estimating the long term renewal demand of the asset, the current renewal expenditure on asset replacement and the renewal funding gap. Where a gap has been identified, the plan then sets out strategies to close the gap over a number of years.

To ensure these strategies are able to be implemented, it is important that outcomes are embedded within a Long Term Financial Plan (LTFP), hence the linkage to the LTFP shown under the AM Framework.
COMMENT

As noted above, the Asset Management Plan is a 1st Cut asset management plan which meets the Core requirements or asset management. Under the Integrated Planning & Reporting framework, there is an expectation that Council develops the Plan further towards an Advanced Asset Management Plan.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

No community consultation is required at this stage, however as data is refined and a more robust model is developed. The asset funding demands identified in the model should be used as the basis for discussion with the community in relation to Level of Service need when undertaking the Community Engagement processes associated with development of the Strategic Community Plan.

The Draft Asset Management Plan has been provided to the Department of Local Government and Communities for lodgement and comment.

LEGAL AND STATUTORY REQUIREMENTS

An Asset Management Plan is an important component of the Integrated Planning Framework and is reviewed annually by the Department of Local Government and Communities. Regulation 19DA (3) (c) of the Local Government (Administration) Regulations 1996 requires that, a local government’s Corporate Business Plan develops and integrates matters relating to resources, including asset management, workforce planning and Long-term financial planning.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS
The Asset Management Plan will have financial implications particularly in regard to the renewal of assets and the level of service for each Asset class as determined by Council. The costs associated with maintaining and renewing the Shire’s assets will be included in the Long Term Financial Plan.

STRATEGIC IMPLICATIONS
Nil

CONCLUSION
The Shire’s infrastructure assets represent a significant investment over many generations. Millions of dollars are spent annually managing and maintaining the Shire’s infrastructure and it is imperative that we utilise the best management skills and practices available to ensure that related services are delivered economically and sustainably.

In the past the Shire, like many local authorities, has met community needs through investment in creation of new infrastructure without recognising the long-term life cycle costs associated with the continuing operation, maintenance and renewal of the infrastructure. Improving the management of infrastructure can bring major benefits by ensuring that scarce resources are used in the most cost effective manner.

Along with customer service delivery and governance, asset management is one of the core business activities of local government and the Shire of Gnowangerup’s Strategic Community Plan identifies the need develop an Asset Management Strategy’. The organisation also recognises that asset planning is an organisational responsibility and requires the commitment of Councillors and Management for it to succeed. The clarity of roles and responsibilities for all those involved in asset management right across the organisation is also a critical success factor.

VOTING REQUIREMENTS
Simple Majority

OFFICERS RECOMMENDATION

0215. That Council:

1. Adopt the Asset Management Plan Shown
2. Request the CEO to develop the Asset Management Plan further to refine the modelling parameters and work towards developing an advanced asset management plan.
3. Request the CEO to refine the plan by the completing the priority recommendations in 2015-2016.
4. Incorporate the results with Council’s Long Term Financial Plan.
12.2 OPERATIONAL ASSISTANCE FOR SPORTING COMPLEX’S

**Location:** N/A

**Proponent:** Gnowangerup Sporting Complex Committee, Borden Pavilion Committee, Ongerup Sporting Complex Committee

**File Ref:** 5.4.4

**Date of Report:** 10/2/2015

**Business Unit:** Strategy and Governance

**Officer:** Neah Stewart- Community Development Officer

**Disclosure of Interest:** Nil

**ATTACHMENTS**

Nil.

**PURPOSE OF THE REPORT**

Given the changes made to the annual Community Financial Assistance Grant guidelines, this report is to seek Council’s advice regarding the process for the Gnowangerup Sporting Complex, Borden Pavilion and Ongerup Sporting Complex Management Committee’s to access operational assistance funding.

**BACKGROUND**

Traditionally, the three local Sporting Complex Committees have requested financial assistance towards their operating budget, and any works-in-kind requests, through the annual community financial assistance grants. The new financial assistance grant categories have now been devised to clearly separate operational requests from those that are capital/event/project based. It is hoped that by excluding operational funding requests from this application process, the procedure will be simplified and therefore become more appealing to other smaller community groups and organisations to help fund minor capital projects, events and programs.

As you would be aware, last financial year each Complex Committee was asked to submit their operating expenditure with their Community Financial Assistance application. Their total operational figure was then used to formulate the operational grant for Borden ($9,658.00) and Gnowangerup ($16,418.00) committees whilst Ongerup Sporting Complex received $6,500 as per previous years.

Currently, the three Sporting bodies are also reimbursed by Council (on top of their Operation Grant) for any expenses relating to Public Liability Insurance. In 2013/14 the cost of public Liability insurance for Gnowangerup was $2,300, Borden $1,800 and Ongerup $1,350.

**COMMENTS**

After extensive discussion amongst officers it would appear that devising a formula which incorporates only the expenses common to each Sporting Complex would be the fairest and most simplistic way to determine the entitlements of each committee. Furthermore, ALL expenses that are covered by Council on an annual basis will need to be included in this sum, i.e. public liability insurance. It is therefore suggested that each venue’s **water, power, gas and public liability** costs (from the previous financial year) be submitted prior to budget for Council’s review.
The reasons for requesting expenditure statements for these items instead of expenses associated with maintenance, cleaning and capital is because of the vast differences between each buildings’ age, usage and volunteer involvement.

Furthermore, Council may wish to consider a suitable total budget amount for the three Complex’s operational funding (for example $35,000) prior to assessing their operational expenditure. This would present the opportunity to work with a finite budget when deciding on an appropriate percentage of operational costs to reimburse each facility. Further discussions about setting a budget figure can be decided on at a later date.

It is anticipated that with the development of formal lease agreements between Council and each of the Sporting Complex’s this year, the procedure pertaining to Council financial assistance for subsequent years will be incorporated into this document.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
Research has been undertaken into various other Local Governments and their operational funding guidelines i.e Shire of Derby/West Kimberly and the Shire of Kondinin.

LEGAL AND STATUTORY REQUIREMENTS
Nil

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
The financial contribution to each Committee will need to be incorporated in the 2015/16 annual operating budget

STRATEGIC IMPLICATIONS
The Strategic Community Plan 2013-2022 is the community’s response to the requirement (Under the Local Government Act) to align the community’s aspirations with long term Strategies and resourcing.

Outcome 3.4: Council buildings and service related assets support community needs.
  Strategy 3.4.1: Ensure buildings, facilities and public amenities are provided and maintained at an appropriate standard.

Outcome 1.2: Participation in sport, recreation and leisure opportunities.
  Strategy 1.2.1: Provide and promote sport, recreation, leisure and library facilities and programs.
  Strategy 1.2.3: Assist sport and recreation clubs and groups

ALTERNATE OPTIONS AND THEIR IMPLICATIONS
1. Create a separate Community Financial Assistance application package for the Sporting Complex’s alone. This will require further officer time and will no longer be required once the formal lease agreements are complete.
2. Return to the one size fits all theory where all 3 Committee’s receive the same amount of funding, irrelevant to actual operational expenditure.
CONCLUSION
By excluding operational funding requests from the Community Financial Assistance Grant parameters, the process will become much simpler for staff and Council in assessing the applications, and for other community groups to access Council contributions. Until Council has formalised lease agreements with each of the Sporting Committee’s, we need to base our financial contributions on a fair and suitable formula dependant on the expenditure incurred by each committee, which also remains rational to Council’s operating budget.

VOTING REQUIREMENTS
Simple majority

OFFICER RECOMMENDATION

0215. That Council:

1. Ask the Gnowangerup Sporting Complex Committee, Borden Pavilion Committee and Ongerup Sporting Complex Committee to submit the following operational costs for the 2013/14 financial year (via an audited statement):
   a. Public Liability Insurance
   b. Water usage
   c. Gas consumption
   d. Power consumption

2. Present these costs at the 2015/16 annual budget meeting with recommendations from staff regarding Council contribution percentages.
ATTACHMENTS
Nil.

PURPOSE OF THE REPORT
To formalise the conduct of the 2015 Shire of Gnowangerup Local Government election process

BACKGROUND
This report is presented to Council for discussion and confirmation for the conduct of the 2015 local government elections within the Shire of Gnowangerup.

In 2013, for the first time, the Shire of Gnowangerup local elections were conducted by Postal Vote which achieved a 47.8% turnout of electors. This was significantly higher than had been previously experienced by attendance at a polling booth which was approximately 20%.

Councils across Western Australia are permitted to conduct their elections using either the attendance or postal voting method.

A summary of each voting method is listed below:

Attendance voting:
- Voters are required to attend a polling place within the municipality on election day
- Consistent with State and Federal election voting methods
- Usually lower voter participation rate compared to postal voting
- Incorrectly enrolled voters are more effectively managed
- Cost to conduct an attendance election is higher than a postal ballot

Postal Voting
- No need for voters to attend a polling place on election day
- Provides more time for completing the ballot paper
- Better enables aged, infirm and disabled voters to participate in the election
- Higher voter participation rate compared with attendance voting
- More difficult to manage incorrectly enrolled voters
- Cost to run a postal election is less than an attendance election
- Generally, postal voting has resulted in lower levels of informal votes than attendance voting

The numbers of elections held by the postal voting method are on the increase in Western Australia and many local governments in Western Australia are moving away from in person
voting to postal voting for the local elections for a variety of reasons. These include the associated costs, access and transparency.

The Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts voting in person election on request under the Local Government Act 1995.

In recent times postal voting has become more prominent in many modern democracies. It is seen as a way of encouraging and increasing voter turnout, especially among travelers, the elderly and the infirm.

Postal voting therefore promotes fairer elections by increasing the opportunity for participation by all groups in society. Typically, as with other aspects of electoral administration, the electoral management body is responsible for providing postal vote application forms and processing applications; in this case, the Western Australian Electoral Commissioner is responsible for this.

It is also widely accepted that, to ensure free and fair elections and to maintain transparency, electoral management bodies should be independent, both of the government of the day and of any political partisan connections. This is also true of local government where the election process must be seen as a transparent process.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
In August & September 2015, it is proposed to run a series of “So you want to be a Councillor?” information sessions to inform members of the public, who may be contemplating standing as a candidate at the 2015 local government election, of the role of a Councillor and their responsibilities and duties as a Councillor. It is anticipated that these information sessions would be available to all members of the public including current Councillors. Included in these sessions would be an overview of the electoral process and method.

In approximately August 2015, WALGA will put advertising in the West Australian newspaper about enrolling to vote and calling for nominations.

The Shire has also been in contact with the Western Australian Electoral Commission about the election process.

LEGAL AND STATUTORY REQUIREMENTS
The Local Government Act 1995 – section 4.20(4)
The Local Government Act 1995 – section 4.16(2)

POLICY IMPLICATIONS
There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS
The cost of conducting the 2015 Council election by postal vote is $15,000 and this figure has been included in the 2014/2015 Budget documentation. This figure will cover either an attendance or postal voting method.
STRATEGIC IMPLICATIONS
The conduct of fair and independent local elections and therefore local democracy and strengthening the governance role of Councillors is contained in Outcome 5 of the Strategic Community Plan 2013-2022; Strategic Governance and Leadership.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS
The advantages and disadvantages of Postal Voting and Attendance voting are listed below:

POSTAL VOTING:
Advantages:
- Greater convenience for voters, particularly for those with limited mobility, the aged or those in remote areas
- Increased participation rates
- Lower number of informal votes
- More consistent levels of information for all candidates, avoiding a disadvantage for candidates not as well resourced
- All election material is delivered in one package
- Voters have time to study all candidate material and can fill in the ballot paper at their leisure
- All ballots are counted in the one place which avoids candidates from having to appoint scrutineers at several polling booths
- Reduced campaign costs for candidates especially in relation to travel and time
- Cost to Council is reduced as all ballots come into one place and there is no need for staff on the day across several polling places and there is no need to monitor polling places on the day.
- No confusion about the location or time of polling

Disadvantages:
- Possible perceptions about the lack of security of votes
- Reduced face to face contact between candidates and voters at the polling booths which could result in a reduced sense of community participation or active citizenship
- Voters may feel that they have not exercise their democratic right
- Increased cost of candidates’ mail outs to non-residents
- Possible voter uncertainty compared to the voting method used for State and Federal elections
- Potential that votes may be completed by another member of the household other than the voter.

ATTENDANCE VOTING:
Advantages:
- Vote is confirmed when cast and voters are able to see their name being marked off a roll
- Allows candidates to meet voters at a polling booth
- Pre-poll and postal voting option are available for those who cannot attend
- Mobile booths can be used to improve access to those with limited mobility/remote areas
- Consistent with the Federal and State methods of voting, therefore familiar
- Attendance voting can be seen as an opportunity for voters to exercise their democratic rights
• Polling places are often used by community groups for fundraising stalls on the day

Disadvantages:
• Lower participation rates
• Higher informal vote rates
• Inconvenience for those with limited mobility and remote communities to travel to a polling booth
• Potentially higher costs through the hiring of polling staff, use of mobile polling booth, hiring of polling booths
• Wastage of how to vote cards and election material is greater with subsequent environmental costs
• Less consistent information for voters regarding all candidates – those candidates with less resources are disadvantaged
• Increased difficulty for candidates to get volunteers to hand out material and act as scrutineers for polling places
• Increased campaign costs for candidates
• Less time for voters to consider their choices and therefore there is a potential for voters to make a less informed vote
• Confusion regarding the location and times of polling places and voting
• More complicated to vote absentee

As can be seen, there are many advantages and disadvantages of both systems.

CONCLUSION
Given the issues and the fact that many local governments are turning to the postal voting method for the conduct of the election process, it is recommended to Council that this be the Shire’s preferred method for the 2015 election.

In addition, the previous election which employed postal voting achieved a voter participation rate much higher than an attendance vote. A postal vote also leads to a true representative Council for the community and removes the potential for perceived undue interference in the process by staff and the CEO.

VOTING REQUIREMENTS
Absolute Majority

OFFICES RECOMMENDATION

0215. That Council:

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner be responsible for the conduct of the 2015 ordinary election together with any other elections or polls which may be required.

2. Decide, in accordance with section 4.16(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.
12.4 PROPOSED AIRCRAFT HANGAR BUILDING ON GNOWANGERUP AIRPORT RESERVE 31666 (LOT 9318) AIRPORT ROAD, GNOWANGERUP

Location: Gnowangerup Airport
Proponent: Peter Harvey (Southern Stock Services Pty Ltd)
File Ref: 5.4.34
Date of Report: 05/02/2015
Business Unit: Strategy & Governance
Officer: Phil Shephard, Planning Officer
Disclosure of Interest: Nil

ATTACHMENTS
- Copy of application
- Draft Local Planning Policy.

PURPOSE OF THE REPORT
Council has been requested to consider allowing the development of a 12m x 8m aircraft hangar building at the Gnowangerup Airport.

BACKGROUND
The Gnowangerup Airport is situated on a Local Reserve for Public Purposes and designated as an Aerial Landing Ground under Local Planning Scheme No. 2. The Airport is contained on Crown Land Title (Volume LR3106 Folio 473) for the purpose of aerial landing ground and recreation and a Management Order exists that enables the Shire with power to lease portions of the land for a period not exceeding 21-years.

In accordance with Local Planning Scheme No. 2, a person must not use a Local Reserve; or commence or carry out development on a Local Reserve, without first having obtained planning approval from the Shire. As such, all use and/or development on the Gnowangerup Airport requires planning approval from the Shire prior to any works commencing.
In determining an application for planning approval, the Shire shall have due regard to the matters set out in clause 10.2 of the Scheme; and the ultimate purpose intended for the Reserve.

**COMMENTS**

The application involves the construction of a new 12m x 8m (floor area 96m²) hangar building on the Airport Reserve to store a plane and associated items. No plans of the hangar building have been submitted.

There are no hangar buildings constructed on the Airport Reserve. The use of land at the airport for aircraft hangars is considered consistent with the purpose of the reserve being for aerial landing ground and recreation.

If the Shire supports the proposal, the designation of an area adjoining the taxiway for these developments is recommended. In addition staff have prepared a draft Local Planning Scheme Policy to guide the potential future development of the area (see attached).

The draft Policy seeks to increase the use of the Airport Reserve and enable the development of a range of aircraft related activities. Given the Management Order enables the Shire to lease land within the Airport Reserve (albeit possibly only for the pistol club area at this stage), it is recommended that a lease be prepared with the developer of any building prior to any construction commencing. As noted below in the ‘Consultation with the Community and Government Agencies’ section of the report, the proposed leasing of the land for hangars may require a change to the present Management Plan/Order which would require approval from the Department of Lands and staff have contacted the Department for their advice.

The Scheme requires (Clause 10.2 *Matters to be Considered by Local Government*) the Local Government have due regard to the 27 matters mentioned in determining whether to approve/refuse the planning application. In this instance, not all matters affect the proposal and those relevant are discussed in the table below.

<table>
<thead>
<tr>
<th>Matter to be considered</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) the aims and provisions of this Scheme</td>
<td>The development of aircraft hangar buildings at the Airport Reserve supports one of the Scheme’s aim to encourage economic development in the Shire by providing land when appropriate development opportunities arise.</td>
</tr>
<tr>
<td>b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, which has been granted consent for public submissions to be sought</td>
<td>The provision of aircraft hangars is consistent with the long-term use of the Airport Reserve.</td>
</tr>
<tr>
<td>i) the compatibility of a use or development with its setting</td>
<td>The use and development of aircraft hangars is compatible with the existing airport use of the location.</td>
</tr>
<tr>
<td>l) the likely effect of the proposal on the natural environment and any means</td>
<td>The proposal will have a negligible impact on the natural environment as the nominated</td>
</tr>
<tr>
<td>Matter to be considered</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------------------</td>
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</tr>
<tr>
<td>that are proposed to protect or to mitigate impacts on the natural environment</td>
<td>area for buildings is cleared. The likely activities in constructing the hangar will involve minor siteworks including filling, compaction and drainage.</td>
</tr>
<tr>
<td>m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk</td>
<td>The development of buildings is not expected to be affected by any natural hazard. The buildings are required to be constructed in accordance with the Building Code of Australia which will include fire prevention measures.</td>
</tr>
<tr>
<td>n) the preservation of the amenity of the locality</td>
<td>The location and use of the site for hangars is not expected to negatively impact on the amenity of the area. The increased use of the Gnowangerup Airport may result in an increase to present noise levels generated from the site. Noise levels are controlled by the Department of Environmental Regulation using the Environmental Protection (Noise) Regulations 1997 which sets limits on noise emissions.</td>
</tr>
<tr>
<td>o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal</td>
<td>The location and use of the site for aircraft hangars is consistent with the proposed long-term use of this area. New hangar buildings will alter the appearance of the area around the patient transfer building. It is expected that future hangar buildings will be similarly constructed in terms of height and scale dependent on the aircraft size.</td>
</tr>
<tr>
<td>p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles</td>
<td>Adequate areas are available for these purposes. The parking of vehicles should not restrict any plane movements and occur within the lease area or hangar.</td>
</tr>
<tr>
<td>q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety</td>
<td>The proposal is not expected to significantly increase traffic movements in and out of the site. The existing road system and flow/safety will not be negatively impacted and is considered suitable to support the proposal.</td>
</tr>
<tr>
<td>s) whether public utility services are available and adequate for the proposal</td>
<td>No services are available and the development will be required to provide an on-site water supply and effluent disposal system (if required) and remove rubbish and waste from the site for disposal.</td>
</tr>
<tr>
<td>v) whether the proposal is likely to cause soil erosion or land degradation</td>
<td>No soil erosion or land degradation is expected as a result of the development.</td>
</tr>
</tbody>
</table>
On balance, the proposal is considered consistent overall with those relevant matters set out in Clause 10.2 and the general requirements of Local Planning Scheme No. 2. If the proposal is supported by the Shire and Department of Lands, staff will require the proponent to complete and submit a formal planning application.

The construction of a hangar building would require the proponent to obtain a building permit from the Local Government and meet the Building Code of Australia requirements.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
Nil undertaken at this stage. The leasing of the land for hangars may require a change to the present Management Plan/Order which would require approval from the Department of Lands. Staff have contacted the Department for their advice.

The preparation of a Local Planning Policy requires the Shire to advertise for submissions under c.2.4 ‘Procedure for making or amending a Local Planning Policy’ of Local Planning Scheme No. 2 for a minimum period of 21-days.

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

The use of the land must be consistent with the Management Plan/Order prepared under the Land Act 1933 and the disposal of any land owned by the Shire is required to comply with the s3.58 ‘Disposing of Property’ under the Local Government Act 1995 as follows:

3.58. Disposing of property
(1) In this section —
   dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
   property includes the whole or any part of the interest of a local government in property,
   but does not include money.
(2) Except as stated in this section, a local government can only dispose of property to —
   (a) the highest bidder at public auction; or
   (b) the person who at public tender called by the local government makes what is, in
       the opinion of the local government, the most acceptable tender, whether or not it
       is the highest tender.
(3) A local government can dispose of property other than under subsection (2) if, before
    agreeing to dispose of the property —
    (a) it gives local public notice of the proposed disposition —
        (i) describing the property concerned; and
        (ii) giving details of the proposed disposition; and
        (iii) inviting submissions to be made to the local government before a date to
            be specified in the notice, being a date not less than 2 weeks after the
            notice is first given;
        and
    (b) it considers any submissions made to it before the date specified in the notice and,
        if its decision is made by the council or a committee, the decision and the reasons
        for it are recorded in the minutes of the meeting at which the decision was made.
(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
    (a) the names of all other parties concerned; and
    (b) the consideration to be received by the local government for the disposition; and
    (c) the market value of the disposition —
(5) This section does not apply to —
(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
(d) any other disposition that is excluded by regulations from the application of this section.

POLICY IMPLICATIONS
There are no existing Policies that apply to the application.

Staff have recommended that the Shire prepare a Local Planning Scheme Policy to guide the increased use and development of the Gnowangerup Airport.

The Policy objectives would be:
- To protect the primary purpose of the Gnowangerup Airport for aviation related activities.
- To encourage the further development of aviation facilities and activities at the Gnowangerup Airport and allow complementary activities and uses which facilitate ongoing and increased use of the Gnowangerup Airport.
- To provide planning controls to ensure that all uses and/or development on the Gnowangerup Airport are consistent with the Crown Land Title requirements for the reserve.
- To preclude any uses and/or development which would conflict with or jeopardise the continued function of the Gnowangerup Airport.

The Policy would apply to all land within the Airport Reserve.

FINANCIAL IMPLICATIONS
The applicant is required to pay the planning application fee of $147 as set out in the adopted 2014/15 Schedule of Fees and Charges and should also meet the cost of preparing the lease.

The staff cost of preparing the Local Planning Policy is provided for in the Shire’s 2014/2015 Budget.

The adopted 2014/15 Budget includes an amount of $10,204 for operating expenditure for airstrip maintenance and $23,510 for airstrip operations and $2,500 for an airstrip solar light. The leasing of land at the airport would assist generate some income and enable the Shire to recoup some monies into the future.

STRATEGIC IMPLICATIONS
The request impacts on a number of items in the strategic plan as follows:
**Strategic Focus** | **Built Environment and Infrastructure**
---|---
**Goals:** | A built environment and infrastructure that supports the community and the economy
**Outcome 3.1:** | • Appropriate planning and development
**Strategy 3.1.2** | Provide planning and development advice on land developments.
**Strategy 3.1.3** | Ensure quality, consistent and responsive development and building assessment approval processes.

**Strategic Focus** | **Governance and Organisation**
---|---
**Goals:** | Proactive leadership, good governance and efficient service delivery
**Outcome 5.1:** | • Strategic governance and leadership
**Strategy 5.1.5** | Ensure compliance with Local Laws and statutory requirements.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**
The Council has a number of options available to it, which are discussed below:

1. **Not approve the proposal**
The Local Government can choose to not support the request and advise the proponent giving reasons. If this option was chosen, the hangar building would not be constructed.

2. **Approve the proposal**
The Local Government can approve the proposal, with or without conditions.

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

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

**CONCLUSION**
On balance, the proposed hangar building is considered consistent overall with the requirements of Local Planning Scheme No. 2 and the application may be approved.

Prior to determining the application, the Shire is requested to await the advice from the Department of Lands regarding the creation of a lease for the hangar site. Should that be received the Shire should then prepare and execute the lease and grant planning approval for the development to proceed.

In tandem, the Shire is requested to adopt the draft Local Planning Policy for the Gnowangerup Airport and undertake the required consultation processes as required under Local Planning Scheme No. 2.

**VOTING REQUIREMENTS**
Simple Majority.
OFFICER RECOMMENDATION

0215. That Council:

1) Advise the applicant that:
   i) It supports the proposed development of a hangar building on the Gnowangerup Airport and is seeking the advice of the Department of Lands to enable a lease for the site for a period of ___ years to be prepared.
   ii) The cost to the Shire of preparing and executing the lease shall be recouped from the lessee.
   iii) Upon execution of the lease, the Chief Executive Officer is authorised to grant planning approval for the hangar building subject to appropriate conditions of approval.

2) Adopt the draft Local Planning Policy for the Gnowangerup Airport and undertake advertising for submissions as required under c.2.4 ‘Procedure for making or amending a Local Planning Policy’ of Local Planning Scheme No. 2.
12.5 Proposed Planning & Development (Local Planning Schemes) Regulations 2014.

Location: Shire of Gnowangerup
Proponent: Minister for Planning
File Ref: 14.9.14
Date of Report: 10/02/2015
Business Unit: Strategy & Governance
Officer: Phil Shephard, Planning Officer
Disclosure of Interest: Nil.

ATTACHMENTS
- Department of Planning Discussion Paper

PURPOSE OF THE REPORT
To consider providing a submission to the WA Planning Commission on the proposed Planning & Development (Local Planning Schemes) Regulations 2014.

BACKGROUND
The Minister for Planning assisted by the WA Planning Commission and Department of Planning have prepared draft new planning regulations that will replace the Town Planning Regulations 1967 which includes the Model Scheme Text. The Model Scheme Text is used by local governments to prepare local planning schemes and includes general provisions for incorporation into a proposed scheme.

COMMENTS
The Minister has invited submissions on the draft new planning regulations as required by s.256 ‘Content of local planning schemes, regulations as to’ of the Planning and Development Act 2005. Any submissions must be considered before the Minister can finalise the regulations.

The submissions were due on 30 January 2015. Due to the lack of a Council Meeting in January 2015, staff sought and received approval for an extension to the submission period to enable the matter to be considered by the Council.

The Shire has largely completed a draft Local Planning Scheme No. 3 and associated Local Planning Strategy in accordance with the existing Model Scheme Text requirements. The draft new regulations will require these drafts to be modified to satisfy the new requirements.

The attached Department of Planning Discussion Paper outlines the background and proposals for the draft regulations. The new regulations are proposed to be gazetted and operate from 1 July 2015. The full regulations contain some 150 pages and can be viewed or downloaded via the WA Planning Commission’s PlanningWA website at http://www.planning.wa.gov.au > plans and policies > publications > proposed Planning and Development (Local Planning Schemes) Regulations 2014.

The new draft regulations and impacts on the Shire’s present land use planning activities are discussed below:
Part 1 Preliminary
This set of regulations contains advice on the citation; commencement date; definitions; use of authorised officers; document standards, crown land schemes and Ministerial orders.

The regulations do not materially alter the existing process.

Comment: The regulations in Part 1 are noted.

Part 2 Requirements for Local Planning Scheme

The new regulations include:

- Model provisions that are to be included within a local planning scheme under s.257A. These model provisions are to be included within a local planning scheme and largely reflect an updated version of the existing Model Scheme Text.

They include preliminary matters, scheme reserves, zones and uses, general development requirements, special control areas, definitions, and standardised scheme mapping colours/labels.

Any provisions proposed by a local government to supplement the model provisions or vary a model provision must be approved by the Minister for Planning.

The draft Local Planning Scheme No. 3 Text and Maps under preparation will require changes.

- Deemed provisions that are to be included within a local planning scheme under s.257B. These deemed provisions automatically replace existing local planning scheme provisions in the Shire’s existing Local Planning Scheme No. 2 when gazetted and will be referred to in draft Local Planning Scheme No. 3.

They include definitions, planning policies, heritage protection, structure/local development plans, planning approval, applications, application procedures, bush fire risk management, development contribution plans, enforcement/administration and standard forms.

Given that deemed provisions will exist in all operative planning schemes in the State, the corresponding provisions in the existing Local Planning Scheme No. 2 will have no effect and can be deleted from the Scheme Text and they will not need to be included in the draft Local Planning Scheme No. 3. Scheme Text.

Any provisions proposed by a local government to supplement the deemed provisions must be approved by the Minister for Planning. No variations to a deemed provision is permitted.

Comment: In summary, whilst the wording of some of the proposed deemed provisions could still be improved and many of the changes are considered long overdue, they are supported. The introduction of additional uses for local reserves and reintroduction of incidental land uses is an improvement. The inclusion of discretion regarding advertising of planning proposals is also a welcome addition.

It is not expected that the provisions will reduce the overall size of a planning schemes or lead to any general reduction in application processing times.

Given the length of time it has taken to complete the review of the Town Planning Regulations 1967, it is hoped the WA Planning Commission can be expected to sufficiently resource itself
to continually monitor and complete updates to model and deemed provisions when determined necessary by local government to achieve better and more effective local planning outcomes.

Many of the proposed provisions appear as a direct result of advice from local government over many years. Local governments are the operators and custodians of local planning schemes and are constantly undertaking amendments to schemes to improve local planning laws and reflect the communities land use expectations for the area. This ability should be respected when applying to the WA Planning Commission and Minister to vary or add provisions to a local planning scheme required by the local government to reflect a particular circumstance or approach.

Part 3 Local Planning Strategies
The new regulations include the process for preparation and endorsement of a local planning strategy. The regulations do not alter the existing process and no changes are expected the preparation of the Shire’s Local Planning Strategy.

Comment: The new regulations in Part 3 are supported in part. Ideally they would include a time limit on the WA Planning Commission in responding to strategies referred to them for certification and endorsement. Given the public consultation period for a strategy is 21-days then perhaps this should be applied to the response time from the WA Planning Commission and should no response be received in that time, the local government can proceed to advertise or commence using the strategy.

Part 4 Preparation and adoption of Local Planning Scheme
The new regulations include the process for preparation and endorsement of a local planning scheme. The regulations do not alter the existing process and no changes are expected the preparation of the Local Planning Scheme.

Comment: In summary, the new regulations in Part 4 are supported. Ideally they would include a time limit on the WA Planning Commission in responding to schemes referred to them for approval. Given the consideration time for a local government to submissions is 60-days then perhaps this should also be applied to the response time from the WA Planning Commission.

Part 5 Amending the Local Planning Scheme
The new regulations will introduce classes of scheme amendments as follows:

- Basic amendment – includes any amendment to correct errors; to include a model provision; to ensure consistency with any other Act; or to be consistent with a region planning scheme if minor in scale.
- Complex amendment – includes any amendment that is not deemed to be a basic or standard amendment.
- Standard amendment – includes any amendment that relates to a reserve/zone consistent with the Scheme objectives for the land; consistent with endorsed local planning strategy; consistent with structure/local development plan; consistent with region planning scheme; is minor and not subject to another scheme amendment; or does not result in any significant environmental, social, economic or governance impacts on land.
There are separate defined process for each type of amendment including different minimum public consultation periods (Basic – 0-days, Complex – 42-days and Standard – 21-days).

**Comment:** The new regulations in Part 5 are supported in part. As above, ideally they would include a time limit on the WA Planning Commission in responding to scheme amendments referred to them for approval. Given the consideration time for a local government to submissions is 60-days then perhaps this should also be applied to the response time from the WA Planning Commission.

The regulations should ideally include a similar provision as c.6.2.8 ‘Operation of Structure Plan’ in the WA Planning Commission’s Local Planning Manual to ensure that an approved structure plan and/or local development plan does not require a standard amendment to also be completed.

The ability to consider submissions received after the closing date should properly remain at the discretion of the Council and the inclusion of a new proposed consideration period of 42-days after the submission period has closed is not considered necessary. The additional period will potentially delay the time taken for the Shire to finalise an amendment.

Given the expectation that many of the existing planning schemes around the State are over 5-years old, and will require immediate review, Council expects that the WA Planning Commission will be sufficiently resourced to meet the expected increased workload (especially in regional offices) and ensure that delays are not created that would potentially freeze the ability for the Council to initiate subsequent amendments if required.

**Part 6 Review and Consolidation of Local Planning Schemes**
The new regulations will require local planning schemes to be reviewed every 5-years after its approval by the Minister for Planning. The regulations will require the Shire to complete a review of the existing Town Planning Scheme No. 3 as it is older than 5-years.

**Comment:** The new regulations in Part 6 are supported. The Shire has largely completed a review of the existing Local Planning Scheme No. 2 and a new Local Planning Scheme No. 3 is under preparation which will satisfy the regulations. The Shire will then be required to review its scheme around 2020/21.

**Part 7 Development Contribution Plans**
The new regulations will require introduce standards for development contribution plans. The Shire does not have any contribution plans in place.

**Comment:** The new regulations in Part 7 are noted.

**Part 8 Miscellaneous**
The new regulations will require introduce standards for recouping of environmental review expenses; compensation and transition of existing provisions. These regulations will not affect the existing arrangements.

**Comment:** In summary, the new regulations in Part 8 are supported in part. The regulations should ideally retain the wording of c.25B of the existing Town Planning Regulations 1967 to enable a local government to recoup environmental report review costs before or after completing a scheme and/or amendment.
Part 9 Repeal and Transitional Provisions
The new regulations will repeal the existing *Town Planning Regulations 1967*; allow for the continuance of existing schemes; consider steps taken to prepare a new scheme under the existing regulations as corresponding to the same step in the new regulations; and allow for bushfire risk management regulations to be prepared in the future.

The proposed regulations will recognise the Shire’s previous decisions and progress in preparing the draft Local Planning Scheme No. 3 and should not affect the progress of the new local planning scheme.

*Comment: The new regulations in Part 9 are noted.*

Schedule 1 Model Provisions for Local Planning Schemes
These are largely based on revised existing Model Scheme Text clauses. Some of the definitions including for a holiday house and residential building and liquor store – large/small, motor vehicle sales/repair/wash, home business/rural home business, waste storage/disposal/resource recovery centre etc. need to be combined or modified as they appear overly complex.

Schedule 2 Deemed Provisions for Local Planning Schemes
These are also largely based on revised existing Model Scheme Text clauses. The regulations will automatically make the existing Municipal Heritage Inventory the defined Heritage List under the Scheme. The original intention for Municipal Heritage Inventories was to record locally important heritage places to the community and not for them to be subject to statutory planning controls. The regulations should be modified to distinguish between places that are subject to statutory planning controls such as those in the proposed Heritage List and those places that do not require the same level of statutory protection such as in a Municipal Inventory.

The regulations should ensure that the exempt development approval for a single house, ancillary dwelling, outbuilding, verandah and/or pool etc. requires the proposal to be in accordance with any applicable local planning scheme and/or adopted local planning policy.

*Comment: The Schedules are supported subject to the consideration of the suggested modifications above to simplify some land use terms; removing the statutory inclusion of all places on the Municipal Heritage Inventory; and including reference to planning schemes and policies in exempt planning approval for dwellings and related developments.*

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
Nil with the community. Staff have received an extension from the WA Planning Commission to enable a submission to be considered by the Council.

LEGAL AND STATUTORY REQUIREMENTS
The proposed *Planning and Development (Local Planning Schemes) Regulations 2014* will apply to all operative local planning schemes under the *Planning and Development Act 2005* and will replace the *Town Planning Regulations 1967*.

The Shire of Gnowangerup Local Planning Scheme No. 2 is an operative Local Planning Scheme under the Act.
POLICY IMPLICATIONS
This item does not affect any existing Council Policies.

FINANCIAL IMPLICATIONS
The staff cost of preparing the submission is provided for in the Shire’s 2014/2015 Budget.

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

<table>
<thead>
<tr>
<th>Strategic Focus</th>
<th>Built Environment and Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goals:</td>
<td>A built environment and infrastructure that supports the community and the economy</td>
</tr>
<tr>
<td>Outcome 3.1:</td>
<td>• Appropriate planning and development</td>
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<tr>
<td>Strategy 3.1.2</td>
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</tr>
<tr>
<td>Strategy 5.1.5</td>
<td>Ensure compliance with Local Laws and statutory requirements.</td>
</tr>
</tbody>
</table>

ALTERNATE OPTIONS AND THEIR IMPLICATIONS
The Council has a number of options available to it, which are discussed below:

1. **Not provide a submission**
The Local Government can choose to not provide a submission and no further action would be required.

2. **Provide a submission**
The Local Government can choose to provide a submission for the Minister for Planning’s consideration.

   Any submission is advice only and the Minister for Planning is empowered to finalise the regulations under s.256 of the *Planning and Development Act 2005*.

CONCLUSION
In conclusion, the Council has the option to either provide, or not, a submission on the draft planning regulations. Staff recommend that a submission be submitted for consideration based on the summary comments in italics above.

The proposals do affect some parts of the Shire’s land use planning activities including the draft Local Planning Strategy and Local Planning Scheme No. 3 into the future and it is considered important that Council provides comment. The comments will be assessed by the
WA Planning Commission who will then provide a recommendation to the Minister for Planning on whether to approve or modify the regulations.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

0215 That Council:

Acknowledge the extension granted by the WA Planning Commission and provide the following comments on the proposed new *Planning and Development (Local Planning Schemes) Regulations 2014* as a submission to the Minister for Planning:

**Part 1 Preliminary**

The regulations in Part 1 are noted.

**Part 2 Requirements for Local Planning Scheme**

In summary, whilst the wording of some of the proposed deemed provisions could still be improved and many of the changes are considered long overdue, they are supported. The introduction of additional uses for local reserves and reintroduction of incidental land uses is an improvement. The inclusion of discretion regarding advertising of planning proposals is also a welcome addition.

It is not expected that the provisions will reduce the overall size of a planning schemes or lead to any general reduction in application processing times.

Given the length of time it has taken to complete the review of the Town Planning Regulations 1967, it is hoped the WA Planning Commission can be expected to sufficiently resource itself to continually monitor and complete updates to model and deemed provisions when determined necessary by local government to achieve better and more effective local planning outcomes.

Many of the proposed provisions appear as a direct result of advice from local government over many years. Local governments are the operators and custodians of local planning schemes and are constantly undertaking amendments to schemes to improve local planning laws and reflect the communities land use expectations for the area. This ability should be respected when applying to the WA Planning Commission and Minister to vary or add provisions to a local planning scheme required by the local government to reflect a particular circumstance or approach.

**Part 3 Local Planning Strategies**

The new regulations in Part 3 are supported in part. Ideally they would include a time limit on the WA Planning Commission in responding to strategies referred to them for certification and endorsement. Given the public consultation period for a strategy is 21-days then perhaps this should be applied to the response time from the WA Planning Commission and should no response be received in that time, the local government can proceed to advertise or commence using the strategy.

**Part 4 Preparation and adoption of Local Planning Scheme**
The new regulations in Part 4 are supported. Ideally they would include a time limit on the WA Planning Commission in responding to schemes referred to them for approval. Given the consideration time for a local government to submissions is 60-days then perhaps this should also be applied to the response time from the WA Planning Commission.

Part 5 Amending the Local Planning Scheme
The new regulations in Part 5 are supported in part. As above, ideally they would include a time limit on the WA Planning Commission in responding to scheme amendments referred to them for approval. Given the consideration time for a local government to submissions is 60-days then perhaps this should also be applied to the response time from the WA Planning Commission.

The regulations should ideally include a similar provision as c.6.2.8 ‘Operation of Structure Plan’ in the WA Planning Commission’s Local Planning Manual to ensure that an approved structure plan and/or local development plan does not require a standard amendment to also be completed.

The ability to consider submissions received after the closing date should properly remain at the discretion of the Council and the inclusion of a new proposed consideration period of 42-days after the submission period has closed is not considered necessary. The additional period will potentially delay the time taken for the Shire to finalise an amendment.

Given the expectation that many of the existing planning schemes around the State are over 5-years old, and will require immediate review, Council expects that the WA Planning Commission will be sufficiently resourced to meet the expected increased workload (especially in regional offices) and ensure that delays are not created that would potentially freeze the ability for the Council to initiate subsequent amendments if required.

Part 6 Review and Consolidation of Local Planning Schemes
The new regulations in Part 6 are supported. The Shire has largely completed a review of the existing Local Planning Scheme No. 2 and a new Local Planning Scheme No. 3 is under preparation which will satisfy the regulations.

Part 7 Development Contribution Plans
The new regulations in Part 7 are noted.

Part 8 Miscellaneous
In summary, the new regulations in Part 8 are supported in part. The regulations should ideally retain the wording of c.25B of the existing Town Planning Regulations 1967 to enable a local government to recoup environmental report review costs before or after completing a scheme and/or amendment.

Part 9 Repeal and Transitional Provisions
The new regulations in Part 9 are noted.

Schedule 1 Model Provisions for Local Planning Schemes and Schedule 2 Deemed Provisions for Local Planning Schemes
The Schedules are supported subject to:

- The consideration of the suggested modifications above to simplify some land use terms including for a holiday house and residential building and liquor store – large/small, motor vehicle sales/repair/wash, home business/rural home business, waste storage/disposal/resource recovery centre etc. need to be combined or modified.
- Removing the statutory inclusion of all places on the Municipal Heritage Inventory.
- Including reference to planning schemes and policies in exempt planning approval for dwellings and related developments.
12.6 RELOCATION OF LANDMARK TO PT. LOT 556 (RESERVE 51639) YOUGENUP ROAD, GNOWANGERUP

Location: Pt Lot 556 Yougenup Road, Gnowangerup
Proponent: Landmark Operations Limited – Gnowangerup
File Ref: R51639
Date of Report: 16 February 2015
Business Unit: Corporate/Community Services
Officer: Phil Shephard, Planning Officer
Disclosure of Interest: Nil

ATTACHMENTS
- Landmark Request for Land
- Deposited Plan 400798 for Lots 555 & 556 Yougenup Road
- Residential Concept Plan from Amendment No. 6 to Town Planning Scheme No. 2

PURPOSE OF THE REPORT
Council is requested to consider whether to support the relocation and future sale of land to Landmark to enable them to relocate their business.

BACKGROUND
Staff have been in discussion with Landmark Gnowangerup who are seeking a new premises within Gnowangerup to relocate their operations to as they have outgrown their existing site. They are seeking 6,000 – 10,000m² of land with main road frontage. They have identified part of Lot 556 (adjoining the Ratten and Slater site on Lot 555) as ideal for their purposes.

COMMENTS
The land swap with the Water Corporation has been completed and the land has been zoned which would enable the proposal to proceed subject to a Structure Plan being prepared and approved by the WA Planning Commission.

Staff have sought quotes from Albany based planning consultants to complete the required Structure Plan and have selected a consultant Edge Planning & Property who will commence the process shortly. It is expected that the preparation of the Structure Plan will take up to 12-months to complete. In particular, the Structure Plan will need to provide for a new Subdivision Concept Plan to enable additional land to be provided for future rural/service industries as proposed by Landmark as the present plan only shows residential uses.

The land is zoned Special Use under the Shire’s Local Planning Scheme No. 2 as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Description</th>
<th>Special Use</th>
<th>Conditions</th>
</tr>
</thead>
</table>
| 16 | Southern Portion of Lot 426 DP221136 Yougenup Road | As determined in any approved structure plan for the site. | 1. All use and development requires Planning Approval.  
2. Prior to any use commencing on the site a structure plan shall be prepared and approved by Council and the Western Australian Planning Commission in accordance with Clause 6.3. It shall also address the matters cited in Schedule 12. |
In addition, the land is also contained within Structure Plan Area 5 under the Shire’s Local Planning Scheme No. 2 as follows:

<table>
<thead>
<tr>
<th>Area No (SPA)</th>
<th>Description of Land Area</th>
<th>Land Use Expectation</th>
<th>Matters to be Addressed in Structure Plans (in addition to Clause 6.2.2)</th>
<th>Associated Provisions</th>
</tr>
</thead>
</table>
| SPA5          | Southern Portion of Lot 426 DP221136 Yougenup Road | Land use will be as defined in the structure plan and shall recognise the strategic location of the site at the entrance to the Gnowangerup townsite and the proximity of the Water Corporation dam. | 1. Defining the principal land uses.  
2. Proposed subdivision design.  
3. Management of the interface to Special Use Zone No 10.  
4. Provision of suitable buffers to any residential components and/or to surrounding residential development including the hospital.  
5. Water management and stormwater discharge, particularly in relation to runoff to the adjacent water supply dam.  
6. Access to Yougenup Road.  
7. The protection of water quality and function of the adjacent water supply dam through the restriction of inappropriate land uses. | 1. Service commercial, mixed business or service industrial uses must be of a low key nature with appropriate setbacks and landscaping of the frontage.  
2. Uses that may present a contamination risk to the adjacent water supply dam will not be permitted. |
At this stage, Council is requested to note the request from Landmark and provide in-principle support to the proposal to enable staff to continue to progress the matter through the planning stages.

The future sale of the land will be the subject of a separate report to Council as it progresses and will necessarily involve valuation and disposal in accordance with the Local Government Act requirements.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
Nil at this stage. The proposed Structure Plan will require community consultation as set out in Local Planning Scheme No. 2.

Should Council agree to the sale of land to Landmark or others, the proposed sale is required to be advertised for comment in accordance with the requirements of the Local Government Act 1995.

LEGAL AND STATUTORY REQUIREMENTS
The use and development of the land must comply with the requirements of Local Planning Scheme No. 2 which is an operative scheme under the Planning and Development Act 2005.

The disposal of local government assets is regulated by the Local Government Act 1995 and in particular clause 3.58. This relevant parts of this clause state:

3.58. Disposing of property
(1) In this section –

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to -
(a) the highest bidder at public auction; or
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -
(a) it gives local public notice of the proposed disposition -
(i) describing the property concerned; and
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include -
(a) the names of all other parties concerned; and
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition -
   (i) as ascertained by a valuation carried out not more than 6 months before
   the proposed disposition; or
   (ii) as declared by a resolution of the local government on the basis of a
   valuation carried out more than 6 months before the proposed
   disposition that the local government believes to be a true indication
   of the value at the time of the proposed disposition.

POLICY IMPLICATIONS
This item does not affect any existing Council policies.

FINANCIAL IMPLICATIONS
The cost for preparing the required Structure Plan are to be sourced from Land Development
Reserve funds.

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

<table>
<thead>
<tr>
<th>Strategic Focus</th>
<th>Built Environment and Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goals:</td>
<td>A built environment and infrastructure that supports the community and the economy</td>
</tr>
<tr>
<td>Outcome 3.1:</td>
<td>• Appropriate planning and development</td>
</tr>
<tr>
<td>Strategy 3.1.2</td>
<td>Provide planning and development advice on land developments.</td>
</tr>
<tr>
<td>Strategy 3.1.3</td>
<td>Ensure quality, consistent and responsive development and building assessment approval processes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategic Focus</th>
<th>Governance and Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goals:</td>
<td>Proactive leadership, good governance and efficient service delivery</td>
</tr>
<tr>
<td>Outcome 5.1:</td>
<td>• Strategic governance and leadership</td>
</tr>
<tr>
<td>Strategy 5.1.5</td>
<td>Ensure compliance with Local Laws and statutory requirements.</td>
</tr>
</tbody>
</table>

ALTERNATE OPTIONS AND THEIR IMPLICATIONS
The Council has a number of options available to it, which are discussed below:

1. **Not support the proposal**
The Local Government can choose to not support the request and advise the proponent giving reasons. If this option was chosen, the relocation of Landmark would not proceed. This would see Landmark continue from the current site or possibly relocate to another town as the worse-case scenario.

2. **Support the proposal ‘in-principle’**
The Local Government can choose to support the proposal ‘in principle’ and enable the planning stages to proceed.

3. **Defer the proposal**
The Local Government may elect to defer the matter for a period of time and seek additional information from the proponents, if deemed necessary to complete the assessment, before proceeding to make a decision.
CONCLUSION
The proposal from Landmark has considerable merit in supporting the growth of local businesses and employment opportunities within Gnowangerup. Staff recommend that it be supported by Council to enable the planning stages to be progressed and enable an additional area to become available for Landmark and similar rural/service industries to be based in Gnowangerup.

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION

0215. That Council:

Support ‘in principle’ the proposal to relocate Landmark to Pt. Lot 556 as requested and note the engagement of Edge Planning & Property to complete the required Structure Plan for the land to enable and additional area to become available for Landmark and similar rural/service industries to be based in Gnowangerup.
12.7 OLD ONGERUP POLICE STATION - REQUEST TO USE/LEASE

Location: Lot 517 Cnr. Carpenter and Vaux Streets, Ongerup
Proponent: Tracy Swawell (Angel WA Sisters)
File Ref: R26568
Date of Report: 6 February 2015
Business Unit: Strategy and Governance
Officer: Phil Shephard, Planning Officer
Disclosure of Interest: N/A

ATTACHMENTS
• Angel WA Sisters request letter

PURPOSE OF THE REPORT
To consider a request to use and lease the old police station on Lot 517 (Reserve 26568) Cnr Carpenter/Vaux Streets, Ongerup to the Angel WA Sisters.

BACKGROUND
The Shire has received the attached request and supporting information from the Manager of the Charity Angel WA Sisters stating their interest in leasing the old police station building at a peppercorn rent. The organisation is a not-for-profit group that provides clothing for infant burials and other infant services within WA free of charge.

The proponent lives next door to the old police station.

The old police station was gazetted in 1962 for ‘Police Purposes’ and vested in the Commissioner of Police. In 2010, the Police Service applied and received approval to subdivide the lot to separate the station and house as the house was deemed to be surplus to the police requirements. The lot is now owned by the Department of Housing.

The old police station was considered for other purposes when no longer required by the Police Service and a Management Order was issued to the Shire in June 2011 to use the land for community purposes. Subsequently the Management Order was changed again and issued to the Shire in May 2012 to use the land for staff housing (this Management Order is still in place).

Following receipt of quotations from building companies, the proposal to convert the police station into staff housing was not proceeded with and the building has been unused since that time.
COMMENTS

Given that the property has been unused for some time now, the proposal from the Angel WA Sisters is supported by staff for an initial 1-year period until an alternative and/or its final use by the Shire is determined. The lease to the organisation can be at a peppercorn rate and can be approved by the Shire. The lessee is prepared to pay a $500 bond and would be responsible for the reconnection of the power and water and ongoing costs. They would also be responsible for the building’s care and maintenance as a condition of the lease (which they have proposed in their application).

Should the Shire agree to lease the property, this would benefit the Shire as the building would be used and by reducing maintenance costs as this would become the responsibility of the lessee.

The present Management Order requires the land to be used for staff housing and as noted below in the ‘Consultation with the Community and Government Agencies’ section of the report, the proposed leasing of the property to the Angel WA Sisters is expected to require a change to the present Management Order which would require approval from the Department of Lands and staff have contacted the Department for their advice.

Upon receipt of the Department’s advice and subject to that advice supporting the proposal and change, the next step would involve the Shire completing the requirements to dispose of the property by lease by obtaining a valuation, advertising for public submissions and considering any submissions in accordance with s.3.58 ‘Disposing of Property’ of the Local Government Act 1995.

From a strategic planning perspective, the old police station is situated on a Local Reserve for Public Purposes and designated for Police use under Local Planning Scheme No. 2 and given that this use is now redundant, the Shire is requested to remove the ‘Police’ use designation in the preparation of the proposed new Local Planning Scheme. The existing Public Purposes reservation is recommended to be retained as it would enable the maximum flexibility to the Shire should other uses be considered into the future.
In accordance with Local Planning Scheme No. 2, a person must not use a Local Reserve; or commence or carry out development on a Local Reserve, without first having obtained planning approval from the Shire. As such, all use and/or development on the property requires planning approval from the Shire prior to any works commencing. If the proposal is supported by the Shire and Department of Lands, staff will require the proponent to complete and submit a formal planning application.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
Staff have met with applicant who resides next door to the old police station and they have offered:
- $1 lease fee for 1 year lease.
- $500 bond.
- Will pay utilities and ongoing costs.
- Will clean and maintain the building and property.
- To provide public liability insurance during their use.

The leasing of the land to the Angel WA Sisters organisation is expected to require a change to the present Management Order as the proposal would not be for staff housing which is the purpose for the land. The change would require approval from the Department of Lands. Staff have contacted the Department for their advice. If supported by the Department, there is additional consultation required under the Local Government Act 1995 prior to the Shire entering a lease.

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

The use of the land must be consistent with the Management Order prepared under the Land Act 1933 and the disposal of any land owned by the Shire is required to comply with the s3.58 ‘Disposing of Property’ under the Local Government Act 1995 as follows:

3.58. Disposing of property
(1) In this section —
   dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
   property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —
   (a) the highest bidder at public auction; or
   (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
   (a) it gives local public notice of the proposed disposition —
      (i) describing the property concerned; and
      (ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

POLICY IMPLICATIONS
There are no existing Policies that apply to the application.

FINANCIAL IMPLICATIONS
The applicant is required to pay the planning application fee of $147 as set out in the adopted 2014/15 Schedule of Fees and Charges and should also meet the cost of preparing the lease (unless waived by the Shire).

The adopted 2014/15 Budget includes an amount of $1,849 for operating expenditure for the old police station to cover expenses including DFES levy, materials, power, water, insurance, gas etc. and in addition there would be a depreciation cost to be determined.

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

<table>
<thead>
<tr>
<th>Strategic Focus</th>
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</tr>
<tr>
<td>Outcome 3.1:</td>
<td>• Appropriate planning and development</td>
</tr>
</tbody>
</table>
The Council has a number of options available to it, which are discussed below:

1. **Not support the proposal**
The Local Government can choose to not support the request and advise the proponent giving reasons. If this option was chosen, the building would remain unused and the ongoing maintenance costs would continue to be borne by Council.

2. **Support the proposal**
The Local Government can approve the proposal, with or without conditions. If supported and a lease is prepared, this would presumably reduce the ongoing maintenance costs to Council and become the responsibility of the lessee.

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

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

**VOTING REQUIREMENTS**
Simple Majority

**CONCLUSION**
The proposed leasing of the old police station to the Angel WA Sisters is expected to require a change to the present Management Order which would require approval from the Department of Lands and staff have contacted the Department for their advice. At this stage, prior to determining the application, the Shire is requested to await the advice from the Department of Lands regarding changes to the Management Order and then prepare and execute the lease and grant planning approval for the development to proceed.

This would also require the Shire to complete the disposal requirements for the property by lease by obtaining a valuation, advertising for public submissions and considering any submissions in accordance with s.3.58 ‘Disposing of Property’ of the *Local Government Act 1995*. 
OFFICER RECOMMENDATION

0215. That Council:

1) Advise the applicant that:
   i) It supports the proposed lease of the old police station to the Angel WA Sisters for their use for charitable purposes at a peppercorn rate of $1 and is seeking the advice of the Department of Lands to enable a lease for the site for a period of 1 year to be prepared.
   ii) The cost to the Shire of preparing and executing the lease shall be recouped from the lessee.
   iii) Upon execution of the lease, the Chief Executive Officer is authorised to grant planning approval for the use subject to appropriate conditions of approval.

2) Authorise the Chief Executive Officer to facilitate the disposal of the old police station by lease to the Angel WA Sisters group as required under the Local Government Act 1995.

3) Remove the ‘Police’ designation for the land within the proposed new Local Planning Scheme No. 3.
13. CORPORATE SERVICES

13.1 AMENDMENT TO THE PROCUREMENT POLICY

Location: Physical location
Proponent: Chief Executive Officer
File Ref: 12.12.1
Date of Report: 18/02/15
Business Unit: Corporate Services
Officer: R. Seneviratne
Disclosure of Interest: Nil

ATTACHMENTS
- Purchasing policy
- Copy of Section 5.3 that deals with recommended amendment of the thresholds.

PURPOSE OF THE REPORT
To amend the threshold levels in the Policy and to seek Council approval.

BACKGROUND
The Purchasing Policy was adopted in April 2014. It is a legislative requirement that Council has such a policy. The Policy was updated to reflect the changes in legislation and provide a more comprehensive Purchasing Policy as recommended by WALGA.

The model policy was recommend by WALGA as a guide and was adopted without any changes.

COMMENTS
The adoption of the threshold of $1000 (section 5.3) has been difficult to implement and has shown to be an inefficient use of staff time and effort. A large percentage of purchased items are under $1000 with many are less than $100. Given the limitation of sources for quotes and time involved in sourcing them, approximately one day a week is spent on this activity which is not only an inefficient use of time but at times does not meet the urgent and or immediate demands of the business when required, this does not sit well in meeting the level of service to the community. (Approximately 410 hours per year at a cost of $1,263)

As there are robust business procedures in place in Finance and Audit, there should be no problems with the implementation of the amendment.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
Nil.

LEGAL AND STATUTORY REQUIREMENTS
The CEO can present to Council, it is the role of Council, under Section 2.7(2) (b), to determine the local government’s policies. The review and amendment of an existing policy such as the Purchasing policy, requires a determination of Council.
POLICY IMPLICATIONS
Amendment to the current Purchasing Policy

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS
Nil

CONCLUSION
The amendment to the policy will improve the efficiency of the business and it will not affect the legal and statutory standing of the Shire as the model proposed by WALGA and adopted by the Shire can be amended to meet local needs.

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION

0215. That Council:

Approve the amendment to the Purchasing Policy, with reference to 5.3, in raising the threshold to $5000 – $34,999 as suggested in the attachment (section 5.3 of the policy).
13.2 WORKFORCE PLANNING

Location: Gnowangerup
Proponent: Nil.
File Ref: 5.11.16.5
Date of Report: 18/02/2015
Business Unit: Corporate Services
Officer: Rosemary Seneviratne Executive Manager Corporate Services
Disclosure of Interest:

ATTTACHMENTS
- Organisational Chart

PURPOSE OF THE REPORT
The re-alignment of the organisation as a result of significant staffing changes.

BACKGROUND
In September 2014 the Council approved the staffing establishment for Gnowangerup. Since then there have been significant changes as a result of resignations, retirement and the death of a staff member which has provided an opportunity to evaluate the workforce commitment.

COMMENTS
The change of circumstances as referred to in background has provided an opportunity for the Shire to review its establishment to meet the changing needs and demands. The existing staffs remain unchanged and provide ongoing stability. The vacant positions and the executive staff have been subject to change.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
Nil

LEGAL AND STATUTORY REQUIREMENTS
Nil

POLICY IMPLICATIONS
Unchanged

FINANCIAL IMPLICATIONS
There will be a small reduction in staffing costs with the re-alignment.

STRATEGIC IMPLICATIONS
From a workforce planning perspective the change in the configuration of the Executive will position the Shire to manage operations more effectively by eliminating the silos between operational areas that exist, which is a small organisation can be counter-productive.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS
Nil
CONCLUSION
The modified organisational chart will enable the Council to work effectively. It means the two Executive manager positions will be abolished and one Deputy CEP position created.

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION

0215. That Council;

Approve the modified organisational changes and the establishment of the Deputy Chief Executive Officer (D/CEO) be approved.
### REVIEW OF LOCAL LAWS

<table>
<thead>
<tr>
<th>Location:</th>
<th>Gnowangerup</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponent:</td>
<td>Nil.</td>
</tr>
<tr>
<td>File Ref:</td>
<td>Number</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>18 February 2015</td>
</tr>
<tr>
<td>Business Unit:</td>
<td>19.6.1</td>
</tr>
<tr>
<td>Officer:</td>
<td>Rosemary Seneviratne, Executive Manager</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil.</td>
</tr>
</tbody>
</table>

#### ATTACHMENTS
- Proposal for the review of Local Laws

#### PURPOSE OF THE REPORT
To assess the work that needs to be completed to bring all the Local Laws up to date and compliant which currently they are not, and to present to Council a plan to meet this objective.

#### BACKGROUND
The Shire sought to undertake a review of current local laws and adoption of new local laws, but on advice of WALGA the process was discontinued as it was legally flawed. BHW consulting provided an assessment of the current status and has made recommendations as to how to re-start the process.

#### COMMENTS
The Shire should note the report on the eight year local law review and given the apparent non-compliance with the relevant statutory process discontinue any further work on local laws.

#### CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
N/A

#### LEGAL AND STATUTORY REQUIREMENTS
S3.16 of the Local Government Act 1995 required that local government must every eight years after the adoption of any local law, more the last review, conduct a review of the local law to ensure currency. All of the Shire laws need to be reviewed.

#### POLICY IMPLICATIONS
The impact will be on policy changes to accommodate the implementation of the new local laws.

#### FINANCIAL IMPLICATIONS
There is a budget allocation of $20,000 for work on local laws

#### STRATEGIC IMPLICATIONS
Will meet the requirement of governance strategy in ensuring that the Council meet statutory obligations.
ALTERNATE OPTIONS AND THEIR IMPLICATIONS
Nil

CONCLUSION
On advice the Shire of Gnowangerup recommence the local law review.

VOTING REQUIREMENTS
Absolute Majority

OFFICER RECOMMENDATION

0215. That Council:

   Note the report on the eight year local laws review and adopt the recommendations made in the report.
14. INFRASTRUCTURE AND ASSET MANAGEMENT

14.1 PORTABLE TRAFFIC LIGHTS

Location: Gnowangerup
Proponent: Nil.
File Ref: 23.1.1
Date of Report: 17/02/2015
Business Unit: Infrastructure
Officer: Yvette Wheatcroft, Acting Manager of Infrastructure & Ramon Montis, Works Manager
Disclosure of Interest: Nil.

ATTACHMENTS
- Quote from Bartco
- Quote from Data Signs Australia
- Quote from Tech Roads

PURPOSE OF THE REPORT
To endorse the purchase of a set of portable traffic lights.

BACKGROUND
Road construction is classified as ‘high risk construction’ and the Shire of Gnowangerup is required under OH&S legislation A.S. 1742.3-2009 Manual of Uniform Traffic Control Devices and the MRWA Codes of Practice, to have the appropriate traffic management in place when undertaking work on our roads.

Previously the Works Department had been using our own staff or hiring portable traffic lights when necessary, however tighter legislation now requires us to have traffic control for most of the work we undertake. The staffing levels within the works department are no longer able to carry out traffic control and still fulfil the works program therefore portable traffic lights are needed for a major part of our works program.

Portable traffic lights allow safe access for vehicles through our worksite without removing workers from our crew to work as traffic controllers. Traffic lights also provide safe guidance through a work site after hours.

COMMENTS
The cost of staff working as traffic controllers has been included in this agenda item as a cost comparison however; we do not have enough staff to manage traffic control and still undertake the works program.

The costs have been worked out over 6 months of the year as traffic lights will not be used on all works and not every day.

The cost of outside works crew managing traffic control is as follows:
- 2 x staff working 8hrs is $414.72 x 5 days/week x 6mths/year = $53,913 per year.
- The cost over a two week job = $4,121
Gnowangerup Shire – A thriving, inclusive and growing community built on opportunity

Cost to hire traffic lights per day (24hrs) is as follows:
- $132 x 7 days x 6mths = $24,024 - please note that we do not return traffic lights on weekends between jobs so cost is worked out on 7 days.
- Cost of collecting and returning traffic lights each time at 3hrs travel and staff time = $582
- **Cost for hiring traffic lights for a 2 week job would be $1,848 plus collection costs.**

Cost to purchase new Traffic Lights from Bartco is $31,379. The life of this asset (from the manufacturer) is said to be 15 years.
- The cost to council per year over 15 years would be $2,092 ($11.50/day/6mths use) per year.
- Cost of general maintenance per year is estimated to be between $330 (1% of value) to $650 (2% of value) this includes tyres, licence & insurance.
- Replacement of battery and wiring each 4-5 years: $600
- **Cost of two week job including overheads of $650/year and asset replacement cost of $2133 is $267.90**

<table>
<thead>
<tr>
<th>Supplier</th>
<th>Price</th>
<th>Officer Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quote 1 - Bartco</td>
<td>$33,329</td>
<td>WA based in Jandakot, Australian made, servicing and support provided, currently hiring this brand from Coates Hire</td>
</tr>
<tr>
<td>Quote 2 - Data Signs</td>
<td>$35,172</td>
<td>WA based in Kewdale, service and support provided</td>
</tr>
<tr>
<td>Quote 3 - Tech Roads</td>
<td>$24,200</td>
<td>Based in VIC, no WA supplier. No back up service, extra cost of licensing an extras not included in price</td>
</tr>
</tbody>
</table>

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES
Nil

LEGAL AND STATUTORY REQUIREMENTS
Nil

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
This is an out of Budget request and will need to come from the Plant Replacement Funds.

The Asset Renewal cost for the Bartco quote would be $2,133 per year for replacement in 15 years’ time however it is not recommended that council set aside funding for each individual plant on its own but considers the specific cash flow requirements of plant and equipment as a whole and sets aside sufficient money in reserve to cover renewal requirements.

Agenda
Ordinary Council Meeting 25th February 2015
STRATEGIC IMPLICATIONS
Nil.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS
1. We continue to hire traffic lights at a cost of $132 per day plus $582 to pick up and return.
2. We continue to use Works Staff at a daily cost of $414.72 impacting on ability of works to complete works program.

VOTING REQUIREMENTS
Simple majority

OFFICER RECOMMENDATION

0215. That Council:

1. Endorse the Quote from Bartco for $33,329 to purchase a new set of traffic lights.
2. Pay for the purchase of this out of budget expense from the plant replacement budget.
15. STATUTORY COMPLIANCE
Nil.

16. FINANCE

<table>
<thead>
<tr>
<th>16.1</th>
<th>ACCOUNTS FOR PAYMENT AND AUTHORISATION – DECEMBER 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Shire of Gnowangerup</td>
</tr>
<tr>
<td>File Ref:</td>
<td>12.14.1</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>20 January 2015</td>
</tr>
<tr>
<td>Business Unit:</td>
<td>Finance</td>
</tr>
<tr>
<td>Officer:</td>
<td>CA Shaddick – Senior Finance Officer</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
</tbody>
</table>

ATTACHMENT
- December 2014 Cheque Listing

COMMENTS
The December 2014 cheque list is attached as follows

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Fund</td>
<td>$ 446,366.96</td>
</tr>
<tr>
<td>Trust Fund</td>
<td>$ 866.67</td>
</tr>
<tr>
<td>Credit Card</td>
<td>$ 1,461.72</td>
</tr>
</tbody>
</table>

**TOTAL** $ 448,695.35

OFFICER RECOMMENDATION

0215. That the Schedule of Accounts: Municipal Fund Cheques 26362–26385, EFT 9295 – EFT 9411 totalling $446,366.96 Trust Fund cheques 721 - 724 totalling $866.67 and Corporate Credit Card totalling $1,461.72 be approved.
16.2 ACCOUNTS FOR PAYMENT AND AUTHORISATION – JANUARY 2015

Location: Shire of Gnowangerup
File Ref: 12.14.1
Date of Report: 10/02/2015
Business Unit: Finance
Officer: CA Shaddick – Senior Finance Officer
Disclosure of Interest: Nil

ATTACHMENT

- January 2015 Cheque Listing

COMMENTS

The January 2015 cheque list is attached as follows

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Fund</td>
<td>$ 289,975.45</td>
</tr>
<tr>
<td>Trust Fund</td>
<td>$ 40.50</td>
</tr>
<tr>
<td>Credit Card</td>
<td>$ 233.80</td>
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</table>

**TOTAL** $ 290,249.75

OFFICER RECOMMENDATION

0215. That the Schedule of Accounts: Municipal Fund Cheques 26386–26416, EFT 9412 – EFT 9483 totalling $289,975.45 Trust Fund cheques 725 - 726 totalling $40.50 and Corporate Credit Card totalling $233.80 be approved.
16.3 DECEMBER 2014 MONTHLY FINANCIAL REPORT

Location: Shire of Gnowangerup
File Ref: 12.14.1
Date of Report: 20 January 2015
Business Unit: Finance
Officer: D. Long - Finance Consultant
C. Shaddick – Senior Finance Officer
Disclosure of Interest: Nil

ATTACHMENTS
- Monthly Financial Statements for period 31 December 2014 including;
  - Comprehensive Income by Program and Nature & Type
  - Statement of Financial Position.
  - Statement of Cash Flows.
  - Current Assets and Liabilities.

SUMMARY
Adoption of the December 2014 Monthly Financial Report

COMMENTS
Presented to Council is the Financial Statement to 31 December 2014.

CONSULTATION
Nil

STATUTORY ENVIRONMENT

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

STRATEGIC IMPLICATIONS
Nil

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION
0215. That the December 2014 Monthly Financial Report be received and noted.
16.4 JANUARY 2015 MONTHLY FINANCIAL REPORT

Location: Shire of Gnowangerup
Proponent: Nil.
File Ref: 12.14.1
Date of Report: 19/02/2015
Business Unit: Finance
Officer: D. Long - Finance Consultant
        C. Shaddick – Senior Finance Officer
Disclosure of Interest: Nil

Attachments
- Monthly Financial Statements for period 31 January 2015 including:
  - Comprehensive Income by Program and Nature & Type
  - Statement of Financial Position.
  - Statement of Cash Flows.
  - Current Assets and Liabilities.

Summary
Adoption of the January 2015 Monthly Financial Report

Comments
Presented to Council is the Financial Statement to 31 January 2015.

Consultation
Nil

Statutory Environment

Policy Implications
Nil

Financial Implications
Nil

Strategic Implications
Nil

Voting Requirements
Simple Majority

OFFICER RECOMMENDATION

0215. That the January 2015 Monthly Financial Report be received and noted.
17. CONFIDENTIAL

PROCEDURAL MOTION

0215. That Council:

Close the meeting to members of the public in order to discuss item 17.1 as the items are considered confidential due to commercial in confidence details.

<table>
<thead>
<tr>
<th>17.1</th>
<th>RATES HARDSHIP</th>
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<tbody>
<tr>
<td>Location:</td>
<td>Nil.</td>
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<td>Date of Report:</td>
<td>5/01/2015</td>
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<tr>
<td>Business Unit:</td>
<td>Strategy and Governance,</td>
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<tr>
<td>Officer:</td>
<td>Shelley Pike Chief Executive Officer</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil.</td>
</tr>
</tbody>
</table>
19. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

20. DATE OF NEXT MEETING
That the next Ordinary Council Meeting will be held on 25th March 2015.

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