



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 27 SEPTEMBER 2016

(Held at the Shire of Waroona Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire Deputy President declared the meeting open at 4.12 pm and welcomed Councillors and Staff present.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Larry Scott	Deputy Shire President
Cr Christine Germain	Councillor
Cr John Mason	Councillor
Cr Trish Witney	Councillor
Cr Craig Wright	Councillor
Cr Laurie Snell	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO / Director Corporate Services
Mr Louis Fouche	Director Development Services
Miss Ashleigh Nuttall	Manager Financial Services
Mr Leonard Long	Manager Development Services
Mr Chris Dunlop	Senior Town Planner
Mr Brad Vitale	Community Development Officer

APOLOGIES

Cr Noel Dew	Shire President
Cr John Salerian	Councillor

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL RESOLUTION**

OCM16/09/090

MOVED: CR WRIGHT

SECONDED: CR WITNEY

That Leave of Absence be granted to Cr Witney and Cr Germain for the Ordinary Council meeting to be held on 25 October 2016, and Cr Mason for the period 21 October – 2 November 2016.

CARRIED 6/0

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil



7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 23 AUGUST 2016

COUNCIL RESOLUTION

OCM16/09/091

MOVED: CR SNELL

SECONDED: CR WRIGHT

That the Minutes of the Ordinary Council Meeting held 23 August 2016 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

The Deputy President advised that he would consider items 9.1.1 and 9.1.2 enbloc. No Councillor objected.

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 TENDER – RFT 2016/04 – SUPPLY & DELIVERY OF GRAVEL BASECOURSE MATERIAL	
Reporting Officer / Officer's Interest:	Murry Bracknell, Manager of Works and Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 15/09/2016	File No.: 2016/04
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<i>Assets, Resources, Financial Management & Sustainability</i>"	

PROPOSAL SUMMARY

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2016/04 – Supply and Delivery of Gravel Basecourse Material.

BACKGROUND/INITIAL COMMENTS

Council's 2016/17 budget includes an allocation for the purchase of gravel for use in the construction program. As the total cost of the gravel will exceed \$100,000, a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 27th August 2016. The closing date of the tender 14th September 2016.

The Scope of Works contained in the specification called for the submission of prices the supply and delivery of gravel to the various road works sites subject to the 2016/17 construction season and to the Shire Depot.

Tenderers were also instructed to describe the method in which they intended to determine volumes delivered, however the specification reserved the shire's right to reject any method and implement another.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- Tendered Price 50%
- Relevant Experience 15%
- Tenderer's Resources 15%
- Demonstrated Understanding 10%
- Value Adding Proposal 10%



The specification sets out how the tenderers were to address the second and third criteria.

The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the tendered price which included allowance for the buy local policy.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”; 5.03.04 “Roads and Bridges – Maintenance”

FINANCIAL ISSUES/IMPLICATIONS

The purchase of the gravel is allowed for in the 2016/17 budget. Funding sources include Roads to Recovery, Regional Road Group Black Spot and Council’s own funds.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 ‘Purchase of Budget Items’.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

One submission was received from Charles Hull Contracting. Following the evaluation of the submissions the aggregate score was as follows:

- Charles Hull Contracting: 790



The per cubic metre rate is as anticipated and the same as received in the 2015/16 tender process which was won by Charles Hull Contracting.

It is concerning that gravel prices remain high, as evident from this tender and the previous two tenders let to supply gravel. As gravel is a substantial cost component involved with road works, a high gravel cost severely limits the extents to which roads can be renewed. In light of this, officers have employed cement stabilisation of existing materials in road re-construction works to reduce the import of gravel. These innovations have been in an effort to maintain the condition of council roads and the levels of service to the community. With costs expected to continue to raise officers shall be actively examining alternative gravel sources and/or construction methods so that costs can be brought down and value for money maximised.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

This item was considered enbloc with item 9.1.2
That Council award Tender RFT 2016/04 Supply and Delivery of Gravel to Charles Hull Contracting based on the schedule of rates below.

	Distance from Quarry (Waroona) to Shire Work Site (km)	Per Cubic Meter	
Supply, Load and Deliver	Lake View Road, Preston Beach	\$33.00	
	Scarp/ Nanga Brook Road	\$33.00	
	Somers Road	\$33.00	
	Dorsett Road	\$33.00	
	Buller Road (east of Somers Road)	\$33.00	
	Weir Road	\$33.00	
	Waroona Shire Depot Thatcher Street	\$33.00	
Other Locations – Supply and Deliver Rates	Other Locations = Price of Gravel at pit + \$/km rate	Gravel	\$/km
		\$22.50	\$10.50

9.1.2 TENDER – RFT 2016/03 – SUPPLY & DELIVERY OF CRUSHED LIMESTONE	
Reporting Officer / Officer's Interest:	Murry Bracknell, Manager of Works and Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 15/09/2016	File No.: 2016/03
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

PROPOSAL SUMMARY

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2016/03 – Supply and Delivery of Crushed Limestone.

BACKGROUND/INITIAL COMMENTS

Council's 2016/17 budget includes an allocation for the purchase of limestone for use in the construction program. As the total cost of the material will exceed \$100,000, a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 27th August 2016. The closing date of the tender 14th September 2016.

The Scope of Works contained in the specification called for the submission of prices the supply and delivery of gravel to the various road works sites subject to the 2016/17 construction season and to the Shire Depot.

Tenderers were also instructed to describe the method in which they intended to determine volumes delivered, however the specification reserved the shire's right to reject any method and implement another.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- Tendered Price 60%
- Relevant Experience 20%
- Tenderer's Resources 20%

The specification sets out how the tenderers were to address the second and third criteria.

The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.



A scoring system was used for the assessment of the qualitative criteria and the tendered price which included allowance for the buy local policy.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”; 5.03.04 “Roads and Bridges – Maintenance”

FINANCIAL ISSUES/IMPLICATIONS

The purchase of the material is allowed for in the 2016/17 budget. Funding sources include Roads to Recovery, Regional Road Group, Black Spot and Council’s own funds.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 ‘Purchase of Budget Items’.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

One submission was received by Charles Hull Contracting. Following the evaluation of the submissions the aggregate scores are as follows:

- Charles Hull Contracting: 680

Charles Hull Contracting has supplied limestone to Council on several occasions and their product and service has met the specifications in the past. Therefore officers are comfortable to recommend that Charles Hull Contracting be awarded the tender in this instance.



Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM16/09/092

MOVED CR WITNEY

SECONDED CR WRIGHT

That Council award Tender RFT 2016/04 Supply and Delivery of Gravel to Charles Hull Contracting based on the schedule of rates below.

	Distance from Quarry (Waroona) to Shire Work Site (km)	Per Cubic Meter	
Supply, Load and Deliver	Lake View Road, Preston Beach	\$33.00	
	Scarp/ Nanga Brook Road	\$33.00	
	Somers Road	\$33.00	
	Dorsett Road	\$33.00	
	Buller Road (east of Somers Road)	\$33.00	
	Weir Road	\$33.00	
	Waroona Shire Depot Thatcher Street	\$33.00	
Other Locations – Supply and Deliver Rates	Other Locations = Price of Gravel at pit + \$/km rate	Gravel	\$/km
		\$22.50	\$10.50

That Council award Tender RFT 2016/03 Supply and Delivery of Crushed Limestone to Charles Hull Contracting based on the schedule of rates below.

	Distance from Quarry (Lake Clifton) to Shire Work Site (km)	Per Cubic Meter	
Supply, Load and Deliver	Lake View Road, Preston Beach	\$21.50	
	Somers Road	\$21.50	
	Dorsett Road	\$21.50	
	Buller Road (east of Somers Road)	\$21.50	
	Weir Road	\$21.50	
	Waroona Shire Depot Thatcher Street	\$21.50	
Other Locations – Supply and Deliver Rates	Other Locations = Price of Limestone at pit + \$/km rate	Limestone	\$/km
		\$11.00	\$10.50

CARRIED 6/0



9.2 DIRECTOR DEVELOPMENT SERVICES

9.2.1 AMENDMENT OF LOCAL PLANNING POLICY 13 - INTENSIVE AGRICULTURE	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; No Interest
Proponent:	N/A
Landowner:	N/A
Date of Report: 12 September 2016	File No.: TPS7 General 111/1
Previous Reference:	OCM 9923 of 24 June 2003
Policy Implications:	State Planning Policy 2 - Environment and Natural Resources 2003 State Planning Policy 2.1 – Peel Harvey Coastal Plain Catchment 2003 State Planning Policy 2.5 Land Use Planning in Rural Areas 2012 Shire of Waroona Local Planning Policy 13 – Intensive Agriculture Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992 Peel Region Scheme Strategic Agricultural Resource Policy 2002
Statutory Implications:	Planning and Development Act 2005 Planning and Development (Local planning Schemes) Regulations 2015 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7, 1996
Strategic Implications:	Shire of Waroona Local Planning Strategy 2009 Shire of Waroona Community Strategic Plan 2014/15 – 2023/24
Financial Implications:	<i>Advertising Costs (including in operational budget)</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>Theme 3: Responsible Land Use Planning and Protecting Rural Land</i>	

PROPOSAL SUMMARY

Council is requested to initiate the amended Local Planning Policy 13 - Intensive Agriculture (LPP 13) at **APPENDIX 9.2.1A** for advertising.

Intensive Agriculture can significantly increase the loads of nutrients, mainly phosphorus and nitrogen, entering groundwater, watercourses, wetlands, and the Peel-Harvey Estuary. Once in the environment, nutrients reduce water quality, causing algal blooms, changing conditions for aquatic fauna and can lead to fish kills.

The Peel-Harvey Estuary is in a perilous state, and current levels of phosphorus entering the catchment's watercourses are double that which is estimated to return the estuarine system and lower rivers to a healthy state (EPA, 2008; Kelsey *et al*, 2011).



A working group (Peel Intensive Agricultural Working Group) consisting of the local governments of Murray, Mandurah, Waroona, Harvey and Serpentine Jarrahdale, Department of Water and Department of Agriculture was established to prepare a model local planning policy for intensive agricultural developments, which requires Council to consider the amendment of its current LPP 13 - Intensive Agriculture.

BACKGROUND/INITIAL COMMENTS

Adopted in 2003, the LPP 13 - Intensive Agriculture is inconsistent with current State Planning Policies and the changed physical landscape of Waroona over the last 13 years. The new model local planning policy for intensive agricultural development, workshopped by local governments in the Peel-Harvey Coastal Plain Catchment area was released by the Peel Intensive Agriculture Working Group in February 2016. The model local planning policy is designed to help with the determination of new intensive agricultural developments that support water-quality improvement standards in the Peel-Harvey Coastal Plain Catchment.

All local governments within the working group have given an undertaking to adopt a version of the policy to provide a catchment wide approach to the management of nutrient loads entering the Peel Harvey Estuary. To date the Shire of Murray has adopted a policy based on the Model Policy.

The proposed revised policy addresses the following issues:

- Inconsistency with state planning policies; and
- Inconsistent determining standards for applications for Intensive Agriculture developments in the local governments within the Peel-Harvey Coastal Plain Catchment area.
- Updated formatting to be consistent with the reviewed policy suite of the Shire of Waroona;
- Inclusion of ‘essential components’ identified in the model policy.

The revised Intensive Agriculture policy outlines a comprehensive assessment of new applications for intensive agriculture as well as upgrades to existing intensive agriculture developments that may compromise existing or future potential for intensive agriculture areas.

The objectives of the Intensive Agriculture Local Planning Policy are as follows:

“2. Objectives

- a) *To ensure new Intensive Agriculture enterprises pose a low risk to Catchment water quality and are able to meet or improve Catchment standards for water quality improvement.*
- b) *To encourage new types of Intensive Agriculture enterprises to the Policy Area which are compatible with Catchment water quality improvement standards.*
- c) *To encourage high standards in Intensive Agriculture management practices in all parts of the local government area.*
- d) *To ensure strategic and statutory proposals do not compromise existing well-managed Intensive Agriculture developments, or compromise the potential future development of relatively high capability areas.”*



PLANNING – STRATEGIC IMPLICATIONS

Shire of Waroona Local Planning Strategy 2009 (LPS)

The LPS serves as Council's main strategic planning instrument guiding development within the Shire. The LPS outlines land uses that are permissible and discretionary within the six (6) precincts of the Shire. The classification of these land uses as permitted or discretionary is then reflected in Table 1 - Zoning Table of the Scheme. LPP 13 sets the provisions for the assessment of new intensive agriculture developments.

REFERRALS

The amended policy will be referred to internal departments during the consultation period.

FINANCIAL ISSUES/IMPLICATIONS

Cost of advertising the Policy is within the 2016/17 budget (incorporated into Council's existing advertising expenses associated with the Sea to Scarp publication).

POLICY ISSUES/IMPLICATIONS

State Planning Policy 2 – Environment and Natural Resources (SPP2)

The objectives of SPP2 are stated as:

- To integrate environment and natural resource management with broader land use planning and decision-making;
- To protect, conserve and enhance the natural environment; and
- To promote and assist in the wise and sustainable use and management of natural resources.

State Planning Policy 2.1 – Peel Harvey Coastal Plain Catchment

State Planning Policy 2.1 – The Peel Harvey Coastal Plain Catchment includes a general policy provision for intensive agriculture that is likely to drain towards the Peel Harvey Estuarine System, which is to be managed to reduce or eliminate nutrient export from the land.

SPP 2.1 also includes specific policy provisions for intensive agriculture, which are as follows;

“6.6 Intensive agriculture

- 6.6.1 Proposals to develop land for intensive agriculture will require formal development approval from the local government authority.
- 6.6.2 In consideration applications for the use of land or a rezoning for intensive agriculture, local authority shall take account of the environmental advice of the EPA and land suitability advice from the Department of Agriculture.
- 6.6.3 The responsible authority will take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Estuary in considering the suitability of land for intensive agriculture use. Generally only land on the foothills of the Darling Scarp or deep



yellow Spearwood soils on the Western edge of the catchment have suitable qualities to sustain intensive agriculture apart from such uses which rely on hydroponics and thereby do not result in contamination of groundwater or surface drainage, or include red mud, or other suitable soil amendment, at rates recommended by the Department of Agriculture.

- 6.6.4 Proposals which would provide additional direct drainage to the Estuary, its tributaries or Water Authority drainage systems will not be permitted without appropriate nutrient reduction measures.
- 6.6.5 Works approvals and licences will be required from the EPA where the proposal has a wastewater discharge or falls within the list of scheduled premises under Part V of the Environmental Protection Act. Some intensive agriculture proposals may require environmental impact assessment under Part IV of the Environmental Protection Act.”

State Planning Policy 2.5 Land Use Planning in Rural Areas 2012 (SPP2.5)

The objectives of SPP2.5 are:

- a) To protect rural land from incompatible uses by:
 - i) requiring comprehensive planning for rural areas;
 - ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
 - iii) providing investment security for the existing and future primary production sector.
- b) To promote regional development through provision of ongoing economic opportunities on rural land.
- c) To promote sustainable settlement in, and adjacent to, existing urban areas.
- d) To protect and improve environmental and landscape assets.
- e) To minimise land use conflicts.

Environmental Protect (Peel Inlet-Harvey Estuary) Policy 1992 (EPP)

The EPP informs the formulation of the draft policy by providing target nutrient exports for the estuary catchment area.

The purpose of the EPP is to:

- a) Set out environmental quality objectives for the estuary which if achieved will rehabilitate the estuary and protect the estuary from further degradation; and
- b) Outline the means by which the environmental quality objectives for the estuary are to be achieved and maintained.

Peel Region Scheme Strategic Agricultural Resource Policy 2002 (PRS policy)

The PRS policy identifies strategic areas of agricultural land within the region that are considered to be of state or regional significance.

The PRS policy informs the formulation of the draft LPP13 by identifying areas of land with high agricultural value.



STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Planning and Development Act 2005

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and provides the head of power for the enforcement of the Scheme and any policies adopted under it.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Schedule 2 of the Regulations sets out deemed provisions for Local Planning Schemes that are to be read as part of the Local Planning Scheme.

Schedule 2 Division 2 of the Regulations deals with Local planning policies, with Clause 3 stating:

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.
- (2) A local planning policy -
 - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
 - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- (4) The local government may amend or repeal a local planning policy.
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

Schedule 2 Clauses 4 and 5 of the Regulations specifies the procedures for making and amending a local planning policy, including the requirement for advertising.

Peel Region Scheme (PRS) 2003

Clause 6 – Aim of the Scheme, states the following;

“(d) Protect surface water catchments and ground water areas for future water supplies.”

Town Planning Scheme No.7

Clause 4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the TPS, the various uses permitted in the TPS area in the various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.



Although a planning policy does not bind Council, it shall have regard for the policy when making a decision.

LEGAL ISSUES/IMPLICATIONS

None applicable.

COMMUNITY CONSULTATION

Clause 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 require a draft planning policy to be advertised in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Application

The policy is applied through the assessment process for applications for intensive agriculture. The assessment process is a local government tool used to the effect of minimising nutrient export into the Peel Harvey catchment. While the basis of the model policy is the protection of the Peel Harvey catchment it is proposed that the policy will be applied across the entire Shire to protect natural aquatic resources.

Operation

The policy requires the following documents to accompany an application for planning consent for an Intensive Agricultural development:

- A *Site Management plan* to document how the site will be established and managed over the lifespan, and
- *Nutrient Export Risk Assessment* to demonstrate, given specific circumstances, that the proposal will likely pose a low risk to catchment water quality.

The submitted application is then assessed against the standards found in the following appendices and given due regard to relative strategic frameworks and planning policies:

- Appendix A - Peel Harvey Catchment Water Quality Improvment Standards and Guidance. Provides standards and guidance on determining the phosphorus and nitrogen export rates for intensive horticulture.
- Appendix B – Table 1 Indicative risk of horticultural proposals to catchment water quality and soil resources. Presents the indicative potential suitability of various types of intensive horticulture on major soil landscapes in the Peel Harvey Coastal Catchment area.
- Appendix C – Table 2 Nutrient export risk and suitability for in-ground horticulture in different land units of the Peel-Harvey Coastal Catchment. Provides summary advice from the Department of Agriculture and Food WA on the potential suitability of mapped soil-landscape units in the Shire of Waroona for in-ground horticulture.
- Appendix D - Other Considerations. Provides a list of other potential environmental issues for consideration during application assessment.

Conclusion

The amended policy will provide greater clarity and efficiency around the assessment and approval of intensive agriculture applications. The policy will be consistent with the relevant state planning policies and contribute to a uniform assessment of intensive agriculture applications in the Peel-Harvey Coastal Plain Catchment area. It is therefore recommended that Council initiate the revised policy for Intensive Agriculture for advertising purposes.

Appendices Attached:	Yes	Appendices Numbers:	9.2.1A
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VOTING REQUIREMENTS

Absolute Majority.

COUNCIL RESOLUTION

OCM16/09/093

MOVED: CR MASON

SECONDED: CR WRIGHT

That Council:

- 1. Pursuant to Schedule 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council resolves to advertise the amended Local Planning Policy 13 – Intensive Agriculture in accordance with the requirements of Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Subject to no objections or modification requests being received during the advertising period required in (1.) above and pursuant to Schedule 2, Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council resolves to adopt without modifications the amended Local Planning Policy 13 – Intensive Agriculture.**
 - a. The date of the adoption of the amended Local Planning Policy 13 –Intensive Agriculture shall be the date of the first Ordinary Council Meeting following the closure of the advertising period.**

CARRIED BY AN ABSOLUTE MAJORITY 6/0

9.2.2 PROPOSED AMENDMENT TO LOCAL PLANNING POLICY 1 – COMMUNITY CONSULTATION	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; No Interest
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 15 September 2016	File No.: LPP1
Previous Reference:	OCM05/117 of 27 September 2005 OCM13/12/135 of 17 December 2013
Policy Implications:	Local Planning Policy 1 – Community Consultation 2013
Statutory Implications:	Competition and Consumer Act 2010 (Commonwealth) Competition and Consumer Regulations 2010 (Commonwealth) Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Waroona Town Planning Scheme No.7, 1996
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	Advertising costs (incorporated in operational budget)
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 3: Responsible Land Use Planning and Protecting Rural Land	

PROPOSAL SUMMARY

Council is requested to initiate the amended version of Local Planning Policy 1 – Community Consultation (LPP1), to allow public consultation to be undertaken.

BACKGROUND/INITIAL COMMENTS

The current version of LPP1 was adopted by Council at its Ordinary Meeting of 12 December 2013 (OCM13/12/135). Since that time LPP1 has been applied in the assessment of relevant planning and land use considerations.

The gazettal of the Planning and Development (*Local Planning Schemes*) Regulations 2015, in particular Schedule 2 – Deemed Provisions for Local Planning Schemes altered the statutory framework surrounding consultation requirements for applications made under the Scheme. In order to ensure that the processing of applications under the Scheme is done in a contemporary manner changes are proposed to the policy as follows, with a full marked up version attached as **APPENDIX 9.2.2A**;

Proposed Change	Officer Comment
Section 1 of the Policy reworded.	To update references to the Planning and Development (<i>Local Planning Schemes</i>) Regulations 2015.
Section 3 of the Policy reworded.	To update references to the Planning and Development (<i>Local Planning Schemes</i>) Regulations 2015
Special Procedural considerations moved to section 4 of the policy.	To make the format of the policy consistent with the standard format of Council's Local Planning Policy Manual.
Required consultation periods in Table 1 shortened from 21 days to 14 Days.	To make the consultation timeframes of the policy consistent with the Planning and Development (<i>Local Planning Schemes</i>) Regulations 2015.
Website Advertising included in Table 1.	To ensure that the consultation procedures of Council make best use of available resources and that consultation is undertaken in a contemporary manner.
Addition of note 3 to the provisions of Table 1 of the policy.	To clarify the required procedure for consultation on proposals that vary the Scheme and council policies with impact only on particular neighbouring lots.
Deletion of provision relating to a Home Based Business with a commercial impact.	To ensure that Council does not restrict the establishment of businesses as required by the Competition and Consumer Act 2010.
Deletion of provision relating to the advertising of the designation of a heritage precinct.	Matter now covered directly under the Planning and Development (<i>Local Planning Schemes</i>) Regulations 2015.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

The draft policy will be referred to internal departments during the consultation period.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15 – 2023/24

This item contributes towards achieving Theme 3: Responsible Land Use Planning and Protecting Rural Land.

FINANCIAL ISSUES/IMPLICATIONS

Cost of Advertising the Policy within the budget (incorporated into Council's existing advertising expenses associated with the Sea to Scarp publication).

POLICY ISSUES / IMPLICATIONS

Nil.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS



Competition and Consumer Act 2010 (Commonwealth)

The object of this Act is to enhance the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection.

The Act prohibits government agencies from restricting the operation of a business based on the lessening of competition to existing business operations.

Competition and Consumer Regulations 2010 (Commonwealth)

The Regulations are made under the Act and common law determinations made under the Act and Regulations prevent the restraint of trade of a business based on competition with other businesses.

Planning and Development Act 2005

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and provides a head of power for the Regulations.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Schedule 2 of the Regulations sets out deemed provisions for Local Planning Schemes that are to be read as part of the Local Planning Scheme.

Clause 4 of Schedule 2 sets out the procedure for making a local planning policy.

(1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*

(a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*

- (i) *the subject and nature of the proposed policy; and*
- (ii) *the objectives of the proposed policy; and*
- (iii) *where the proposed policy may be inspected; and*
- (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*

(b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*

(c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*

(2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*

3) *After the expiry of the period within which submissions may be made, the local government must —*

(a) *review the proposed policy in the light of any submissions made; and*

(b) resolve to —

- (i) proceed with the policy without modification; or
- (ii) proceed with the policy with modification; or
- (iii) not to proceed with the policy.

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

(5) A policy has effect on publication of a notice under subclause (4).

(6) The local government —

(a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and

(b) may publish a copy of each of those local planning policies on the website of the local government.

Clause 5 of Schedule 2 prescribes the procedure for amending a local planning policy.

Clause 6 of Schedule 2 to the Regulations states:

A local planning policy may be revoked —

(a) by a subsequent local planning policy that —

- (i) is prepared in accordance with this Part; and
- (ii) expressly revokes the local planning policy; or

(b) by a notice of revocation —

- (i) prepared by the local government; and
- (ii) published in a newspaper circulating in the Scheme area.

Clause 64 of Schedule 2 to the Regulations sets out the requirements for the advertising of applications where the local government decides to advertise.

Shire of Waroona Town Planning Scheme No.7 1996 (TPS)

Clause 2.4 provides for the preparation of Town Planning Scheme Policies relating to parts or all of the scheme, however has been superseded by Clause 4 of Schedule 2 of the Regulations.

Clause 8.2 provides provisions for the advertising of application made under the Scheme and has been superseded by Clause 64 of Schedule 2 to the Regulations.

LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION



Clause 4(1) of the Regulations require a draft Planning Policy to be advertised in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The addressing of the day to day operational issues of LPP1 forms part of the Shire's ongoing review of its Local Planning Policy Manual. The regular review of local planning policies plays an important role in ensuring that all policies are up to date with current legislation, best practice and are achieving their relevant objectives.

The reviewed provisions of LPP1 ensure its consistency with the Regulations and provide for the use of the most contemporary consultation methods.

Conclusion

Overall the changes to LPP1 are not expected to result in substantial alterations to its implementation, rather an increased level of efficiency and consistency should result. It is therefore recommended that Council initiate the draft Local Planning Policy 1 – Community Consultation.

Appendices Attached:	Yes	Appendices Numbers:	9.2.2A
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VOTING REQUIREMENTS

Absolute Majority.

COUNCIL RESOLUTION

OCM16/09/094

MOVED: CR WRIGHT

SECONDED: CR WITNEY

- 1. Pursuant to Schedule 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council resolves to advertise the amended Local Planning Policy 1 – Community Consultation in accordance with the requirements of Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Subject to no objections or modification requests being received during the advertising period required in (1.) above and pursuant to Schedule 2, Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council resolves to adopt without modifications the amended Local Planning Policy 1 – Community Consultation.**
 - a. The date of the adoption of the amended Local Planning Policy 1 – Community Consultation shall be the date of the first Ordinary Council Meeting following the closure of the advertising period.**

CARRIED BY AN ABSOLUTE MAJORITY 6/0



9.2.3 AGE-FRIENDLY COMMUNITY PLAN 2016-2020	
Reporting Officer / Officer's Interest:	Brad Vitale, Community Development Officer; No Interest
Responsible Officer / Officer's Interest	Louis Fouché, Director Development Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 16 September 2016	File No.: 38/1, 48/6, 73/1
Previous Reference:	Not Applicable
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 4 Society / Community Wellbeing “Maintain strong sense of Community; Effective Community Wellbeing”	

PROPOSAL SUMMARY

Council is requested to consider the Shire of Waroona Age-Friendly Community Plan 2016-2020 prepared by Storybox Consulting. A copy of the completed Plan is provided as an attachment to this report at **APPENDIX 9.2.3**

BACKGROUND/INITIAL COMMENTS

In accordance with Council's commitment to community wellbeing, as outlined in the Shire of Waroona Strategic Community Plan 2014/15-2023/24 under the fourth theme relating to “Society/Community Wellbeing”, the Shire of Waroona's Age-Friendly Community Plan 2016-2020 has been developed. The Plan is the first of its type for the Shire, and has been developed with the assistance of various community groups, organisations and service providers through funding provided by the Department of Local Government and Communities.

According to the World Health Organisation (2007) an Age-Friendly community encourages active ageing by optimising opportunities for health, participation and security in order to enhance quality of life as people age.

In 2015 the Department of Local Government and Communities determined that ageing well requires planning to enable older Australians to age with dignity, maintain their independence, play active and valued roles and have their rights respected and upheld.

It also stated that planning for an age-friendly Western Australia means:

- Promoting health and wellbeing,
- Access to essential services,
- Economic security and protection of rights,
- Welcoming and well-planned communities, and
- Opportunities to contribute

The Western Australian government's Age-Friendly Communities Toolkit encouraged local governments to self-assess against a range of criteria across eight areas of focus:

1. Outdoor spaces and buildings



2. Transport
3. Housing and accommodation
4. Community support and health services
5. Social participation
6. Respect and social inclusion
7. Volunteering and employment
8. Communication & information

In developing the Plan, officers worked collaboratively with the Shire of Murray to engage with service providers and residents across both Shires. A program of focus groups, interviews and surveys combined with guidance from the Age-Friendly Working Group enabled the Shire to better assess the features, barriers and improvements needed in each of the eight areas above, to work towards a more age-friendly community.

As both the Shires of Waroona and Murray have similar demographics and challenges, the Shires collaborated on the development of Plans to suit each Shire. By working together the Shires were able to share resources and learn from each other about programs, services and infrastructure solutions that assist in making our communities more age-friendly.

PLANNING – STRATEGIC IMPLICATIONS

Disability Access and Inclusion Plan 2012-2017 (DAIP)

The DAIP outlines the ways in which the Shire will ensure that people with disabilities have equal access to its facilities and services. The document provides a framework for improving access and inclusion for people with disabilities in the Shire, with six desired outcomes. The outcomes in the DAIP reflect similar outcomes outlined in the Age-Friendly Community Plan, with the focus on seniors rather than people with disabilities.

The relevant outcomes in the DAIP include:

Outcome 1: People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the Shire of Waroona.

Outcome 2: People with disabilities have the same opportunities as other people to access the buildings and other facilities of the Shire of Waroona.

Outcome 3: People with disabilities receive information from the Shire of Waroona in a format that will enable them to access the information as readily as other people are able to access it.

Outcome 4: People with disabilities receive the same level and quality of service from the staff of the Shire of Waroona as other people receive.

Outcome 5: People with disabilities have the same opportunities as other people to make complaints to the Shire of Waroona.

Outcome 6: People with disabilities have the same opportunities as other people to participate in public consultations by the Shire of Waroona

REFERRALS



Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan issue area is number 4 Society / Community Wellbeing “Maintain strong sense of Community; Effective Community Wellbeing”, particularly the following strategies:

- 4.01 Pursue a social environment that is accessible and inclusive for all ages and abilities.
- 4.03 Provide support services and facilities to assist various community groups. [Youth, Aged, Health Care, Arts, etc.]
- 4.05 Attempt to provide a variety of quality, safe, attractive, user-friendly facilities for recreation, health, and social purposes, where financially possible.
- 4.07 Promote tourism, inclusiveness and the local communities of the Shire, by the holding of a variety of events.
- 4.10 Work in partnership with Government and Non-government organisations to achieve real and long lasting improvements in safety and wellbeing.

FINANCIAL ISSUES / IMPLICATIONS

Funding for the drafting of the Age-Friendly Community Plan 2016-2020 has been sourced via a Department of Local Government and Communities Age-Friendly Communities Local Government Grant in partnership with Shire of Murray. The grant application included a grant of \$10,000 plus a cash contribution of \$2,000 by Council and a further \$7,000 by Shire of Murray Council, totalling \$19,000 (excl. GST).

POLICY ISSUES / IMPLICATIONS

The Plan supports the Council Policy 1.30 Community Engagement in that it has been developed through consultation with the community, and reflects the community's aspirations and long term needs.

Policy 1.30 Community Engagement intends *to ensure strategic decisions and long term plans made by Council are aligned to the community's aspirations and are responsive to long term community needs.*

All principles detailed in this Policy have been followed in the development of the Plan. These principles are:

- Access to information;
- Encouragement to present views;
- Transparency;
- Opportunity to present your views;
- Feedback;
- Openness;
- Responding to diversity;
- Timeliness; and
- Coordination

STATUTORY ISSUES./ENVIRONMENT / IMPLICATIONS

Equal Opportunity Act 1984 (WA)

The Act to promotes equality of opportunity in Western Australia and provides remedies in respect of discrimination on the grounds of sex, marital status, pregnancy, sexual orientation, family responsibility or family status, race, religious or political conviction, impairment, age, or publication of details on the Fines Enforcement Registrar's website, or involving sexual or racial harassment or, in certain cases, on gender history grounds.

Human Rights and Equal Opportunity Commission Act 1986 (Australia)

The Act establishes the Australian Human Rights Commission, making provision in relation to human rights and in relation to equal opportunity in employment, and for related purposes.

Disability Discrimination Act 1992 (Australia)

The Act relates to discrimination on the ground of disability.

Disability Services Act (WA) 1993

The Act establishes the Disability Services Commission and the Ministerial Advisory Council on Disability, furthers principles applicable to people with disability, funding and provision of services to such people that meet certain objectives, regulates the resolution of complaints by such people, and related purposes.

Age Discrimination Act 2004 (Australia)

The Act relates to discrimination on the ground of age.

LEGAL ISSUES / IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

The consultant conducted two open forums with seniors at two locations within the Shire. A Shire officer was present at each forum, and the dates and locations were publicised in advance as follows:

- 26 May 2016 – Waroona Community Resource Centre
- 28 May 2016 – Preston Beach Community Centre

A community survey was distributed both online and in hard copy around the Shire for interested community members to complete in the months of April, May and June. 45 respondents completed the survey.

An interview was conducted with individuals representing 6 local service providers being:

- Disability Services Commission



- GP Down South
- Peel Community Care
- Quambie Park, Waroona
- 360 Health and Community

Overall, there were 98 participants including 27 residents who participated in one of two focus groups, 45 survey respondents, 6 individuals representing 6 service providers, and 19 working group members.

OFFICER'S FINAL COMMENTS

The population of people in their senior years in the Shire of Waroona continues to increase, with over 30% of residents aged 60 years and over (ABS, 2011a). The Shire of Waroona has worked collaboratively with the Shire of Murray to engage with service providers and residents in order to understand the age-friendliness of the community. The Age-Friendly Community Plan 2016-2020 was developed following a program of focus groups, interviews and surveys that identified the features, barriers and possible improvements needed to enhance the community's age-friendliness which have formed nine strategies.

Over the next five years, the Shire of Waroona will work with stakeholders to identify the resources needed to support the strategies in this plan. Some circumstances will see the Shire responsible for tackling challenges, other circumstances will see the Shire take a facilitator, advocator or partner role to ensure resources are sought and applied appropriately, and valuable opportunities are explored.

Developing an Age-Friendly Community Plan supports Council's Strategic Community Plan, and the comments of this demographic have been communicated and captured through the surveys, workshops and consultations.

The Age-Friendly Community Plan 2016-2020 proposes the following broad strategies:

1. Develop, encourage and maintain sustainable outdoor spaces and buildings to a standard that considers the needs and mobility of seniors, and ensures accessibility and safety for all residents.
2. Support sustainable transport options and movement networks including public transport, community transport and pedestrian routes with consideration of the needs of the ageing population.
3. Encourage and support suitable housing options that allow seniors to remain living, supported and included in our community.
4. Encourage the attraction of community support and health service providers and agencies to provide the required services to the Shire, which will assist our senior residents to age in place.
5. Facilitate and advocate for effective communication between seniors and community support and health service providers.

6. Facilitate and support opportunities that enhance social participation, with particular consideration of seniors who are restricted in mobility, are culturally and linguistically diverse, and may be geographically or socially isolated.
7. Support the development and maintenance of healthy community relationships by creating opportunities for community engagement and intergenerational activities.
8. Encourage and promote volunteering and employment opportunities for seniors.
9. Use communication methods that are accessible to all community members to ensure appropriate distribution and dissemination of local information.

CONCLUSIONS

The above strategies are generally supported as they are broadly consistent with selected themes and strategies in the Strategic Community Plan. It is therefore recommended that Council adopt the Age-Friendly Community Plan 2016-2020 prepared by Storybox Consulting for future reference purposes in the preparation and review of other local strategies and corporates documents.

Appendices Attached:	Yes	Appendices Numbers:	9.2.3
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VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION

OCM16/09/095

MOVED: CR WITNEY

SECONDED: CR SNELL

That Council adopt the Age-Friendly Community Plan 2016-2020 prepared by Storybox Consulting for future reference purposes in the preparation and review of other local strategies and corporates documents, including but not limited to:

- **The Strategic Community Plan**
- **The Local Planning Strategy 2009**
- **Long Term Financial Plan**
- **Corporate Business Plan**
- **Annual budgets**
- **Detailed Economic Development Strategies**

CARRIED 6/0



9.2.4 SUBDIVISION OF LOTS 4 AND 5 ON PLAN 21899, DORSETT ROAD, WAROONA – ROAD WIDENING	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil
Responsible Officer / Officer's Interest:	Leonard Long – Manager Development Services / Nil
Proponent:	De Nada Surveys
Landowners:	Mr Bruno Italiano & Mr Pasquale Italiano
Date of Report: 29 August 2016	File No: SD154109
Previous Reference:	Nil
Policy Implications:	State Planning Policy 2.5 – Agricultural and Rural Land Use Planning Development Control Policy 3.4 – Subdivision of Rural Land WAPC Development Control Policy 1.1 – Subdivision of Land – General Principles
Statutory Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 1996
Strategic Implications:	Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	See heading in report.
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

PROPOSAL SUMMARY

The applicant proposes to subdivide a portion of Lot 4 and a portion of Lot 5, to create Lot 106 measuring 1.7551ha, which will facilitate a road widening for the proposed road realignment of Dorsett Road. The proposal plan can be seen in **APPENDIX 9.2.4B**.

The application is referred to Council as the proposed subdivision does not comply with the minimum lot size specified in the Shire of Waroona Local Planning Strategy 2009.

BACKGROUND / INITIAL COMMENTS

A Western Australian Planning Commission (WAPC) subdivision application referral was received for the subdivision of portion of Lot 4 and portion of Lot 5 on Plan 21899, Dorsett Road, Waroona, to facilitate the widening and re-alignment of Dorsett Road.

The subject lots are located to the south west of the intersection of Gibbings Road and Dorsett Road. The lots are used for agricultural purposes.

A location plan can be seen in **APPENDIX 9.2.4A**.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS) 2009

The subject lots are classified as General Agriculture in the LPS. The LPS provides for a minimum lot size of 80ha in the General Agricultural area.

Whilst the proposed subdivision is not consistent with the Local Planning Strategy with regard to lot size it is in line with the Local Planning Strategy's 'Transport Considerations' which states:

“There will need to be connection between the Peel Deviation Road and Waroona. The most logical route is via Williamson, Dorsett and Coronation Roads. All three roads will require upgrading and realignment to remove some dangerous corners.”

REFERRALS

The proposal has been circulated to the Shire's internal departments of which none have any concerns with the proposal.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15-2023/24

Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land - Council's diligent assessment of subdivision applications is integral to this theme.

FINANCIAL IMPLICATIONS

The subdivision is part of the Shire's Dorsett Road realignment project, which includes budgeted surveying costs and WAPC subdivision application costs. There is no land costs associated with the project as a land swap agreement has been reached with the owner.

POLICY IMPLICATIONS

State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

This Policy applies to all rural land in Western Australia. The policy focuses on the identification and appropriate zoning of highly productive agricultural land throughout the state.

Section 4. – Objectives of this policy, states:

- a) To protect rural land from incompatible uses by:
 - i) requiring comprehensive planning for rural areas;
 - ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
 - iii) providing investment security for the existing and future primary production sector.

- b) To promote regional development through provision of ongoing economic opportunities on rural land.
- c) To promote sustainable settlement in, and adjacent to, existing urban areas.
- d) To protect and improve environmental and landscape assets.
- e) To minimise land use conflicts.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas.

Development Control Policy 1.1 - Subdivision of Land - General Principles

This Policy sets out the general principles used by the WAPC in determining applications for the subdivision of land. The objectives of this Policy are:

- To control the subdivision of land within the framework of the relevant legislation and regulations.
- To ensure that the subdivision of land is consistent with Statement of Planning Policy No. 1 State Planning Framework (SPP No. 1) and relevant WAPC policies and plans.
- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.
- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.
- To facilitate development which achieves appropriate community standards of health, safety and amenity.
- To facilitate appropriate access and movement systems for all modes of transport.
- To ensure constructed vehicle access from the gazetted public road system to each new lot.
- To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.
- To secure public utility services to each new lot appropriate for intended use of the lot.

Development Control Policy 3.4 - Subdivision of Rural Land

Section 6 of DC Policy 3.4 states:

'In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances':

- 'c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources'.*

STATUTORY IMPLICATIONS

Peel Region Scheme (PRS) 2003

The subject lot is zoned Rural under the PRS. Clause 5 (b) of the PRS states that it is the purpose of the PRS to provide for the zoning of land for living, working and rural land uses.

Clause 12 (e) deals with the Rural zoning under the PRS;

“Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

No guidance is given by the Peel Region Scheme as to appropriate lot sizes in the Rural zone.

Town Planning Scheme No. 7 (TPS) 1996

The subject lot is located within the ‘Rural 1 – General Agriculture’ zone under the Shire of Waroona Town Planning Scheme No. 7.

Clause 4.14.1 Objectives & Policies of the TPS states:

Council’s objective is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council’s policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;
- maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.4.

LEGAL ISSUES/IMPLICATIONS

See statutory issues.

COMMUNITY CONSULTATION

Community consultation was not required nor sought for this application.



OFFICER'S FINAL COMMENTS / CONCLUSIONS

The application proposes the subdivision of portion of Lot 4 and portion of Lot 5 thereby creating Lot 106, measuring 1.7551ha. The remaining areas of Lot 4 and 5 are 188.927ha and 146.3ha respectively.

The proposed subdivision is not in accordance with the 80ha minimum required by the Local Planning Strategy. However, provision is made under section 6 (c) of DC Policy 3.4 for the creation of lots to allow for the efficient provision of utilities and infrastructure, in this case the road realignment of Dorsett Road. The creation of the additional lot will not impact on the development potential of the parent lot and does not create the capacity for an additional dwelling on the newly created lot.

Whilst the proposed subdivision is not directly in line with the Local Planning Strategy with regard to lot size it is in line with the Local Planning Strategies 'Transport Considerations' which states:

"There will need to be connection between the Peel Deviation Road and Waroona. The most logical route is via Williamson, Dorsett and Coronation Roads. All three roads will require upgrading and realignment to remove some dangerous corners."

The proposal will not compromise or impact the use of Lots 4 and 5 for agricultural purposes and is deemed to be in accordance with DC Policy 3.4.

Conservation Category Wetland

A Conservation Category Wetland is located within Lots 4 and 5. The WAPC has referred the application to the Department of Parks and Wildlife for comment.

Bushfire Prone Area

The land subject of the application is classified as bushfire prone according to the Bushfire Prone Area map, published by the Department of Fire and Emergency Services on 20 May 2016. The lot does not contain any habitable development and therefore this classification is not considered significant to this application at this stage.

Remnant Vegetation

There is remnant vegetation in areas of the lots, including the area to be subdivided. Prior to any works taking place on the lot a clearing permit from the Department of Environment Regulation may be required.

Department of Mines & Petroleum

Other factors raised in the WAPC referral include a reference to the DMP as the lot is in the policy area of SPP2.4. The subject lot does not contain any mining activity, nor has it been identified as a source of basic raw materials.

It is recommended that Council responds to the Western Australian Planning Commission stating its support of the application.

VOTING REQUIREMENTS

Simple Majority.



COUNCIL RESOLUTION

OCM16/09/096

MOVED: CR SNELL

SECONDED: CR MASON

1. That in relation to the application for the subdivision of Lots 4 and 5 on Plan 21899, Dorsett Road, Waroona, Council resolves that the Western Australian Planning Commission be advised of Council's support of the application for the subdivision of the lots for the purpose of the Dorsett Road reserve.

CARRIED 6/0

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 19/09/16	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.1
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COUNCIL RESOLUTION

OCM16/09/097

MOVED: CR WITNEY

SECONDED: CR WRIGHT

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8360 - 8372	\$15,606.04
Trust (Cheque/EFTs)	EFT 23301, 233302, 23334 Chqs: 11098	\$118,752.95
Electronic Transfers Municipal Fund	EFT 23197 to 23333	\$685,196.40
Direct Wages	01/08/2016 – 31/08/2016 inclusive	\$248,657.60
Direct Debits	01/08/16 – 31/08/16	\$2,250.27
GRAND TOTAL:		<u>\$1,070,463.26</u>

and attached at Appendix 9.3.1 be endorsed.

CARRIED 6/0

9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 31 AUGUST 2016	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/9/16	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.2
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<p><u>COUNCIL RESOLUTION</u> OCM16/09/098 MOVED: CR GERMAIN SECONDED: CR MASON</p> <p>That the Monthly Statements of Financial Activity for the period 1 July 2016 to 31 August 2016 be received and noted.</p> <p style="text-align: right;">CARRIED 6/0</p>
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9.3.3 PROPOSED GRAZING LICENSE – PORTION OF RESERVE 22495	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Deputy CEO/Director Corporate Services; Nil Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO/Director Corporate Services; Nil Interest
Proponent:	Michael Ferraro
Landowner:	Crown vested in Shire of Waroona
Date of Report:	File No.: A2211
Previous Reference:	Nil
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No 6 Active Civic Leadership, Good Governance, & Excellence in Management</i>	

PROPOSAL SUMMARY

The Council has received a request from Mr Michael Ferraro to use a portion of Reserve 22495 (Fawcett Road Hamel) for the purpose of a grazing license.

Attached at **APPENDIX 9.3.3** is a plan of the subject land and letter of application.

BACKGROUND / INITIAL COMMENTS

The land in question has been leased for license purposes in the past (to a different grazier). Although this license has lapsed it is understood that the grazing has occurred on Reserve 22495 in an unofficial capacity.

Mr Ferraro is an owner of adjoining land to the Reserve.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 – Active Civic Leadership, Good Governance and Excellence in Management.

FINANCIAL ISSUES/IMPLICATIONS

The Council would normally charge a small annual license fee (eg \$100) to cover document recording etc and provide a means to support renewal.

Mr Ferraro however would be responsible for the payment of annual Council rates (determined on an annual basis) as a person in possession of the land.



POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Reserve 22495 is vested in the Shire of Waroona for the purpose of “Camping and Recreation” originally in 1945 and then subsequently reviewed in 2010.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Not required.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Investigation into the previous license to graze has revealed that a bushland area to the north of the reserve (between Hainge and Fawcett Roads) was excluded. It is therefore proposed to continue this exemption.

It is also noted that the previous license did not have a fixed expiry date but had simply lapsed due to non-payment of the annual license fee.

Mr Ferraro seeks a twenty year period for the proposed license and this is considered appropriate. (To be confirmed annually by payment of the annual fee.) In addition landowner responsibilities in relation to fire control would be enforced as the license holder would be deemed to be in possession of the land (as is the case for the payment of Council rates).

The following conditions are proposed to be endorsed by the license holder in order to accept the proposed agreement.

1. The land as noted on Attachment 1 shall be used for the purpose of grazing (de-pasturing) and shall not exceed the stocking rates as approved by the Department of Agriculture and Food.
2. The license shall be renewable at the will of Council and subject to termination at three months' notice by either party after the initial term of 20 years or for breach of License conditions.
3. The license fee for the first year shall be \$100 and Council may review the fee annually.
4. The land shall be fenced to ensure animals are confined to the land and such fence shall be erected and maintained at the cost of the licensee to the satisfaction of the local government at all times.
5. No structures may be erected upon the property without prior written approval of Council and such approval shall be subject to no compensation being paid for such structures upon termination of the License if the Licensee fails to remove them upon vacating the lease.
6. The Licensee shall not cut down, injure or destroy any living timber or scrub except for the purpose of destroying poisonous growth and no stock shall be permitted into the bushland at the northern apex of the reserve.
7. The Licensee shall indemnify and shall keep indemnified the Council against all claims for damage to property or persons arising from the use of the land.

8. The Council and any person authorised by the Chief Executive Officer may enter the land for inspection at any reasonable time.
9. If the Council is of the opinion that the land is overstocked to any extent sufficient or likely to cause damage to the land the license may be terminated if Licensee fails to comply with any such direction.
10. On expiration or earlier termination of the License the Licensee shall remove his improvements and leave the land in a clean, neat and tidy condition to the satisfaction of the Council.
11. The payment of annual Council rates in accordance with section 1.4 (a)(ii) of the Local Government Act 1995 as a person in possession of the land.

Appendices Attached:	Yes	Appendices Numbers:	9.3.3
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM16/09/099

MOVED: CR WRIGHT

SECONDED: CR MASON

That Mr Michael Ferraro of 35 Camp Road, Pinjarra be granted a grazing license over the cleared portion of Reserve 22495, Hamel for a period of twenty (20) years subject to signed acceptance of the following terms and conditions:

1. The land as noted on Attachment 1 shall be used for the purpose of grazing (de-pasturing) and shall not exceed the stocking rates as approved by the Department of Agriculture and Food.
2. The license shall be renewable at the will of Council and subject to termination at three months' notice by either party after the initial term of 20 years or for breach of Licence conditions.
3. The license fee for the first year shall be \$100 (ex GST) and Council may review the fee annually.
4. The land shall be fenced to ensure animals are confined to the land and such fence shall be erected and maintained at the cost of the licensee to the satisfaction of the local government at all times.
5. No structures may be erected upon the property without prior written approval of Council and such approval shall be subject to no compensation being paid for such structures upon termination of the License if the Licensee fails to remove them upon vacating the lease.
6. The Licensee shall not cut down, injure or destroy any living timber or scrub except for the purpose of destroying poisonous growth and no stock shall be permitted into the bushland at the northern apex of the reserve.
7. The Licensee shall indemnify and shall keep indemnified the Council against all claims for damage to property or persons arising from the use of the land.
8. The Council and any person authorised by the Chief Executive Officer may enter the land for inspection at any reasonable time.

- 9. If the Council is of the opinion that the land is overstocked to any extent sufficient or likely to cause damage to the land the license may be terminated if Licensee fails to comply with any such direction.**
- 10. On expiration or earlier termination of the License the Licensee shall remove his improvements and leave the land in a clean, neat and tidy condition to the satisfaction of the Council.**
- 11. The payment of annual Council rates in accordance with section 1.4 (a)(ii) of the Local Government Act 1995 as a person in possession of the land.**

CARRIED 6/0

9.4 CHIEF EXECUTIVE OFFICER
Nil

10. CONFIDENTIAL REPORTS
Nil.

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING
Nil

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION

12.1 ELECTED MEMBERS
Nil

12.2 OFFICERS
Nil

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.08 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 25 OCTOBER 2016 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER
.....
DATE

