



# MINUTES

## ORDINARY COUNCIL MEETING

**Tuesday 28 June 2022**  
(Held in the Council Chamber)

## **PUBLIC QUESTION TIME**

1. The order of business allows for a Public Question time at the beginning of the Meeting.
2. If you wish to ask a Question about an Agenda Item before it is considered then it is recommended to be made at the Public Question Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited unless the prior approval of the Council has been given.

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**1. DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Shire President declared the meeting open at 4.00 pm and welcomed Councillors, Staff and members of the public present.

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

Cr Mike Walmsley	Councillor
Cr Naomi Purcell	Councillor
Cr John Mason	Councillor
Cr Karen Odorisio	Councillor
Cr Dion Pisconeri	Councillor
Cr Vince Vitale	Councillor
Mr Mark Goodlet	Chief Executive Officer
Miss Ashleigh Nuttall	Director Corporate & Community Services
Mrs Karen Oborn	Director Infrastructure & Development Services
Mrs Kirsty Ferraro	Manager Corporate Services
Merrin Kirk	Executive Assistant

There were 4 members of the public at the commencement of the meeting.

**APOLOGIES**

Cr Laurie Snell Councillor

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4. PUBLIC QUESTION TIME**

Cr Mike Walmsley declared a proximity interest in item 11.1.9 as he owns a neighbouring property.

Cr Naomi Purcell declared a financial interest in item 11.1.9 as her son is an employee of Fruitico.

Cr Walmsley and Cr Purcell left the meeting, the time being 4.01 pm

**Emma Angi**

**595 Coronation Road, Waroona**

**In relation to item 11.1.9 - Lot 270 Buller Road, Hamel - Proposed Workforce Accommodation**

Question 1:

Regarding the Shire Officers comments on Item 19 -Property Devaluation, the Officer states "this is not a matter that the Shire can give consideration".

Is it not the Shires responsibility to consider how the Proposed Workforce Accommodation camp would adversely affect the surrounding landowners? Will the financial impacts of property devaluation be considered?

Answer 1:

The State Government outlines matter that can be considered by local government planners. This is contained within the Planning and Development (*Local Planning Schemes Regulations 2015*). In considering an application for planning approval, the Shire is to have due regard to matter such as:

- The aims and provisions of the Planning Scheme;
- State or Local Planning Policies;
- Built or cultural heritage;
- The amenity of the locality such as
  - o Environmental impacts;
  - o Character; and
  - o Social impacts
- Flooding, bushfire;
- Tree preservation and the effect on the natural environment

The potential to devalue neighbouring properties is not a planning consideration listed within the Regulations and is outside the scope of local government planning.

Question 2:

Statutory Environment -Deemed Provisions -Clause 67(2)(n) - Amenity

**Clause 67(2)(n) -Amenity** Outlines how the applicant will need to mitigate off-site impacts on the surrounding landowners, but it does not mention how the security impacts would be mitigated. What security measures will be put in place to stop any of the 244 workers jumping the Waroona Main Drain & entering the surrounding private properties undetected?

Answer 2:

The Western Australian Planning Commission has guidance documents around designing out crime, contained within the *Designing Out Crime Planning Guidelines*. This outlines a suite of built form design principles and objectives. The Guidelines were considered as part of the assessment and the proposal adequately addresses the objectives and principles, including but not limited to:

- It being compatible with the neighbouring uses/properties – as it is an incidental rural use and people residing onsite are direct employees;
- There is plenty of natural surveillance opportunities within the site and clear sightlines; and
- There is clear delineation and physical barriers between the properties – through fencing and the large drain.

It is recommended that the social impacts of the development be addressed through condition 17, which requires a Social Impact Assessment and Social Impact Assessment Management Plan. These documents may assist with de-stigmatising concerns or preconceived notions around the intended occupants.

**Donna Walmsley**

**997 Somers Road, Waroona**

**In relation to item 11.1.9 - Lot 270 Buller Road, Hamel - Proposed Workforce Accommodation**

Question 1:

Given that substantial site works commenced weeks ago without approval on the site that is under determination today, why was this allowed to occur?

Answer 1:

The Shire was advised by the applicant on the 28<sup>th</sup> of May 2022 that a 'dozer' was on site – not to commence works but to deal with surface clay on the property. This doesn't require a DA.

Question 2.

Council sought submissions last September on this proposed application and as an affected neighbour I submitted my concerns. The proponents have now had some 8-9 months to submit plans and reports to address some points of concern. How can council approve this application without these reports being submitted?

Answer 1:

This is a conditional approval, and the conditions are to address the concerns raised by the submissions received by the Shire as well as a range of regulatory matters.

Works & building cannot commence until all conditions are met. These also include approval or not from DWER.

**McKenzie Walmsley**

**997 Somers Road, Waroona**

**In relation to item 11.1.9 - Lot 270 Buller Road, Hamel - Proposed Workforce Accommodation**

Question 1:

If every technical report requires either actual submission or amendment to enable any compliance against the proposed unlisted use, how can council make an informed decision on this proposal without all relevant information to comply against the planning regs with respect to car parking, social impacts, waste management etc?

Clause 7 under Schedule 2 of the Instrument of Delegation notes 'following referral of any application for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC together with the advice and recommendations provided by all advice agencies consulted and the reasons why the recommendation of the advice agency is not acceptable to the local government'. The council report advises that the Department of Health does not support the proposal until it can be demonstrated that the proposed lots are suitable for effluent disposal via a site-specific Site and Soil Evaluation. By not addressing the referral agency's concerns prior to determination, is this initiative going against the advice of the advice agency to consequently breach this clause?

Answer 1:

The agency's concerns have been addressed by the inclusion of a condition that this demonstration must be made to the Department of Health.

In the event the applicant cannot gain approvals from other agencies means the conditions cannot be met – the project cannot proceed.

Ashleigh Nuttall left the meeting, the time being 4.11 pm

Ashleigh Nuttall and Senior Planner Craig Zanotti returned to the meeting, the time being 4.12 pm

**Ann Smith**  
**595 Coronation Road, Waroona**  
**In relation to item 11.1.9 - Lot 270 Buller Road, Hamel - Proposed Workforce Accommodation**

Question 1:

Zoning – as 'workforce accommodation' is a land use that cannot be reasonably classified within the zoning table of LPS7, it is therefore considered to be a complex land use under planning regulations.

Yet, the local council officer considers it to be intrinsically linked to the rural use of the land. How is it intrinsically linked to the rural use of the land when it can just as easily be built within the town precincts within the proper zoning?

Answer 1:

The Planning and Development Regulations defines workforce accommodation as a facility that accommodates agricultural workers. The Regulations allow the Shire to consider approving the proposal, even though it is a use not listed, subject to:

- It being advertised in accordance with the Regulations; and
- The Shire being satisfied that it is consistent with the rural zone objectives and provisions.

As the accommodation is designed to host Fruitico's rural farm workers and not be open to others, it is considered incidental to the predominant agricultural use and is suitable for approval.

Question 2:

Trees – it seems that trees are the answer to all our problems - Visibility, noise and even health. But these trees need to be at least 2metres high with foliage all the way from base to top. How long will it take for these trees to be this high and thick enough to create a barrier to sprays, noise and visibility and will the camp be unoccupied until this barrier exists?

Answer 2:

The application indicates that an earth bund is to be established around the perimeter of the development to provide immediate protection to potential emissions. Conditions are recommended that require the developer to demonstrate that adequate health and amenity protection measures are incorporated into the design, prior to the commencement of site works. The requirement for a detailed landscaping plan is also required, which will provide long-term protection and screening of the site.

Cr Walmsley and Cr Purcell returned to the meeting, the time being 4.16 pm

**5. PETITIONS AND APPROVED DEPUTATIONS**

Nil

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**6.1 Ordinary Council Meeting – 24 May 2022**

**COUNCIL RESOLUTION**

**OCM22/06/63**

**Moved: Cr Purcell**

**Seconded: Cr Vitale**

**That the Minutes of the Ordinary Council Meeting held 24 May 2022 be confirmed as being a true and correct record of proceedings.**

**CARRIED 6/0**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Cr Walmsley requested that anyone wishing to debate an item, to speak loudly for the purpose of everyone in the room being able to hear.

**8. ANNOUNCEMENTS BY MEMBERS**

Nil

**9. DISCLOSURES OF INTEREST**

Cr Mike Walmsley declared an interest affecting impartiality in Item 11.2.3 as he is the neighbour of the adjoining property.

Cr Mike Walmsley declared a proximity interest in item 11.1.9 as he owns a neighbouring property.

Cr Naomi Purcell declared a financial interest in item 11.1.9 as her son is an employee of Fruitico.

Cr Karen Odorisio declared a financial interest in item 15.1 (Alcoa Reference Group Representative) as her husband is an employee of Alcoa. This item was not accepted by the Presiding Member as urgent business and was not included in the meeting.

Cr Vince Vitale declared an interest affecting impartiality in item 11.2.3 as the reporting officer is a family member.

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)

**10. 10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES**

<b>10.1 Local Emergency Management Committee Meeting – Wednesday 11 May 2022</b>	
<b>File Ref:</b>	51/2
<b>Author and Title:</b>	Robert Marlborough, Manager Governance
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	10.1 A - LEMC Minutes – 11 May 2022 Unconfirmed 10.1 B - LEMC Appendices – 11 May 2022

**COUNCIL RESOLUTION**

**OCM22/06/64**

**Moved: Cr Purcell**

**Seconded: Cr Odorisio**

**That Council receives and notes the Minutes of the Local Emergency Committee meeting held on Wednesday 11 May 2022, as attached at Appendix 10.1 A and Appendix 10.1 B**

**CARRIED 6/0**

**11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS****11.1 DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES**

<b>11.1.1 Policy for Renewable Energy Facilities</b>	
<b>File Ref:</b>	129/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Karen Oborn, Director Infrastructure & Development Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	APP 11.1.1 - Renewable Energy Facilities LPP

**COUNCIL RESOLUTION**

OCM22/06/65

Moved: Cr Mason

Seconded: Cr Pisconeri

That Council adopts the policy for Renewable Energy Facilities, as attached in Appendix 11.1.1.

**CARRIED 6/0****IN BRIEF**

In response to the increase in renewable energy instigated overseas, in Australia and in Western Australia, including in Waroona (1) (2). The Shire of Waroona is implementing a policy to guide the development of Renewable Energy Facilities.

**BACKGROUND**

In February 2022, the Council endorsed commencing work on a scheme amendment and policy position, undertaking broad advocacy work in relation to the development of Renewable Energy Facilities, liaising with the Sector, Government Agencies, and Industry Representatives, as well as Community Stakeholders on this matter; and submitting an initial recommendation to WALGA Zone meeting.

**COUNCIL RESOLUTION**

OCM22/02/003

Moved: Cr Snell

Seconded: Cr Purcell

That Council, in relation to renewal energy:

1. Requests the CEO to develop a policy position, aligned with the example policy intent of Appendix 11.1.1B, and a scheme amendment;
2. Approves broad advocacy work and liaison with the Sector, Government Agencies, and Industry Representatives, as well as Community Stakeholders on this matter; and
3. Requests the CEO to submit an initial recommendation to the WALGA Zone meeting, as per Appendix 11.1.1A.

**CARRIED 7/0**

In March 2022, the Council endorsed the public consultation period advertising for the policy for Renewable Energy Facilities.

**COUNCIL RESOLUTION**

OCM22/03/22

Moved: Cr Mason

Seconded: Cr Pisconeri

That Council endorses the public consultation advertising for the policy for Renewable Energy Facilities, as per Appendix 11.1.1.

CARRIED 6/0

**REPORT DETAIL**

The consultation period has now concluded with the only submissions being from industry representatives, requesting that the Shire develop publicly available maps, highlighting areas suitable for potential Renewable Energy Facilities. Which will be included in the process of updating the Shire's local planning scheme and strategy. The Shire of Waroona will now implement the Policy for Renewable Energy Facilities. Incorporating the appropriate text and context from the Planning and Development (Local Planning Schemes) Regulations 2015 as model or deemed provisions (10).

**References**

1. [https://en.wikipedia.org/wiki/Renewable\\_energy](https://en.wikipedia.org/wiki/Renewable_energy)
2. <https://www.dplh.wa.gov.au/departmentofplanninglandsheritage/media/daps/regional%20jdap/minutes/2021/december/20211214%20-%20minutes%20-%20no%2038%20-%20shire%20of%20moora%20-%20shire%20of%20waroona.pdf>
3. <https://waroonasolar.com.au/>
4. <https://waroonasolar.com.au/the-project/>
5. <https://www.livescience.com/31995-how-do-wind-turbines-kill-birds.html#:~:text=Wind%20turbines%20kill%20more%20than%2057%2C000%20birds%20each,golden%20eagles.%20%5B%20In%20Photos%3A%20Birds%20of%20Prey%5D>
6. <https://www.abc.net.au/news/rural/2021-12-30/solar-panel-contamination-regional-australia/100559830>
7. <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/large-scale-solar-energy-guideline-2018-12-11.pdf?la=en>
8. [https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub\\_pdf/ISEPP+renewables+FINAL+EIE.pdf](https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/ISEPP+renewables+FINAL+EIE.pdf)
9. <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2007-0641#sec.44>
10. <https://www.wa.gov.au/system/files/2021-07/POS-Renewable-energy-facilities-position-statement.pdf>
11. <https://www.cleanenergycouncil.org.au/advocacy-initiatives/community-engagement/best-practice-charter>

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To build and effectively manage our assets to continually improve our standard of living
<b>Objective</b>	2.1 Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land
<b>Strategy</b>	2.1.1 Maximise the inherent economic opportunities in the Murray Waroona functional economic region

**OTHER STRATEGIC LINKS**

- State Planning Strategy 1997
- State Planning Policy 2.0 environment and natural resources policy
- State Planning Policy 2.5 agricultural and rural land use planning
- State Planning Policy 2.6 state coastal policy
- State Planning Policy 3.0 urban growth and settlement

**STATUTORY ENVIRONMENT**

- **Shire of Waroona Local Planning Scheme No 7 (LPS7)**  
Land Use Within all Rural Zones, it is Council's objective 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”.*

- **Planning & Development (Local Planning Schemes) Regulations 2015**

**SUSTAINABILITY & RISK CONSIDERATIONS**

***Economic - (Impact on the Economy of the Shire and Region)***

- Using high value agricultural land would negatively impact the agricultural sectors productivity.
- Not mandating underground power connection to transmission lines to prevent conflicts, could result in lower land values, access issues and would negatively impact the agricultural sector.
- Not enforcing Solar Farm end of life decommissioning requirements, would lead to the local landfill being vulnerable to dumping and the community incurring the cost of disposal.
- No mandating non-harmful materials (no cadmium or nitrogen trifluoride) would lead to the local area being vulnerable to contamination and the community incurring the cost of disposal.
- Potential powers within energy provision legislation could override Town Planning Scheme requirements, which could result in economic, social and environment issues that would become the community’s liability.
- Not mandating whole of life product stewardship, could result in economic, social and environment issues that would become the community’s liability.

***Social - (Quality of life to community and/or affected landowners)***

- Not ensuring amenity issues are addressed – setbacks, screening etc. could result in land use conflicts and lower land values.
- Not mandating underground power connection to transmission lines could result in land use conflicts, poor amenity, and lower land values.
- Potential powers within energy provision legislation could override Town Planning Scheme requirements, which could result in economic, social and environment issues that would become the community’s liability.
- Not mandating whole of life product stewardship, could result in economic, social and environment issues that would become the community’s liability.

***Environment – (Impact on environment’s sustainability)***

- Not enforcing Solar Farm end of life decommissioning requirements, would lead to the local landfill being vulnerable to dumping and the community incurring the cost of disposal.
- No mandating non-harmful materials (no cadmium or nitrogen trifluoride) would lead to the local area being vulnerable to contamination and the community incurring the cost of disposal.

***Risk Management Implications***

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<b>Theme</b>	Environmental - Regulatory compliance, contamination, inadequate processes
<b>Description</b>	There is a need to keep negative impacts in the community to a minimum, protect productive ‘food producing’ agricultural land, as well as promote environmental conservation and sustainable economic development.

<b>Consequence</b>	4 - Major
<b>Likelihood</b>	3 - Possible
<b>Rating</b>	High (10-19)
<b>Controls / Review</b>	Council's endorsement of the recommendation of this report may mitigate the likelihood of this risk coming into effect.
<b>Review Frequency</b>	Annually
<b>Risk Owner</b>	Director
<b>Acceptance</b>	Monitor - Risk acceptable with adequate control

### **CONSULTATION**

- Mark Goodlet, Chief Executive Officer
- Cameron Leaky, Rise Urban
- Community consultation –

The draft Policy for Renewable Energy Facilities was advertised for 60 days, seeking public input and comments. The only submissions received were from industry representatives, requesting that the Shire develop publicly available maps, highlighting areas suitable for potential Renewable Energy Facilities. Which will be included in the process of updating the Shire's local planning scheme and strategy.

### **RESOURCE IMPLICATIONS**

*Financial* - Officers time is covered by salary package.

*Workforce* -Nil.

### **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation to endorse the proposed actions;
2. Amending the officer recommendation to endorse the proposed actions; or
3. Rejecting the officer recommendation to endorse the proposed actions.

### **CONCLUSION**

There is a need to keep negative impacts in the community to a minimum, protect productive 'food producing' agricultural land, as well as promote environmental conservation and sustainable economic development. As a result, proactive advocacy that results in a solid framework, is a solution to mitigate potential future issues.

<b>11.1.2 Scheme Amendment for Renewable Energy Facilities</b>	
<b>File Ref:</b>	TPS7A42
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Alison Trotta – Planning Consultant
<b>Responsible Officer:</b>	Karen Oborn, Director Infrastructure & Development Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.1.2 - Scheme Amendment doc - 42

**COUNCIL RESOLUTION**

OCM22/06/66

Moved: Cr Mason

Seconded: Cr Odoriso

That, in relation to proposed Scheme Amendment 42 to the Shire of Waroona Local Planning Scheme No. 7 to incorporate new provisions into the Scheme in the context of renewable energy facilities, and pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council;

1. **Adopts Scheme Amendment 42 to the Shire of Waroona Local Planning Scheme No. 7 in accordance with Attachment Scheme Amendment REF, as a Standard Amendment.**
2. **Authorises the Chief Executive Officer and Shire President to execute the Scheme Amendment documents.**

**CARRIED 6/0****IN BRIEF**

Council is requested to consider the adoption of Amendment 42 to the Shire's Local Planning Scheme No. 7 (LPS7). Following the completion of the required advertising period and submission to the EPA. No response or submissions have been received to date.

**BACKGROUND**

In March 2020, the Western Australian Planning Commission (WAPC) published its Position Statement on Renewable Energy Facilities. The intent of this Position Statement is to identify assessment measures that result in appropriate development outcomes for renewable energy facilities. Renewable energy facilities, in the context of this Position Statement, can include wind turbine and solar array systems, as well as geothermal, biogas, ocean power and hydro-electric power for both on- and off-grid locations.

At the Shire's Ordinary Meeting of Council on the 22nd of March 2022, Council resolved, in relation to renewable energy:

**COUNCIL RESOLUTION**

OCM22/03/23

Moved: Cr Purcell

Seconded: Cr Snell

That, in relation to proposed Scheme Amendment 42 to the Shire of Waroona Local Planning Scheme No. 7 to incorporate new provisions into the Scheme in the context of

renewable energy facilities, and pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*,

Council resolves to;

3. Adopt Scheme Amendment 42 to the Shire of Waroona Local Planning Scheme No. 7 for the purpose of advertising in accordance with Appendix 11.1.2 A, as a Standard Amendment;
4. Acknowledge the proposed Scheme Amendment is a Standard Amendment for the following reasons pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - a) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
  - b) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - c) any other amendment that is not a complex or basic amendment;
5. Refer the above Scheme Amendment to Local Planning Scheme No.7 to the Environmental Protection Authority pursuant to Section 81 of the Planning and Development Act 2005. and should the EPA advise that the amendment does not require assessment, advertise the amendment in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015;
6. Authorise the Chief Executive Officer and Shire President to execute the Scheme Amendment documents and apply the Shire of Waroona seal; and
7. In the event that the EPA advises the Scheme Amendment does not require assessment, then the Chief Executive Officer and Shire President authorise the concurrent advertising of the draft Local Planning Policy for Renewable Energy Facilities pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, clause 4.

CARRIED 6/0

## **REPORT DETAIL**

### PLANNING – STRATEGIC IMPLICATIONS

As discussed in the amendment documentation attached to this report, a renewable energy facility would only be permitted – albeit as an ‘A’ use - within the Rural 11 – General Farming zone, whereby the decision-maker must exercise its discretion in determining whether the use is appropriate, having first undertaken public consultation in accordance with the Regulations, the Shire’s Scheme, and the provisions of the relevant Local Planning Policy. In all other zones of the Scheme, a renewable energy facility is an ‘X’ (prohibited) land use. These align with the recommendations of the WAPC’s Position Statement and assist in reducing impacts upon sensitive land use areas and those of environmental or landscape protection.

### REFERRALS

Further than a Council Resolution as noted above, nil at present. Given the proposed amendment is considered to be a ‘standard’ amendment however, it would be referred to all relevant State Government agencies and would be advertised publicly following Council’s initiation of the amendment.

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To build and effectively manage our assets to continually improve our standard of living
<b>Objective</b>	2.1 Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land
<b>Strategy</b>	2.1.1 Maximise the inherent economic opportunities in the Murray Waroona functional economic region

And

<b>Focus Area</b>	Our Environment
<b>Aspiration</b>	To continually care for, protect and enhance our environment for the generations to come
<b>Objective</b>	3.2 Proactively manage resources and practice sustainability through responsible management of water, energy, fire management and waste
<b>Strategy</b>	3.2.3 Responsibly manage Council and community water and energy use

### **OTHER STRATEGIC LINKS**

The proposed amendment has been considered in terms of the following State Planning Policies and does not cause any inconsistency with the state planning framework:

- State Planning Policy 2.0: Environment and Natural Resources
- State Planning Policy 2.5: Agricultural and Rural Land Use Planning
- State Planning Policy 2.6: State Coastal Policy
- State Planning Policy 3.0: Urban Growth and Settlement

### **STATUTORY ENVIRONMENT**

The proposed amendment has been assessed against the following statutory documents, with no implications identified.

- *Planning and Development Act 2005*
- *Environmental Protection Act 1986*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Waroona Local Planning Scheme No.7*

### **SUSTAINABILITY & RISK CONSIDERATIONS**

#### ***Economic - (Impact on the Economy of the Shire and Region)***

- Using high value agricultural land would negatively impact the agricultural sectors productivity.
- Not mandating underground power connection to transmission lines to prevent conflicts, could result in lower land values, access issues and would negatively impact the agricultural sector.
- Not enforcing Solar Farm end of life decommissioning requirements, would lead to the local landfill being vulnerable to dumping and the community incurring the cost of disposal.
- No mandating non-harmful materials (no cadmium or nitrogen trifluoride) would lead to the local area being vulnerable to contamination and the community incurring the cost of disposal.

- Potential powers within energy provision legislation could override Town Planning Scheme requirements, that could result in economic, social and environment issues that would become the community's liability.
- Not mandating whole of life product stewardship, could result in economic, social and environment issues that would become the community's liability.

**Social** - (*Quality of life to community and/or affected landowners*)

- Not ensuring amenity issues are addressed – setbacks, screening etc. could result in land use conflicts and lower land values.
- Not mandating underground power connection to transmission lines could result in land use conflicts, poor amenity, and lower land values.
- Potential powers within energy provision legislation could override Town Planning Scheme requirements, that could result in economic, social and environment issues that would become the community's liability.
- Not mandating whole of life product stewardship, could result in economic, social and environment issues that would become the community's liability.

**Environment** – (*Impact on environment's sustainability*)

- Not enforcing Solar Farm end of life decommissioning requirements, would lead to the local landfill being vulnerable to dumping and the community incurring the cost of disposal.
- No mandating non-harmful materials (no cadmium or nitrogen trifluoride) would lead to the local area being vulnerable to contamination and the community incurring the cost of disposal.

**Risk Management Implications**

(Please refer to the Shire of Waroona Risk Framework when reviewing this section)

<b>Theme</b>	Environmental - Regulatory compliance, contamination, inadequate processes
<b>Description</b>	There is a need to keep negative impacts in the community to a minimum, protect productive 'food producing' agricultural land, as well as promote environmental conservation and sustainable economic development.
<b>Consequence</b>	4 - Major
<b>Likelihood</b>	3 - Possible
<b>Rating</b>	High (10-19)
<b>Controls / Review</b>	Council's endorsement of the recommendation of this report may mitigate the likelihood of this risk coming into effect.
<b>Review Frequency</b>	Annually
<b>Risk Owner</b>	Director
<b>Acceptance</b>	Monitor - Risk acceptable with adequate control

**CONSULTATION**

- Mark Goodlet, Chief Executive Officer
- Cameron Leaky, Rise Urban
- Community consultation undertaken as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**RESOURCE IMPLICATIONS**

*Financial*

Officer and consultant time associated with the preparation and processing of the amendment is included in the Shire's existing operating expenditure.

*Workforce*

Nil.

### **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation to endorse the proposed actions; or
2. Rejecting the officer recommendation to endorse the proposed actions.

### **CONCLUSION**

The proposed Amendment 42 is considered an appropriate vehicle for introducing renewable energy provisions into the Shire's Scheme in order to facilitate the orderly and proper planning assessment of these applications. The provisions of the amendment align with those contained within the WAPC's Position Statement on Renewable Energy Facilities and the accompanying proposed Local Planning Policy further assists in detailing development requirements of renewable energy facilities within the appropriate zone.

<b>11.1.3 RSPCA Pet Sterilisation Pilot Program – Reduced Cat and Dog Registration Costs</b>	
<b>File Ref:</b>	45/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	RSPCA
<b>Author and Title:</b>	Robert Marlborough, Manager Governance
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.1.3 – RSPCA Pet Sterilisation Pilot Program

**COUNCIL RESOLUTION**

OCM22/06/67

Moved: Cr Odorisio

Seconded: Cr Vitale

That Council:

1. **Supports the Royal Society for the Prevention of Cruelty to Animals (RSPCA WA) Pet Sterilisation Pilot Program for the period 1 July 2022 to 30 June 2023;**
2. **Agrees to a free lifetime registration of a dog or cat, owned by a person residing in the district, that participates in the RSPCA Pet Sterilisation Pilot Program and who provides suitable evidence of participation, at the time of seeking registration.**

**CARRIED 6/0****IN BRIEF**

To consider a partnership arrangement with the Royal Society for the Prevention of Cruelty to Animals (RSPCA WA) associated with the rollout of a pilot Pet Sterilisation Program.

**BACKGROUND**

RSPCA WA are in the process of launching a pilot Pet Sterilisation Program for 12 months commencing from 1 July 2022,

The program offers reduced sterilisation costs, free microchipping and (where supported by Local Government) free lifetime pet registration for pet owners who participate in the program and hold a current WA Seniors Card, Pensioner Concession Card or Health Care Card.

The partnership arrangement sought seeks a commitment from the Shire to offer free lifetime registrations to persons residing in the district that participate in the pilot Pet Sterilisation Program. The following correspondence from the RSPCA WA Chief Executive Officer outlines the program:

*I am sure you are acutely aware of the burden placed on Local Government due to deficient pet management by some owners. Failure to sterilise, microchip and register dogs and cats leads to poor welfare outcomes for the animals as well as increased workload and costs for councils when animals stray and otherwise cause a nuisance (i.e., roaming and fighting with other dogs, spraying/marketing their territory).*

*Our own work under the Animal Welfare indicates that pet owners who lack funds are most likely to fail to comply with these needs for their animals.*

*In light of these issues, and to support those with financial difficulties, RSPCA WA is launching a pilot Pet Sterilisation Program which offers reduced sterilisation costs, free microchipping and (where supported by the Local Government) lifetime pet registration for pet owners who hold a WA Seniors Card, Pensioner Concession Card or Health Care Card.*

*With support from the Department of Primary Industries and Regional Development, the program is part funded by the State Government and administered by RSPCA WA. Sterilisation and microchipping is carried out by veterinary practices with whom RSPCA WA is partnering to deliver these services to the community.*

*This innovative pilot program will:*

- *Help community members meet requirements to register and sterilise their pets.*
- *Support local veterinary businesses.*
- *Enable those experiencing financial hardship to better care for their pets.*
- *Assist cat owners to comply with the Cat Act 2011, which mandates that all cats over six months of age be sterilised, microchipped and registered with their local government.*
- *Assist dog owners to comply with sterilisation requirements introduced under the Dog Amendment (Stop Puppy Farming Bill 2021), at a reduced cost when the Bill becomes law.*
- *Reduce local government workload by reducing the number of unwanted litters and, consequently, the number of strays and incoming animals in local pounds*

*I write to you today to seek a partnership with Shire of Waroona as part of this innovative pilot.*

*Given the social and economic benefits of the program, and to add further incentives to strengthen the program even further, I am seeking your support in the form of Shire of Waroona offering free lifetime registration to those pet owners who participate in the Pet Sterilisation Program.*

*It is anticipated that most of the program participants will be those who would ordinarily not consider getting their pets sterilised and registered, or those who are unaware of the need to do both.*

*Therefore, increasing the number of pets which are sterilised and microchipped in Shire of Waroona will both benefit local residents, and reduce workload on your rangers and other related services.*

## **REPORT DETAIL**

The RSPCA pilot program proposes to offer persons who hold WA Seniors, Pensioner Concession and Health Care Cards reduce cost cat and dog sterilisations and microchipping and where person participates in the program, the request is for the Shire to offer free lifetime cat and dog (pet) registrations.

The pilot project has merit, and it offers persons who qualify the opportunity to sterilise and microchip their pets at a reduced cost through participating veterinarians. This in turn supports those on lower incomes, veterinary businesses and also works towards improved compliance with the existing sterilisation and microchipping requirements within the Cat Act 2011 and the newly introduced Dog Amendment (Stop Puppy Farming Bill 2021), for pets to be sterilised, except for approved breeders

The current dog and cat legislation already offers concessional registrations for pensioners, but not for WA Senior or Health Care card holders, specifically. Concessional registrations fees, as prescribed in the applicable legislation is 50% off normal registrations cost. Lifetime registrations for both cats and dogs (sterilised) with the current concessional rate applied, is \$50.

Within the district, there is already a very high participation rate with cat and dog registration compliance, as well compliance with the mandatory cat sterilisation requirements. These compliance outcomes have been achieved through diligence, education and working directly with the community, and consistent regulatory enforcement. Ranger Services staff have accreditation to microchip both cat and dogs and this service is already offered to local pet owners at a reduced rate to support effective animal identification and assist with reuniting pets with owners.

Both the Dog Act 1976 and the Cat Regulation 2012 provide the necessary statutory power to reduce, discount or waive registration fees for both cat and dogs. Dangerous dogs do not qualify for reduced rate registrations in any circumstances.

The program proposed by the RSPCA is targeted to support lower income and disadvantaged sections of the community at it is recommended that Council support the RSPCA Pet Sterilisation Program during the pilot period and offer cost free pet registrations to resident within the Shire of Waroona that provide documented evidence of participating in the program.

Longer term, after the pilot program concludes, further formal consideration could be given to continuing participation.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
<b>Objective</b>	1.1 Create a connected, safe and cohesive community with a strong sense of community pride
<b>Strategy</b>	1.1.2 Pursue a social environment that is accessible and inclusive for all ages and abilities

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

- *Dog Act 1976* - Section 15, clause 4A of the *Dog Act 1976* states that –
  - A local government may discount or waive a registration fee, including a registration fee prescribed under subsection (3), for any individual dog or any class of dogs within its district. Dangerous dogs are ineligible.
- *Cat Regulations 2012* - Schedule 3, clause (4) of the *Cat Regulations 2012* states that –
  - A local government may reduce or waive a fee payable under subclause (2) or (3) in respect of any individual cat or any class of cats within its district.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic – (Financial impact to the community)*

Reduced sterilisation and microchipping costs via the RSPCA program and discounted registration fees by the Shire support persons on lower incomes, aligned businesses and work towards improved compliance with the existing legislative provision of the Cat Act 2012 and the pending provisions stemming from the *Dog Amendment (Stop Puppy Farming Bill 2021)*.

*Social – (Quality of life to community and/or affected landowners)*

Supporting free pet registrations for persons in the district that participate in the RSPCA pilot program supports increased pet sterilisations. This reduces unwanted and unplanned breeding.

*Environment – (Impact on environment’s sustainability)*

Nil

### **Risk Management Implications**

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<b>Theme</b>	Environmental - Regulatory compliance, contamination, inadequate processes
<b>Description</b>	Positive initiatives as proposed, support longer term goals at a State and local level to promote responsible pet ownership and compliance. The likelihood of negative community feedback, should the proposal be supported is considered low.
<b>Consequence</b>	1 - Insignificant
<b>Likelihood</b>	2 - Unlikely
<b>Rating</b>	Low (1-3)
<b>Controls / Review</b>	Council’s endorsement of the recommendation of this report may mitigate the likelihood of this risk coming into effect.
<b>Review Frequency</b>	Annually
<b>Risk Owner</b>	Director
<b>Acceptance</b>	Monitor - Risk acceptable with adequate control

### **CONSULTATION**

- *Correspondence - RSPCA WA*

### **RESOURCE IMPLICATIONS**

*Financial*

If the proposal presented is supported as recommended, its envisaged (depending on participation in the RSPCA program by pet owners that ordinarily reside in the district) that registration income could be reduced by \$1,000 during the pilot program period (2022/2023). This estimate is based on 20 pet registrations. Whilst there may be a financial impact, the program offers positive longer-term outcomes.

*Workforce*

Nil.

### **OPTIONS**

Council has the option of:

1. Supporting the recommendation, as provided;
2. Rejecting the recommendation; or

3. Amending the recommendation and determining an alternate position (example; rather than free dog and cat registrations for approved program participants, a further 50% reduction in lifetime registration costs - \$25.00 per pet, could be considered).

### **CONCLUSION**

Partnering with RSPCA for this program will be financially beneficial for qualifying pet owners within the district. The number of cats and dogs sterilised, microchipped and registered will increase and this assist overall regulatory compliance.

<b>11.1.4 Bindjareb Djilba (Peel Harvey) Estuary Policy and Planning Coordinating Committee</b>	
<b>File Ref:</b>	48/3
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Karen Oborn, Director Infrastructure & Development Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	For Noting
<b>Appendix Number</b>	11.1.4 - Peel Harvey Estuary Protection Plan Bindjareb-Djilba

**COUNCIL RESOLUTION**

OCM22/06/68

Moved: Cr Purcell

Seconded: Cr Mason

That Council notes the information in this report.

**CARRIED 6/0****IN BRIEF**

The Shire of Waroona has joined the Department of Water and Environmental regulations, working committee to implement the actions from the “*Bindjareb Djilba – A plan for the protection of the Peel Harvey estuary*”, December 2020.

**BACKGROUND**

The Shire of Waroona has joined the Department of Water and Environmental regulations, working committee to implement the actions from the “*Bindjareb Djilba – A plan for the protection of the Peel Harvey estuary*”, December 2020. The Bindjareb Djilba (Peel-Harvey estuary) Protection Plan is a whole-of-government approach to protecting the Peel-Harvey estuary and its internationally recognised values. [Bindjareb Djilba \(Peel-Harvey estuary\) Protection Plan \(www.wa.gov.au\)](#) The other Local Governments include the Shires of Murray, Serpentine- Jarrahdale and Harvey, as well as the City of Mandurah.

**REPORT DETAIL**

Comprising of Local Government officers and State Government employees, as well as representatives from the Bindjareb Noongar people, the committee is chaired by Hon. David Templeman MLA and Lisa Munday MLA. The function of the working committee is in place to discuss the obstacles and issues of implementing and upholding the States Planning regulations faced by State and Local regulatory agencies. With the view of developing planning policy and regulations, which could prevent future circumnavigation of these regulations. Mitigating potentially negative impacts in the estuary’s catchment from the scarp to the sea in the Peel Region.

Bindjareb Djilba – (Peel Harvey estuary) Policy and Planning Coordinating Committee, meets quarterly. I attended the first meeting 6 May 2022 to discuss the terms of reference. In addition to summarising the policy and planning issues and their possible solutions, regarding implementing the plans recommendations. Draft minutes will be available shortly. The next meeting will be in August, to finalise the terms of reference. As well as consider a proposal being developed regarding the policy and planning issues and their possible solutions.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Environment
<b>Aspiration</b>	To continually care for, protect and enhance our environment for the generations to come
<b>Objective</b>	3.1 Protect and enhance our natural assets, waterways, bushland and biodiversity
<b>Strategy</b>	3.2.3 Responsibly manage Council and community water and energy use

### **OTHER STRATEGIC LINKS**

- “Bindjareb Djilba – A plan for the protection of the Peel Harvey estuary”, December 2020.
- State Planning Strategy 1997
- State Planning Policy 2.0 environment and natural resources policy
- State Planning Policy 2.5 agricultural and rural land use planning
- State Planning Policy 2.6 state coastal policy
- State Planning Policy 3.0 urban growth and settlement

### **STATUTORY ENVIRONMENT**

- Shire of Waroona Local Planning Scheme No 7 (LPS7)
- Planning & Development (Local Planning Schemes) Regulations 2015

### **SUSTAINABILITY & RISK CONSIDERATIONS**

#### ***Economic - (Impact on the Economy of the Shire and Region)***

- Protecting the water catchment and water ways, is necessary to sustain high value agricultural land values, develop industry and commercial enterprises as well and grow tourism opportunities for the district.
- Not protecting the water catchment and water ways, could result in economic, social and environment issues and burdens that would become the community’s liability.

#### ***Social - (Quality of life to community and/or affected landowners)***

- Protecting the water catchment and water ways, is necessary to sustain high Aboriginal and European Cultural values in the district.
- Not ensuring amenity and recreational issues are addressed, could result in land use conflicts and lower land values.
- Not protecting the water catchment and water ways, could result in economic, social and environment issues and burdens that would become the community’s liability.

#### ***Environment – (Impact on environment’s sustainability)***

- Protecting the water catchment and water ways, is necessary to sustain environmental conservation values in the district. Including, but not limited to the Scarp, Forests, Yalgorup National Park and Wetlands and Preston Beach
- Not protecting the water catchment and water ways, could result in economic, social and environment issues and burdens that would become the community’s liability.

#### ***Risk Management Implications***

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<b>Theme</b>	Environmental - Regulatory compliance, contamination, inadequate processes
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<b>Description</b>	Positive initiatives as proposed, support longer term goals at a State and local level to promote conservation of cultural economic and environmental resources.
<b>Consequence</b>	4 - Major
<b>Likelihood</b>	3 - Possible
<b>Rating</b>	Moderate (4-9)
<b>Controls / Review</b>	The Shires participation in this protection plan delivery may mitigate the likelihood of this risk coming into effect.
<b>Review Frequency</b>	Annually
<b>Risk Owner</b>	Director
<b>Acceptance</b>	Monitor - Risk acceptable with adequate control

### **CONSULTATION**

- CEO
- Bindjareb Djilba (Peel Harvey) Estuary Policy and Planning Coordinating Committee

### **RESOURCE IMPLICATIONS**

*Financial*  
Nil.

*Workforce*  
Nil.

### **OPTIONS**

For Noting

### **CONCLUSION**

The Bindjareb Djilba (Peel Harvey) Estuary Policy and Planning Coordinating Committee, meets quarterly to coordinate and align the districts implementation of the plan.

<b>11.1.5 Proposed Amendment to 2021/22 Adopted Budget or Inclusion of Funds in the 2022/23 Budget</b>	
<b>File Ref:</b>	1/7
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Rhys Bloxsidge, Infrastructure and Development Support Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	N/A

**COUNCIL RESOLUTION**

OCM22/06/69

Moved: Cr Vitale

Seconded: Cr Mason

That Council:

1. **Should the funds for the sale of the Preston Beach Volunteer Rangers' all-terrain vehicle be received prior to the end of the 2021/22 financial year, amends the 2021/22 adopted budget by:**
  - a) **increases income account 109030 – Other Law, Order and Public Safety Revenue by the sale amount discounting auction commission and fees; and**
  - b) **increases expenditure account 148540 Preston Volunteer Rangers Reserve by the sale amount discounting auction commission and fees;**

OR

2. **Should the funds for the sale of the Preston Beach Volunteer Rangers' all-terrain vehicle be received in the 2022/23 financial year, includes for the sale amount discounting auction commission and fees in the account and reserve mentioned in (A) above in the 2022/23 budget.**

**CARRIED 6/0****IN BRIEF**

- The Preston Beach Volunteer Rangers' CF Moto all-terrain vehicle (ATV) was considered surplus to requirements and sold through Pickles Auctions recently.
- The winning bidder has yet to secure finance for the ATV and therefore has not paid Pickles Auctions at the time of writing this report.
- Pickles Auctions has advised that the winning bidder may not be able to secure finance and the ATV may need to be re-auctioned.
- The disposal of the ATV was not accounted for in the 2021/22 budget. If the winning bidder secures finance, the funds should arrive in the Shire's bank account prior to the end of the financial year.
- If the winning bidder does not secure finance, the ATV will need to be re-auctioned in the new financial year. If this is the case, Council will need to include the income in the 2022/23 budget.
- It is considered appropriate to transfer the funds received from the sale to the Preston Beach Volunteer Rangers' reserve account so it can be used by the Rangers in the future for an appropriate purpose.

## **BACKGROUND**

The ATV was originally purchased so the Preston Beach Volunteer Rangers could use it to carry out their duties effectively along Preston Beach. The ATV, however, it is not considered fit for purpose as it does not handle the soft beach sand. It was considered appropriate to sell the ATV through auction whilst it was still relatively new and in excellent condition. Pickles Auctions sold the ATV for \$8,700.00 in early June 2022.

Unfortunately, the winning bidder has not been able to secure finance for the ATV, therefore the ATV need to be re-auctioned. Due to this predicament, there are two budgetary options for Council to consider, depending on when the Shire received the funds for the sale of the ATV. These options are outlined in the Officer Recommendation.

## **REPORT DETAIL**

In regard to part (1) of the recommendation, the 2021/22 Shire of Waroona Budget was adopted at the Ordinary Council Meeting held on 10 August 2021. Council is required to authorise any budget amendments in accordance with the *Local Government Act 1995*.

In regard to part (2) of the recommendation, the *Local Government Act 1995* requires a local government to prepare a budget for each financial year.

Given the ATV was purchased to assist the operations of the Preston Beach Volunteer Rangers, it is considered appropriate that the funds received for its sale are transferred into the Preston Beach Volunteer Rangers reserve. This will ensure the funds can be used in the future for another purpose that assists the operation of the rangers.

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	4.2 Manage assets in a consistent and sustainable manner
<b>Strategy</b>	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets

## **OTHER STRATEGIC LINKS**

- Shire of Waroona Corporate Business Plan
- Shire of Waroona Long Term Financial Plan

## **STATUTORY ENVIRONMENT**

Section 6.2 of the Act stipulates that local governments are to prepare an annual budget for each financial year.

## **SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*  
Nil.

*Social - (Quality of life to community and/or affected landowners)*  
Nil.

*Environment – (Impact on environment’s sustainability)*

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	The sale of a relatively new ATV will incur a capital loss and could therefore attract some public criticism
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	No controls or review required
<i>Review Frequency</i>	NA
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

*Financial*

In regard to part (1) of the recommendation, the budget amendment will have a minor impact on the Shire's financial position at the end of the current financial year.

*Workforce*

Nil

**OPTIONS**

Council has the option of:

1. Accepting the officer recommendation to authorise the proposed 2021/22 budget amendment or include the funds in the 2022/23 budget; or
2. Resolving to authorise an alternative form of the officer's recommendation.

**CONCLUSION**

The recommendation is considered sound and will ensure the funds can be used in the future by the Preston Beach Volunteer Rangers.

<b>11.1.6 Application for Development Approval for Outbuilding – Lot 223 (No. 37) South Western Highway, Waroona (Waroona Visitor Centre)</b>	
<b>File Ref:</b>	TP2303
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Rhys Bloxsidge, Infrastructure and Development Support Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number:</b>	11.1.6 - Visitor Centre

**COUNCIL RESOLUTION**

OCM22/06/70

Moved: Cr Purcell

Seconded: Cr Pisconeri

That Council grants development approval for the proposed outbuilding at Lot 223 (No. 37) South Western Highway, Waroona subject to the following conditions and advice note:

1. The outbuilding hereby approved shall be constructed in accordance with the plans and specifications submitted with the application, and these shall not be altered or modified without the prior written approval of Council.
2. The colours of the external surfaces of the outbuilding shall be Colorbond Manor Red (walls and door) and Colorbond Shale Grey (flashings and roof). These shall not be altered without the prior written approval of the Shire of Waroona. No highly reflective colours are permitted.
3. All stormwater and drainage run-off generated by the outbuilding shall be contained on site to the specification and satisfaction of the Shire of Waroona. Without the prior written approval of the Shire of Waroona no stormwater is to be discharged into or on the road reserve or connected to a Council stormwater legal point of discharge.
4. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.

**Advice Note:**

- A. The applicant is advised that no site works shall commence until a Certified Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works.

**CARRIED 6/0****IN BRIEF**

A development application was received for an outbuilding at Lot 223 (No.37) South Western Highway, Waroona. The site is occupied by the Waroona Visitor Centre and the shed is proposed to be built adjacent to southern end of the building. The submitted plans are attached at **Appendix 11.1.6**

The proposal requires Council approval as it does not meet the requirement, as per clause 3.6.2 of the Shire's Local Planning Scheme No.7 (the Scheme) that "...the facade of the

*building and the side walls to a depth of 6 metres from the front of the building are constructed of brick, brick veneer, masonry or other material approved by Council.”*

## **BACKGROUND**

The proposed outbuilding is to be used for the storage of items associated with the community/civic use of the land as a visitor centre. The kitchen of the visitor centre is currently cluttered with various items, which reduces usable space and is considered inappropriate from an occupational health point of view. Under the 2021/22 budget, Council has set aside \$12,500 to build the new outbuilding.

The outbuilding is proposed to be of sheet metal construction. It has a wall height of 2.4m, a ridge height of 2.62m and a floor area of 20m<sup>2</sup>. Further, the outbuilding is proposed to be set back 5m from South Western Highway, 0.9m from the nearest side and 2.5m from the rear boundary.

Initially external surface colours of the sheet metal were proposed to consist of Colorbond Surfmist and Woodland Grey, however it has now been proposed to use Colorbond Red Manor and Colorbond Shale Grey.

## **REPORT DETAIL**

The proposed outbuilding has been assessed against the relevant provisions of the Scheme and Local Planning Policy No. 6 – Outbuildings (the Policy).

### Local Planning Scheme No. 7

#### *Zoning and Land Use Permissibility*

The subject land is zoned ‘Urban 3 – Service Commercial’.

As noted previously, the use of the outbuilding is ancillary to the predominant use of the land as a visitor centre for civic/community purposes. In accordance with the Zoning Table of the Scheme, civic/community uses are permitted in the ‘Urban 3 – Service Commercial’.

#### *Scheme Requirements*

Clause 3.6 of the Scheme provides requirements specific to the ‘Urban 3 – Service Commercial’ zone.

The proposed outbuilding complies with the requirements with exception to clause 3.6.2 relating to building materials and clause 3.6.3 relating to setbacks.

#### *Building Materials*

Clause 3.6.2 of the Scheme states that *“buildings in the zone shall not be constructed, altered or added to unless the facade of the building and the side walls to a depth of 6 metres from the front of the building are constructed of brick, brick veneer, masonry or other material approved by Council.”*

The entirety of the outbuilding is proposed to be constructed of sheet metal. It is not proposed to construct the façade and forward section of the side walls of the types of materials noted above. The purpose behind this requirement is to ensure the visual standard of buildings is maintained to a high standard within the zone. In this particular case however, the small width and height of the outbuilding will ensure that its mass will not be visually obvious from the

South Western Highway and will not cause the visual amenity of the locality to be degraded to an unacceptable level.

Furthermore:

- the front of the outbuilding is proposed to be positioned behind the building line of the visitor centre;
- the visitor centre has a frontage of 22m in comparison to the outbuilding's frontage of 2.5m; and
- the colours of the outbuilding consist of muted tones, are not reflective in nature and will complement the colours of the visitor centre.

These characteristics will ensure the visitor centre itself will remain the focal visual point of the site and the outbuilding will not overpower the site architecturally.

### *Setbacks*

Clause 3.6.3 of the Scheme provides minimum boundary setback requirements for development in the zone:

South Western Highway boundary	5m
Side boundaries	3m
Rear boundary	3m

The proposed outbuilding meets the South Western Highway setback requirement but does not meet the nearest side setback or rear boundary setback requirements. The outbuilding is proposed to be set back 2.5m to the rear boundary and 0.9m to the nearest (southern) side boundary.

It is considered that the rear boundary setback variation is acceptable given that it will ensure the outbuilding will align with the rear of the visitor centre. The reduced rear setback is not expected to impact the railway reserve behind the subject land both visually and operationally.

It is also considered the side boundary setback variation is acceptable given that the land immediately opposite is used as a car park in association with Waroona Child Care Centre. The reduced setback will not cause any operational inconveniences for the childcare centre or otherwise.

### *Car Parking*

The Scheme requires one car parking bay per 30m<sup>2</sup> of net lettable area. Given the proposed outbuilding is only 20m<sup>2</sup> in area, an additional car parking bay is not required. Further, the existing car parking area on the northern side of the visitor centre provides 12 car parking bays, which exceeds the requirement for the civic/community use of the site in any case.

### Local Planning Policy 6 – Outbuildings

Whilst the Policy leans towards addressing outbuildings in a residential environment rather than a commercial environment, its objectives and requirements can still be translated to the 'Urban 3 – Service Commercial' zone. The Policy provides requirements relating to maximum floor area, maximum wall height, maximum ridge height and minimum setbacks for outbuildings.

The proposed outbuilding meets the relevant requirements of the Policy with exception to setbacks, which have been discussed in detail above.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

Focus Area	Our Built Assets
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	4.2 Manage assets in a consistent and sustainable manner
Strategy	4.1.1 Plan community facilities for current and future generations

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

- Shire of Waroona Local Planning Scheme No. 7
- Shire of Waroona Local Planning Policy No. 6 - Outbuildings

### **SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil.

*Social - (Quality of life to community and/or affected landowners)*

The proposed outbuilding is not expected to adversely impact the community and adjoining landowners. It will provide much needed storage space for the visitor centre.

*Environment – (Impact on environment’s sustainability)*

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	The Shire of Waroona, being the applicant, exposes itself to some reputational risk should it approve the outbuilding with some non-compliance with the local planning framework.
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	1 - Rare
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	The assessment of the proposal has been through a rigorous internal review process. A planning consultant and three Shire officers have independently reviewed the proposal. Variations to the local planning framework are commonly permitted where there are no adverse consequences from a planning point of view.
<i>Review Frequency</i>	N/A
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

The proposal was referred to adjoining landowners for comment. No submissions were received.

**RESOURCE IMPLICATIONS***Financial*

All costs associated with the development application are borne by the applicant.

*Workforce*

Administration and assessment of the application is wholly undertaken by Infrastructure and Development Services.

**OPTIONS**

Council has the option of:

1. Approving the development application with conditions;
2. Approving the development application without conditions; or
3. Refusing the development application with reasons.

**CONCLUSION**

Whilst the proposal does not meet the relevant building material and setback standards of the local planning framework, the variations are not expected to cause any adverse amenity impacts in the locality and therefore the proposed outbuilding is recommended to be approved.

<b>11.1.7 Application for Development Approval for Warehouse – Lot 21 (No. 14) South Western Highway, Waroona</b>	
<b>File Ref:</b>	TP2281
<b>Previous Items:</b>	NA
<b>Applicant:</b>	Newscape Design Group
<b>Author and Title:</b>	Rhys Bloxsidge, Infrastructure and Development Support Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple majority
<b>Appendix Number</b>	11.1.7 - Warehouse

**COUNCIL RESOLUTION**

OCM22/06/71

Moved: Cr Vitale

Seconded: Cr Mason

That Council grants development approval for the proposed warehouse at Lot 21 (No. 14) South Western Highway, Waroona subject to the following conditions and advice notes:

1. The warehouse hereby approved shall be constructed in accordance with the amended plans and specifications dated 25 May 2022 and endorsed with the Shire of Waroona stamp, except where required to be modified by other conditions of this approval.
2. Prior to commencement of the use, the access/crossover to South Western Highway is to be designed and constructed to the satisfaction of the Shire of Waroona on advice from Main Roads Western Australia.
3. Prior to lodgement of a building permit application, a stormwater management plan shall be submitted to and approved by the Shire of Waroona. The approved stormwater management plan shall be implemented prior to commencement of the land use to the satisfaction of the Shire of Waroona.
4. No new fencing, other than side boundary fencing, is permitted between the South Western Highway frontage and the building line of the office.

Any new fencing behind the building line is to be of black polyvinyl mesh construction to a maximum height of 1.8 metres above the finished ground level.

Any new side boundary fencing forward of the building line is to be of black polyvinyl mesh construction to a maximum height of 1.2m above the finished ground level.

5. Prior to lodgement of a building permit application, the appearance of the external surface of the section of the warehouse facing South Western Highway above the office shall be modified to:
  - reduce the surface area of sheet metal; and
  - introduce architectural features and alternative materials that ensure the visual appearance of the building as viewed from South Western Highway is of a high standard and is not dominated by sheet metal,
  - to the satisfaction of the Local Government.

6. **The car parking bays are to be designed in accordance with AS/NZS 2890.1:2004 Parking Facilities.**
7. **Prior to commencement of the use, the car parking bays, and all trafficable areas are to be constructed, kerbed, drained and line marked and thereafter maintained to a high state of repair to the satisfaction of the Shire of Waroona.**
8. **The site shall be designed to ensure service vehicles such as waste collection and delivery trucks can adequately manoeuvre through the site without having to perform unnecessary three-point turns or reversing movements. As other conditions of approval will require modification to the plans and specifications, an updated vehicle manoeuvrability plan shall be submitted to and approved by the Shire of Waroona prior to the lodgement of a building permit application.**
9. **A landscaping strip shall be provided across the front boundary of the property (with exception to the section occupied by the crossover) with a minimum width of two (2) metres to the satisfaction of the Shire of Waroona. This landscaping strip is to be contained entirely within the property.**
10. **Prior to commencement of the use a detailed Landscaping Plan shall be submitted to and approved by the Shire of Waroona. The Landscaping Plan shall include detail on the following:**
  - **the location, number, size and species of proposed trees and shrubs;**
  - **areas of irrigation;**
  - **how the landscaping will be maintained for its lifespan following establishment; and**
  - **kerbing of landscaping areas.**

**The approved landscaping plan shall be implemented within 30 days of commencement of the use to the satisfaction of the Shire of Waroona.**

11. **Any bins shall be located at the rear of the building at all times.**
12. **The storage of materials and equipment is not permitted forward of the building line of the warehouse.**
13. **Prior to commencement of the use, any damage to footpath and verge during construction of the warehouse shall be made good to the satisfaction of the Shire of Waroona.**
14. **Prior to its installation, further details of the sign marked as 'logo' on the approved elevation plan are to be submitted to the Shire of Waroona for approval.**
15. **This decision constitutes development approval only and is valid for a period of two (2) years from the date of the approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.**

**Advice to applicant:**

- A. **In regard to condition 8, the submitted turning template plan (dated 25 May 2022) indicates that the wheels of 8.8m service vehicles will cross the boundary of the property at the rear of the site and also traverse landscape kerbing adjacent to the car parking area. The updated vehicle manoeuvrability plan is to clearly**

**indicate that all vehicle movements are kept within the trafficable areas of the site.**

- B. In order to accommodate the landscaping and manoeuvrability requirements of the respective conditions, it is suggested the development area is extended further towards the rear of the property to enable additional space.**
- C. The applicant is advised that any proposed landscaping treatments to the verge of the South Western Highway will require approval from Main Roads Western Australia.**
- D. The applicant is advised that further development approval is required for any signage not shown on the approved plans.**

**CARRIED 6/0**

### **IN BRIEF**

An application for development approval was received for a warehouse at Lot 21 (No. 14) South Western Highway, Waroona.

The proposed warehouse is to be used as a depot for Rob Wheeler Electrical. The land is appropriately zoned for this type of land use.

The plans submitted originally have since been modified following discussions with Shire staff. This report is based on the latest set of amended plans.

The latest set of plans submitted by the applicant are at **Appendix 11.1.7**.

### **BACKGROUND**

The subject land is 2,080m<sup>2</sup> and abuts both South Western Highway and Kings Place. The land is vacant. The abutting lot to the south is occupied by Waroona Rural Services and the land abutting to the north is used for residential purposes.

The proposed warehouse entails two main components – the warehouse floor itself and an office. The warehouse component is 239m<sup>2</sup> in area and the office component is 62m<sup>2</sup> in area. The building is orientated towards South Western Highway and a new access point is proposed from that road.

The building is orientated towards South Western Highway and a new access point is proposed from that road. The land surrounding the building is proposed to be sealed. Four car parking bays are provided, which includes a disabled bay. Some landscaping areas are provided adjacent to the front boundary, the northern side boundary and adjacent to the car bays.

Due to the topography of the land, retaining walls are proposed along the northern side boundary and rear boundary. It should be noted that the usable area of the warehouse only occupies about two thirds of the lot. An area of 800m<sup>2</sup> abutting Kings Place to the rear will remain undeveloped.

An aerial photograph showing the location of the subject land is shown below.



## **REPORT DETAIL**

The proposed warehouse has been assessed against the relevant provisions of the:

- Shire of Waroona Local Planning Scheme No. 7 (the Scheme);
- Local Planning Policy No. 2 – Signage; and
- Shire of Waroona Health Local Law 2021 (the Local Law)

### **The Scheme**

#### *Zoning and Land Use Permissibility*

Under the Scheme, the subject land is zoned 'Urban 3 – Service Commercial' zone.

A warehouse is listed as a 'P' (permitted) use in the 'Urban 3 – Service Commercial' zone. A 'P' use is permitted if it complies with any relevant development standards and requirements of the Scheme. The proposed warehouse does not meet all the relevant development standards and requirements of the Scheme and therefore requires an assessment on its planning merits.

A warehouse is defined by the Scheme as a "*premises including indoor or outdoor facilities used for –*

- a) *The storage of goods, equipment, plant or materials; or*
- b) *The display or sale by wholesale of goods”.*

It is considered the use of the building by an electrical repair and maintenance business fits in with this definition, in particular part (a).

#### *Scheme Objectives and Requirements*

Clause 3.6.2 of the Scheme requires the façade and subsequent first 6 metres of buildings in the zone to be constructed of brick, brick veneer, masonry or other material as approved by Council.

In this case, the facade and first 5 metres of the warehouse is proposed to be cladded with a combination of fibre cement (James Hardie Scyon) and timber composite (Blue Chip Group Selektta). The remainder of the building is proposed to be constructed of sheet metal (Colorbond). These construction materials do not meet clause 3.6.2.

It is considered that fibre cement and timber composite are visually acceptable materials as proposed and will provide some architectural relief to the front of the building. A condition however has been recommended that the top half of the section of sheet metal facing the highway rising above the office component is altered to a more suitable and visually appealing material(s). This bland and featureless section of the sheet metal lies within the first 6 metres of the building and is visually dominant, therefore it ought to be swapped out with some architectural detail.

Whilst it would add additional cost to the build, the recommended condition is considered reasonable. Clause 4.25 of the Scheme allows Council to place conditions on approval relating to the general appearance of development to ensure the development “*will not have an adverse visual impact on the character or the amenity and landscape quality of the locality*”. It is acknowledged that the adjacent development (Waroona Rural Services) is not particularly of the highest visual quality, however this building should not be used as a precedent given its age. New developments on the highway should be visually appealing as they provide the gateway into the Waroona town centre.

Clause 3.6.3 of the Scheme relates to setback requirements. The proposed warehouse meets all the specified street, side and rear boundary setbacks.

Clause 3.6.4 of the Scheme requires adequate landscaping to be provided within the 9-metre setback area adjoining the highway. Within this setback area the applicant has proposed a 1.5-metre-wide landscaping strip along the northern side boundary and a narrow landscaping strip has been proposed at the front of the property. The latter is entirely within the highway verge and not contained within the property itself. In some circumstances, the landscaping of a Shire-managed verge may be considered appropriate, however in this case the adjacent verge is managed by Main Roads WA and therefore the Shire has no control over the verge. In this regard, the landscaping of the verge ought not to be taken into consideration.

It is apparent the lack of a landscaping strip across the front of the property inside the boundary is due to manoeuvrability issues associated with waste service trucks. The submitted vehicle movement plan indicates that a waste collection truck requires the area up to the front boundary in order to exit the site adequately. Whilst the narrow nature of the property is a contributing factor to manoeuvrability, the siting and design of the building and car parking area is also a contributing factor that hampers vehicle movements.

Due to the significant area of asphalt proposed in the front setback area, a reasonably sized landscaping strip at the front of the property will ensure the massing of asphalt can be broken up and its visual impact reduced. In light of this, a condition has been recommended requiring a landscaping strip to be provided. It will most likely require the applicant to modify the siting and design of the building itself, or alternatively require the building to be pushed back

towards the rear by a few metres which in turn would impact the overall development footprint.

Clause 3.6.5 of the Scheme requires access to properties abutting the highway to be approved by Council and where it considers it desirable, shall refer proposed access arrangements to Main Roads WA for comment. The original set of plans entailed two crossovers from the property onto the highway. Main Roads WA expressed concern over this and suggested that only one crossover be provided. The applicant subsequently removed the second crossover from the proposal.

Clause 3.6.6 of the Scheme requires vehicle parking to be provided in accordance with Table 2 of the Scheme. Table 2 requires a warehouse to have 1 bay per 100m<sup>2</sup> of nett lettable area and an office to have 1 bay per 40m<sup>2</sup> of nett lettable area. In this case, four or five car parking spaces are required. There are four dedicated car parking bays shown at the front of building, however there is also the opportunity for car parking inside the building. The building has been designed to accommodate light vehicles and it is expected that employees would use this option.

#### Local Planning Policy No. 2 – Signage

The proposed plans only show two signs associated with the business. Both are essentially on the front of the office component facing the highway. The signs are generally compliant with the requirements of the policy. They are not overpowering from a visual sense. One of the signs is only shown indicatively without detail. A condition has been recommended requiring further details of this sign to be submitted prior to its installation.

#### The Local Law

Clause 4.10 of the Local Law states that a suitable enclosure, if required by Council, is to be provided for waste bins in regard to commercial premises.

In this case, the applicant has indicated that it is the preference of the business owner to not have a designated bin storage enclosure. The type of bin to be used will be a commercial waste bin on wheels with a capacity of around 1,100 litres. These bins can be wheeled around freely to assist with rubbish disposal. The type of waste produced by an electrical business is not normally offensive, therefore a special enclosure constructed to the requirements of the Local Law may be considered overkill. In the future, should a different type of business commence operations on site, Council still has the ability to require a bin storage enclosure to be constructed to ensure offensive waste is contained and managed.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To create a diverse economy base that supports opportunity and employment
<b>Objective</b>	2.3 Create a vibrant, inviting and thriving town centre and maximise Waroona's natural assets, cultural and heritage as drivers for tourism development
<b>Strategy</b>	2.2.1 Support local businesses, Waroona Business Support Group and initiatives

### **OTHER STRATEGIC LINKS**

Nil

## **STATUTORY ENVIRONMENT**

- Shire of Waroona Town Planning Scheme No. 7
- Local Planning Policy No. 2 – Signage
- Shire of Waroona Health Local Law 2021

## **SUSTAINABILITY & RISK CONSIDERATIONS**

### *Economic - (Impact on the Economy of the Shire and Region)*

The proposal will provide an economic boost to the Waroona townsite through the addition of a new depot for Rob Wheeler Electrical. An attractive and professional warehouse located on the entrance to the heart of Waroona will add much needed vitality.

### *Social - (Quality of life to community and/or affected landowners)*

The proposal is suitable for the zone, and it is not expected to cause any amenity impacts in the locality by way of noise or otherwise.

### *Environment – (Impact on environment’s sustainability)*

The proposal is not expected to cause any adverse impact to the environment.

### *Policy Implications*

Nil

### *Risk Management Implications*

There is no genuine risk in approving the proposal. The proposal is suitable for the zone and is not expected to cause any amenity or environmental issues.

## **CONSULTATION**

The submitted plans were referred to a number of nearby landowners. No comments were received during the consultation period.

Given the subject land abuts the South Western Highway, the submitted plans were also referred to Main Roads WA. Main Roads WA’s comments have been discussed previously in this report.

## **RESOURCE IMPLICATIONS**

### *Financial*

All costs associated with the development application are borne by the applicant.

### *Workforce*

Administration and assessment of the development application is wholly undertaken by Infrastructure and Development Services.

## **OPTIONS**

Council has the option of:

1. Granting approval of the development application with conditions;
2. Granting approval of the development application without conditions; or
3. Refusing to grant development approval subject to reasons.

**CONCLUSION**

The proposal is generally sound and will provide some much-needed reinvigoration of the locality. The recommended conditions of approval will ensure the proposal meets the relevant requirements of the local planning framework, operates with an acceptable degree of functionality and is visually appealing.

<b>11.1.8 Application for Development Approval for Holiday House – Lot 226 (No. 9) Chalet Vale, Preston Beach</b>	
<b>File Ref:</b>	TP2302
<b>Previous Items:</b>	TP1421
<b>Applicant:</b>	Beau Collins
<b>Author and Title:</b>	Rhys Bloxsidge, Infrastructure and Development Support Officer
<b>Declaration of Interest</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.1.8 A - 9 Chalet Vale - House and Septic Plans 11.1.8 B - Property Management Plan - TP2302

**COUNCIL RESOLUTION**

OCM22/06/72

Moved: Cr Mason

Seconded: Cr Pisconeri

That Council grants development approval for the proposed Holiday House at Lot 226 (No. 9) Chalet Vale, Preston Beach subject to the following conditions and advice notes:

1. The Holiday House hereby approved shall be operated in accordance with the Property Management Plan submitted with the application and this shall not be altered or modified without the prior written approval of the Shire of Waroona.
2. Prior to any guests attending the Holiday House, the Fire and Emergency Plan shall be modified to include information on the importance of early evacuation in case of a bush fire to the satisfaction of the Shire of Waroona.
3. Prior to any guests attending the Holiday House, the Code of Conduct is to be modified to make it clear that a maximum of six (6) guests are permitted at any one time to the satisfaction of the Shire of Waroona.
4. The Property Management Plan, Code of Conduct (as amended by condition 3) and Fire and Emergency Plan (as amended by condition 2) shall be displayed in a prominent location inside the holiday house so that guests have convenient access to them to the satisfaction of the Shire of Waroona.
5. Prior to any guests attending the Holiday House, the Property Management Plan and Code of Conduct is to be supplied to neighbouring property owners to ensure complaints can be directed in the first instance to the manager of the premises.
6. No more than six (6) guests are to be accommodated in the Holiday House at any given time.
7. No guests shall occupy the Holiday House for more than a total of three (3) months in any 12-month period unless otherwise approved in writing by the local government.
8. All parking associated with the Holiday House shall be contained wholly on site. No parking is permitted on the adjacent verge or street.

9. This approval for the Holiday House shall expire one (1) year from the date of this approval.

**Advice Notes:**

- A. The Shire of Waroona reserves the right to revoke this approval at any stage prior to its expiry should the Shire be of the view that the Holiday House is consistently causing a nuisance to the neighbourhood.
- B. In regard to condition 9, the applicant is advised that a fresh development application must be lodged in advance of the expiry date should it be intended to continue using the site as a holiday house beyond the expiry date.

**CARRIED 6/0**

**IN BRIEF**

An application for development approval was received to use an existing dwelling as a holiday house at Lot 226 (No. 9) Chalet Vale, Preston Beach.

The Property Management Plan, Code of Conduct and Fire and Emergency Plan submitted by the applicant is attached at **Appendix 11.1.8**

The dwelling was previously approved for use as a holiday house in 2011. This approval was time-limited in nature and required the applicant to apply for a renewal after one year, however this never took place and therefore the approval lapsed in 2012.

The proposed holiday house requires Council determination as a submission generally not in favour of the proposal was received during the consultation period.

**BACKGROUND**

The subject land contains an existing dwelling built circa 1993. The dwelling entails two bedrooms, a study, bathroom, laundry facilities and a large open living/dining/kitchen area. There is a raised balcony at the front of the house and a patio at the rear. The house is elevated towards the front of the site to account for the natural topography of the land. Car parking spaces are available underneath the main floor of the dwelling and on the driveway.

The applicant is proposing to accommodate a maximum of six guests at any one time in the holiday house.

An aerial photograph showing the location of the subject land is shown below.



## **REPORT DETAIL**

The proposed holiday house has been assessed against the provisions of the Shire's Local Planning Scheme No.7 (the Scheme) and Local Planning Policy No. 7 – Holiday Houses (the Policy).

### **Local Planning Scheme No.7**

#### *Zoning and Land Use Permissibility*

Under the Scheme the subject land is zoned 'Urban 9 – Preston Beach'.

The Zoning Table of the Scheme lists a holiday house as a 'D' (discretionary) use in the zone. All 'D' uses require development approval.

#### *Scheme Objectives and Requirements*

Clause 3.12 of the Scheme provides objectives and requirements relating specifically to development in the 'Urban 9 – Preston Beach' zone.

The objective of the zone is "to ensure that the Preston Beach Townsite develops for residential, holiday accommodation and recreational uses in a manner consistent with protection of the environment and landscape of the area."

It is considered the proposed holiday house generally meets the zone objective given that the proposal will provide an additional holiday accommodation option within the townsite. The proposal does not entail any new additions or development to the existing house, therefore its impact on the environment and landscape of the area is considered negligible.

Whilst the Scheme lists several development requirements specific to the zone, none of these requirements are relevant to the proposal.

### **Local Planning Policy No. 7 – Holiday Houses**

The Shire's Local Planning Policy No. 7 – Holiday Houses is applicable to the proposal. The Policy breaks down holiday houses into two types – standard and large. The proposed holiday house fits into the standard category as the applicant has indicated that no more than six guests are to occupy the house. Further, the Policy provides a set of requirements for holiday houses. The requirements relevant to the proposal are discussed below.

- A minimum of two car parking spaces are to be provided for standard holiday houses whereby *more* than two bedrooms are set aside for use by guests. In this case, the holiday house only has two bedrooms therefore only one car parking space is required. Regardless, the applicant has indicated that there are two car parking spaces available for use underneath the main floor of the house.
- The size of the existing septic system is required to be adequate to cater for the maximum number of guests. The Shire's Environmental Health Officer has indicated that the current septic system is suitably sized.
- A Property Management Plan is required to be prepared to demonstrate how the holiday house will be managed when guests are booked in, primarily to ensure the residential amenity of the area is not adversely affected by noise or otherwise. The applicant has submitted a suitable Property Management Plan that includes appropriate information relating to management responsibilities and contact details and a Code of Conduct for guests. The Code of Conduct addresses noise and nuisance, parking, waste disposal and other key guest behaviour components. A condition has been recommended requiring a minor modification to the Code of Conduct regarding the maximum number of guests.
- A Fire and Emergency Plan is encouraged to be prepared by the applicant. In this case, the applicant has submitted a brief plan, however given that Preston Beach is located within a mapped Bushfire Prone Area and that there is only one escape route by road, a condition has been recommended requiring the plan to be improved to highlight the importance of early evacuation.

The proposal is generally consistent with the requirements of the Policy

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To create a diverse economy base that supports opportunity and employment
<b>Objective</b>	2.3 Create a vibrant, inviting and thriving town centre and maximise Waroona's natural assets, cultural and heritage as drivers for tourism development
<b>Strategy</b>	2.3.2 Develop key sectors of the tourism economy where Waroona has a competitive advantage

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

- Shire of Waroona Local Planning Scheme No. 7
- Shire of Waroona Local Planning Policy No. 7 – Holiday Houses

### **SUSTAINABILITY & RISK CONSIDERATIONS**

**Economic - (Impact on the Economy of the Shire and Region)**

The proposal is considered is considered to ultimately contribute to the facilitation of tourism within the Preston Beach area and provide one form of holiday accommodation.

**Social - (Quality of life to community and/or affected landowners)**

Should the proposed Holiday House be managed in accordance with the Property Management Plan and Code of Conduct, it is envisaged that the proposal will not impact the quality of life of neighbours. It is acknowledged that there is always the possibility of guests making noise late at night, therefore a condition has been recommended requiring the applicant to ensure neighbours have access to the Property Management Plan so that the manager can be contacted in case of a nuisance.

**Environment – (Impact on environment’s sustainability)**

Nil.

**Policy Implications**

Nil.

***Risk Management Implications***

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Holiday houses have the potential to impact nearby residents, predominantly through noise at night. If managed poorly, the Shire’s reputation may be impacted.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	The applicant is required to renew the approval after one year should they wish to continue with the business. At this point staff have the opportunity to review the land use and if it has been operating outside of community expectations, refusing to grant a renewal is an option.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

The proposal was referred to adjoining landowners for comment. One submission was received.

The matters raised in the submission are summarised below. Officer comments are provided in italics immediately below each matter.

- The house plans included as part of the consultation process are inaccurate. The deck has been extended and is now much larger and closer to the boundary.

***Officer comment:***

*The applicant was contacted for comment on this matter. The applicant advised that when they purchased the property in early 2005, it was identified that the original decking was installed incorrectly and water was collecting in the slate, rotting the decking from the inside. Further, the staircase leading up to the decking from ground level was in a state of disrepair and was not compliant with Australian Standards due to step height and length. As a result,*

*a new staircase was built with a landing at the top, and the decking and balustrade replaced. The landowner has advised that this work occurred over 15 years ago, and prior to their previous approval for the Holiday House in 2011.*

- The house is not suitable for holiday accommodation as the only access into the house is via an outdoor staircase. The house cannot accommodate people with limited mobility. The house has previously been used for holiday accommodation and guests that could not negotiate the stairs would access the house from the neighbouring driveway. A fence was erected to prevent this from happening.

*Officer comment:*

*Whilst considered unfortunate, the reporting officer is not aware of any planning or building requirement for a holiday house to be built to a standard that requires disability access arrangements. It would be considered unreasonable to refuse the proposed holiday house on these grounds, especially given the dwelling was constructed in 1993 for the sole purpose of residential use. Requiring modifications to the dwelling would also be cost prohibitive and unreasonable.*

- The rear patio area looks straight into the neighbouring house. A privacy screen should be erected.

*Officer comment:*

It is acknowledged that people using the rear patio area can view the neighbouring carport area and associated glass door entrance quite easily. In this case, the dividing fence is post and wire rather than a typical 1.8m high solid fence. There is some vegetation along boundary however it does not provide any privacy relief. Regardless of this, the neighbouring carport is not considered an outdoor living area and therefore installation of a privacy screen as requested from the neighbour is considered to be unreasonable. The construction of a shared solid boundary fence may be the best way forward for the two landowners, whereby costs are split down the middle. The photograph below shows an angle of the view of the patio area towards the neighbouring property.



- How will the maximum six guests and car parking arrangements be enforced? What happens if these rules are not respected?

Officer comment:

*The applicant has prepared a Property Management Plan and Code of Conduct that outlines how these matters will be addressed. It is however acknowledged that not all guests will follow the rules. A condition has been recommended to ensure neighbours are provided with the Property Management Plan and Code of Conduct so that complaints can be directed to the manager. The manager resides within an hour of the holiday house and should be able to rectify any management issues quickly. It is considered that car parking should not be an issue given that there are two dedicated car parking spaces under the house. It is unlikely cars would be parked on the verge or the street in this case. The photograph below shows the two car parking spaces under the dwelling.*



## **RESOURCE IMPLICATIONS**

*Financial*

All costs associated with the application for planning consent are borne by the applicant.

*Workforce*

Administration and assessment of the application is wholly undertaken by Infrastructure and Development Services.

**OPTIONS**

Council has the option of:

1. Approving the Holiday House with conditions;
2. Approving the Holiday House without conditions; or
3. Refusing the Holiday House with reasons.

**CONCLUSION**

The proposed Holiday House generally meets the requirements of the local planning framework. Conditions are recommended to ensure the proposal operates in a manner that respects the residential amenity of the area. Whilst it is acknowledged that holiday houses have the potential to cause a nuisance in the neighbourhood, it is unreasonable to refuse such a proposal based on what could happen. There are two contingency measures included in the officer recommendation that allow Council to revoke the approval at any stage or refuse to renew the approval after one year of operation.

Cr Mike Walmsley declared a proximity interest in item 11.1.9 as he owns a neighbouring property.

Cr Naomi Purcell declared a financial interest in item 11.1.9 as her son is an employee of Fruitico.

**COUNCIL RESOLUTION**

**OCM22/06/73**

**Moved: Cr Walmsley**

**Seconded: Cr Odorisio**

**That the nomination for Cr Mason as chairperson for item 11.1.9 be accepted.**

**CARRIED 6/0**

Cr Mike Walmsley declared a proximity interest in item 11.1.9 as he owns a neighbouring property.

Cr Naomi Purcell declared a financial interest in item 11.1.9 as her son is an employee of Fruitico.

Crs Walmsley and Purcell left the meeting, the time being 4.31 pm.

Cr Mason accepted Donna Walmsley’s offer of clarification on misinformation which was provided.

<b>11.1.9 Lot 270 Buller Road, Hamel - Proposed Workforce Accommodation</b>	
<b>File Ref:</b>	TP2235
<b>Previous Items:</b>	
<b>Applicant:</b>	Fruitico Farms PTY LTD
<b>Author and Title:</b>	Cameron Leckey – Contract Planner
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.1.9 A - Location Plan 11.1.9 B – Development Plans

**COUNCIL RESOLUTION**

**OCM22/06/74**

**Moved: Cr Vitale**

**Seconded: Cr Pisconeri**

**That meeting proceed to the next item of business for further consideration at the July Ordinary Council meeting.**

**CARRIED 4/0**

**RECOMMENDATION**

**That Council:**

- 1. Determines that the application is consistent with the definition of “workforce accommodation” under the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
- 2. Determines that the land use and is consistent with the objectives and provisions of Local Planning Scheme No. 7; and**

3. Pursuant to Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Development Application for Workforce Accommodation, subject to the following Conditions and Advice Notes:

**Conditions:**

1. Development shall be in accordance with the following plans, documents and conditions:
  - a. Index Sheet, 06/01/22, Drawing No. 0:6;
  - b. Aerial Image, 06/01/22, Drawing No. 1:6;
  - c. Site Plan, 06/01/22, Drawing No. 2:6;
  - d. Existing Floor Plan, 06/01/22, Drawing No. 3:6;
  - e. Existing Elevations, 06/01/22, Drawing No. 4:6;
  - f. Existing Shed Floor Plans, 06/01/22, Drawing No. 5:6; and
  - g. Existing Shed Elevations, 06/01/22, Drawing No. 6:6.
2. This approval relates only to the proposed “development”, as indicated on the approved plans and any minor modification approved in writing by the Shire. It does not relate to any other development on this lot.
3. Use of the development is restricted to ‘workforce accommodation’ as defined by the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. The workforce accommodation and incidental facilities (the development) shall be for the sole use of agricultural workers associated with Fruitico. The development shall not be made available to other organisations, businesses, parties or persons, including but not limited to:
  - a. The general public;
  - b. The tourism sector;
  - c. The mining or resources sector; and
  - d. Other agricultural enterprises.

**Prior to the commencement of site works and lodgement of a building permit**

5. A revised site plan shall be submitted to and approved by the Shire. This shall include, but not be limited to, the following:
  - a. Additional car parking, dimensions, turning areas, wheel barriers – informed by a Traffic Impact Assessment;
  - b. Stormwater management areas/measures – informed by a revised Stormwater Management Plan;
  - c. Landscaping areas and treatments – informed by a detailed Landscaping Plan;
  - d. Noise management mitigation measures – informed by a Noise Management Plan;
  - e. Waste management measures – informed by a revised Waste Management Plan; and
  - f. Nutrient and irrigation management measures – informed by a Nutrient and Irrigation Management Plan.

Development shall be in accordance with the approved revised plans and maintained thereafter to the specification and satisfaction of the Shire.

6. A revised Stormwater Management Plan shall be submitted to and approved by the Shire. This shall include, but not be limited to, the following:
- a. Reflect the proposed development;
  - b. Address any upgrades required to the stormwater system, including the reserve adjoining the site;
  - c. Surface treatments;
  - d. Ensure that no excess stormwater is discharged onto neighbouring properties;
  - e. Ensure that stormwater does not pond for more than 72 hours, to prevent mosquito and disease vectoring;
  - f. Detail earthworks and drainage design, including stormwater depths, volumes and cut/fill levels;
  - g. Water levels for the 1% AEP rainfall event, Finished Floor Levels and Finished Ground Levels;
  - h. Specifications for the overflow weir and biofiltration media; and
  - i. Confirm that post-development flows are equal to or less than pre-development flows.

The approved stormwater management plan shall be implemented in full prior to the occupation or use of the development and shall be maintained thereafter to the satisfaction of the Shire.

7. A detailed landscaping plan shall be submitted to and approved by the Shire. This shall include, but not be limited to, the following:
- a. The location, number, size and species type of existing ground covers, shrubs and trees;
  - b. Those areas to be reticulated;
  - c. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - d. Any lawns to be established;
  - e. Perimeter screening measures.

Prior to the occupation or use of the development, the approved landscaping plan shall be fully implemented, and maintained thereafter, to the satisfaction of the Shire.

8. A Transport Impact Assessment (TIA) shall be submitted to and approved by the Shire. This shall be in accordance with the *Department of Planning, Lands and Heritage's Transport Impact Assessment Guidelines*. The approved TIA shall be implemented as applicable which may include, but not be limited to, modifications to the Stormwater Management Plan, Site Plan and Landscape Plan.
9. A Recycled Water Quality Management Plan shall be submitted to and approved by the Shire. This shall include, but not be limited to, the following:
- a. Confirmation that the treated wastewater is suitable for subsurface irrigation and will not negatively impact the environmental values of the Peel-Harvey Catchment;
  - b. Demonstration that the onsite wastewater treatment system is designed in accordance with the requirements of the Government Sewerage Policy for sewage sensitive areas;

- c. Confirmation that the volume of wastewater to be processed by the wastewater treatment plant is based on the number of personnel on site, and to be in accordance with the requirements of all current health legislation.
- d. Confirmation that the proposed disposal area is adequately sized to absorb the treated effluent;
- e. A plan depicting the proposed building envelopes, land application area/s and exclusion zones for the proposal;
- f. Confirmation that the base of the treatment plant is located 1.5 metres above the maximum groundwater level; and
- g. Consideration of nuisances such as odour, noise and vibration in relation to the location and proximity of the wastewater treatment plant to sensitive receptors.

The approved Recycled Water Quality Management Plan shall be implemented as applicable and maintained thereafter to the specification and satisfaction of the Shire.

10. A revised Noise Assessment and Management Plan report shall be submitted to and approved by the Shire. This shall address all noise sources and detail management measures to prevent unacceptable off-site impacts. Prior to the occupation or use of the development, management measures shall be installed/implemented and maintained thereafter to the satisfaction of the Shire.
11. A Nutrient and Irrigation Management Plan (NIMP) shall be submitted to and approved by the Shire. This shall address off-site nutrient export. The approved NIMP shall be implemented as applicable and maintained thereafter to the satisfaction of the Shire.

Prior to lodging an application for a building permit;

12. A lighting plan, detailing locations, types, and luminance levels for lighting proposed to be installed, shall be submitted to, and approved by the Shire. This shall also detail days and hours of lighting operation for nuisance lighting such as light towers. The approved lighting plan shall be incorporated into the applicable Building Permits and adhered to in perpetuity, to the satisfaction of the Shire.
13. Detailed elevations for all buildings and structures shall be submitted to and approved by the Shire. Prior to the occupation or use of the associated development, the development shall be clad with the approved materials and colours and maintained thereafter to the satisfaction of the Shire.
14. A revised Waste Management Plan shall be submitted to and approved by the Shire. This shall include, but not be limited to:
  - a. Volume of waste and recyclables;
  - b. Access to bin storage and transferral to collection points;
  - c. Frequency of collection;
  - d. Truck access to roads and site;
  - e. Amenity (noise and waste odours);
  - f. Location, size and features of bin storage areas;
  - g. Hygiene and vermin;
  - h. Screening and blending of storage areas;
  - i. Signage and education; and

- j. **Operational procedures to ensure that management of waste is to best practice.**

Prior to the occupation or use of the development, the measures shall be implemented and thereafter maintained, to the satisfaction of the Shire.

Prior to the occupation or use of the development;

15. Arrangements shall be made for a suitable connection to a potable water and electricity supply.
16. Arrangements shall be made to the satisfaction of the Shire for the amalgamation of the subject lot with another property into one Certificate of Title (or other means as demonstrated). This shall guarantee constructed and gazetted road frontage and access to a potable water and electricity supply.
17. A Social Impact Assessment (SIA) and Social Impact Assessment Management Plan (SIMP) shall be submitted to and approved by the Shire. This shall be to the specification of the Shire and consistent with the International Association for Impact Assessment *Social Impact Assessment: Guidance for Assessing and Managing the Social Impacts of Projects*. The measures identified in the SIMP shall be implemented to the satisfaction of the Shire.

Advice Notes:

- a. This is a development approval issued under the Shire of Waroona Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.

Prior to the commencement of construction, a Building Permit is required in accordance with *Building Act 2011*.

- b. Should the applicant be aggrieved by this decision or any associated conditions, they may request the Shire of Waroona to reconsider the decision. The right to request reconsideration is separate and does not impinge upon any right of appeal under the *Planning and Development Act 2005*.
- c. This approval relates to the details provided in the application only. In order to undertake the development in a different manner to that stated in the application, a fresh application for planning approval or an application to amend the development approval must be submitted to the Shire of Waroona and approved.
- d. With regard to Condition 3, the model scheme text defines ‘workforce accommodation’ as:
- “premises, which may include modular or relocatable buildings, used –*  
*(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*  
*(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.”*

- e. With regard to Condition 6, the stormwater management plan shall demonstrate compliance with:

- State Planning Policy (SPP) 2 Environment and Natural Resources (WAPC);
  - SPP 2.9 Water Resources (WAPC);
  - Better Urban Water Management and Guidance Notes (WAPC);
  - Urban Water Management Plans – Guidelines for preparation and compliance with subdivision guidelines (DWER);
  - Decision process for stormwater management in Western Australia (DWER); and
  - Stormwater management manual for Western Australia (DWER).
- f. With regard to Condition 7, the landscaping strips should be provided with the following specifications:
- contain random plantings of a variety of tree and shrub species of differing growth habitats, at densities of 2 (1 tree and 1 shrub) per square metre;
  - include endemic (native) species with long, thin (needle-like) and rough (furry/hairy) foliage which are fast growing and hardy; and
  - foliage should be from the base to the crown of the overall planting arrangement, with mixed plantings of trees encouraged to ensure there are no gaps in the lower canopy.
- g. With regard to Condition 11, the Nutrient and Irrigation Management Plan should demonstrate that the site activities can achieve the nitrogen and phosphorus target rates as outlined in the Department of Water and Environmental Regulation's Hydrological and nutrient modelling of the Peel-Harvey catchment – Water Science Technical Series Report No WST 33 and include the level of detail required by Water quality protection note 33 – Nutrient and Irrigation Management Plans. Both documents are available on the Department of Water and Environmental Regulation website.
- h. With regard to Condition 12, all illumination should be in accordance with the requirements of Australian Standards AS 4282-1997 – Control of the obtrusive effects of outdoor lighting and AS 1158.3.1:2005 – Lighting for Roads and Public Spaces at all times.
- i. With regard to Condition 15, the connection to the DN63 PE pipe will in the Sommers Road reserve will need to be done under a service agreement as the pressure and water quality cannot be guaranteed. As the existing DN63 PE main is connected to the trunk main it will experience a range of pressure between 60m-200m.

This proposal will require approval by its Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued. Further information about building applications is available at: <https://www.watercorporation.com.au/Developing-and-building/Building/Lodging-a-building-application/Single-residential-building-applications>

- j. The applicant is advised that the development must comply with the *Health (Public Building) Regulations 1992*. The applicant and owner should liaise with the Shire's Health Services in this regard.
- k. The applicant is advised that the development must comply with the *Food Act 2008*, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia only). The applicant and owner should liaise with the Shire's Health Services and Department of Health in this regard. Further details are

available at: [https://ww2.health.wa.gov.au/Articles/S\\_T/Starting-a-food-business-in-WA](https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA)

- I. The Department of Water and Environmental Regulation advises that the *Environmental Protection Act 1986* requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration (for operation) is held for the premises.

The applicant is advised to refer to the information and Guideline: Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-andworks-approvals> and/or if they have queries relating to works approvals and licences to contact the Department at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000 for information on the application for a works approval.

- m. The Department of Water and Environmental Regulation advises that the development is to operate in accordance with the *Environmental Protection (Noise) Regulations 1997* and *Environmental Protection (Unauthorised Discharges) Regulations 2004*.
- n. The Department of Water and Environmental Regulation advises that Acid Sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to the Department's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>.
- o. In regard to Condition 17, the following principles are to inform the development and submission of an SIA and SIMP:
- Lifespan – should consider the full lifecycle of the proposal.
  - Reasonable – should be commensurate with the nature and scale of the proposal and the likely significance of the resultant social impacts.
  - Participatory – engagement to be inclusive, respectful, meaningful and tailored to the needs to potentially impacted individuals or groups.
  - Rigorous – should be based on objective, comprehensive social impact analysis and incorporate the most up to date information on communities affected.
  - Effective management – should include effective social management measures that enhance benefits and mitigate negative impacts.
  - Adaptive – management measures should be monitored, reviewed and adjusted to ensure ongoing effectiveness.

#### **IN BRIEF**

- The proposal is for accommodation to house up to 244 seasonal agricultural workers associated with Fruitico's vineyards.
- The land use is not a defined use under the Shire's Local Planning Scheme No.7, as such, there is discretion to approve provided it is consistent with the objectives of the Rural 2 - Irrigated Agriculture Zone.
- The advertising of the application resulted in 10 objections from landowners within the vicinity. The applicant subsequently submitted additional information and made modifications to the design of the accommodation facility to address matters raised in the objections.

- The development is supported, subject to conditions ensuring that any potential environmental and amenity impacts resulting from the development will be appropriately mitigated and/or managed.

## **BACKGROUND**

Fruitico operate approximately 231 hectares of horticulture over a number of properties in the immediate vicinity of the site.

Currently Fruitico accesses the vast majority of its workforce via the Australian Government initiated Temporary Work (International Relations) visa (subclass 403) – Seasonal Worker Programme stream (also known as the Seasonal Worker Programme (Pacific region and Timor Leste)), which assists employers in the agricultural and accommodation sectors to fill employment gaps unable to be met by the Australian workforce.

Whilst this seasonal worker program offers benefits for Fruitico to maintain a consistent through-put of required workforce, one of the key challenges to managing this workforce is accessing and retaining suitable accommodation. The fluctuation of worker numbers throughout the year creates issues around the retention of suitable types and numbers of accommodation options for Fruitico employees.

Given these challenges, Fruitico has opted to engage Breakaway Tourism Pty Ltd to develop and manage a custom-built workforce accommodation facility on Fruitico's landholding at Lot 270 Buller Road, Hamel (Attachment 1 – Location Plan).

This facility is proposed to be developed on the portion of Lot 270 surrounding the existing manager's residence on the site. The development site itself is set back over 500m from Somers Road and over 900m from Buller Road. The Waroona main drain abuts the rear (northern) boundary, separating the development site from properties on the northern side.

## **REPORT DETAIL**

The development includes the following:

- 244 Single Person's Quarters (in 61 units);
- Kitchen, dining and alfresco facility;
- Recreation room and lounge;
- First aid room;
- Laundry and drying yard;
- Cleaning and service facility;
- On-site caretaker/manager accommodation;
- Outdoor recreation areas including lawn, a soccer pitch and basketball court; and
- A 10-metre-wide planted drainage swale surrounding the development site.

Plans and details on the proposal can be found in Attachment 2 – Development Plans.

In support of the proposal, the applicant submitted the following reports:

- Noise assessment;
- Stormwater Management Plan;
- Waste Management Plan;
- Waste Water Treatment Plant Management Plan; and
- Geotechnical Investigation Report.

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To create a diverse economy base that supports opportunity and employment
<b>Objective</b>	2.1 Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land
<b>Strategy</b>	2.1.1 Maximise the inherent economic opportunities in the Murray Waroona functional economic region

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

#### **Shire of Waroona Local Planning Scheme No 7 (LPS7)**

##### **Land Use**

Given that workforce accommodation is a land use that cannot be reasonably classified under the zoning table of LPS7, its suitability within the Rural 2 – Irrigated Agriculture zone must be considered against the zone objective in accordance with clause 3.3(4) of the Scheme.

Within all Rural zones, it is Council's objective 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”.*

The proposed land use is intrinsically linked to the local rural economy. A substantial number of workers are required to ensure the ongoing operation of Fruitico's operations. Furthermore, there will be secondary benefits to the local community through the creation of jobs in both the construction and operation of the camp, and the addition of a further 256 (approximate) occupants who will most likely choose to shop and spend locally. On this basis there is no doubt that the proposal will contribute materially to the local economy.

The key consideration is therefore whether the development is delivered in a manner that suitably respects and preserves the rural character and amenity of the locality. These matters are considered in the context of clause 67 of the Deemed Provisions in the below section.

##### **Setbacks**

The Scheme requires development in rural zones to be set back 10 metres from rear and side boundaries. The swale is 10 metres wide and proposed to surround the development site. Accordingly, the proposal meets this requirement.

##### **Car Parking**

Clause 4.16.2 of the Scheme provides that where land is to be used for purposes not mentioned in the Scheme, the local government shall determine the number of spaces to be provided. The applicant has indicated 14 car bays are to be available to staff, visitors and occupants.

It has not been adequately demonstrated that these bays will be sufficient for approximately 244 people. A condition is recommended, requiring the provision of a Traffic Impact Assessment to be prepared in accordance with the Department of Planning, Lands and Heritage *Traffic Impact Assessment Guidelines*. In addition to addressing the number of car

parking spaces that may be needed, it will also address crossovers and tracks to the development and identify whether any upgrades are required to the public road network.

#### Appearance of Buildings

Clause 4.25 of the Scheme requires buildings, structures and site works to maintain harmony with existing buildings and the landscape of the locality. In this regard, the development is located over 500m away from all roads and lot boundaries, except the Waroona Main Drain on the northern boundary and Lot 12 Coronation Road, Waroona to the north of the Main Drain. The 30 metre Main Drain reserve is significantly vegetated and may assist with screening the development from existing buildings on Lot 12 Coronation Road. To ensure that the bulk and scale of the development is not a dominating factor in the landscape, it is recommended that a detailed landscaping plan is prepared, with specific focus on screening the site.

Adequate utility and amenity services are proposed to be provided in accordance with Clause 4.28 of the Scheme. Conditions of approval require further detailed information to be provided where relevant, in order to ensure all potential amenity and environmental impacts associated with those services will be mitigated.

### **Planning & Development (Local Planning Schemes) Regulations 2015**

#### Deemed Provisions - Clause 67(2)(m) - Compatibility of the development with its setting

The setting in which the proposed development is located can reasonably be described as a low-intensity rural setting with a focus on agriculture and primary production. The surrounding areas are predominantly cleared, with scattered vegetation located around dwellings, farm sheds and the like to provide screening and shade.

The proposed development is considered to be generally compatible with its setting for the following reasons:

- The development site is surrounded by vineyards to the west, south and east and the vegetated Waroona Main Drain to the north of the site.
- The use is compatible with the operational vineyard in which it is located as it provides on site accommodation for a much-needed workforce.

#### Deemed Provisions - Clause 67(2)(n) - Amenity

Further details are required on how the development can mitigate any potential off-site impacts. To ensure that the adjoining landowners' amenity is not negatively impacted, and that the development is compatible with surrounding landholdings. It is recommended that conditions are imposed that address the following:

- A Landscaping Plan – will assist with screening the visual bulk and scale of the development;
- Noise Management Plan – will assist with mitigating and/or minimising any potential off-site noise;
- Recycled Water Quality Management Plan – To consider odour and vibration and identify mitigation/minimisation measures;
- Lighting plan – to detail luminance levels and potential high-risk lighting such as light towers to avoid light spill/nuisances.
- Waste Management Plan – to address volume of waste, frequency of bin collection, amenity issues, hygiene and vermin control, screening and blending of storage areas.
-

### Deemed Provisions - Clause 67(2)(o) - The likely effect of the development on the natural environment or water resources

Subject to the development of appropriate engineering design and management practices, the proposed development will not have any significant adverse impact on the natural environment or water resources.

The application is supported by a Stormwater Management Plan which includes the following measures to protect water quality and maintain pre-development flow rates:

- Retain and treat the first flush (1yr 1hr or 15mm) runoff from the carpark and driveway area.
- Capture and detain up to the 100-year ARI event within shallow swales that will ultimately discharge to the Waroona Main Drain at a 1:10 year equivalent rate.
- Stormwater treatment of first flush will be via biofilter media within swale drains adjacent to the paved areas.

The Stormwater Management Plan has been reviewed by the Shire's technical staff, and officers are of the view that the stormwater strategy is generally appropriate for its context, although further information will need to be provided prior to the commencement of site works. A recommended condition requires the preparation of a revised stormwater management plan to address, amongst other things:

- Surface treatments;
- No standing water for more than 72 hours, to prevent mosquito and disease vectoring; and
- Finished Ground Levels, Finished Floor Levels and the 1% Annual Exceedance Probability flood level (previously known as the 1 in 100-year floor level).

In relation to the natural environment more broadly, the development site is largely cleared of vegetation and the development will therefore not impact on any significant flora or fauna habitat. It is noted that there are no mapped wetlands, threatened ecological communities or other environmental considerations in this locality that could be impacted by this proposal.

The proposed wastewater treatment plant is designed and located away from any natural water features, and conditions of approval will ensure that the plant meets all requirements of the Government Sewerage Policy, and will not adversely impact the environment, particularly including the Peel-Harvey catchment.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

#### *Economic - (Impact on the Economy of the Shire and Region)*

The proposed workforce accommodation will facilitate the ongoing Fruitico operation's contribution to the local economy.

#### *Social - (Quality of life to community and/or affected landowners)*

As discussed throughout this report, potential impacts to the amenity of the community and social impacts associated with approximately 244 people being accommodated on a site primarily used for intensive agriculture can be appropriately managed.

#### *Environment – (Impact on environment's sustainability)*

As discussed throughout this report, potential environmental impacts can be appropriately managed through conditions.

#### *Policy Implications*

State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment

SPP 2.1 provides guidance with respect to stormwater runoff, nutrient management, and wastewater treatment within the policy area. The proposal is largely consistent with the objectives and provisions of SPP 2.1, however a condition requires a Nutrient and Irrigation Management Plan to be provided prior to the commencement of works in order to demonstrate how nutrient discharge will be mitigated and/or managed on site.

Environmental Protection Authority Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses 2005 (GS3)

The EPA Guidance Statement recommends a default setback distance of 500m between vineyards and other sensitive uses.

The Department of Health provides further guidance in this regard and notes that the setback distance may be reduced to 40 metres subject to the installation of a suitable landscape buffer with a minimum 2 metre height that will effectively control spray drift. Conditions of approval will ensure that the proposed landscape buffer will be planted to an appropriate height and density to control any impacts associated with the vineyard prior to occupation of the development.

Shire of Waroona Local Planning Policy 4 – Intensive Agriculture (PP004)

The proposal meets the requirements of this policy by supporting the operation of an existing intensive agriculture enterprise. A condition of approval requires a Nutrient and Irrigation Management Plan to demonstrate that any impacts on the water quality of the adjacent Waroona Main Drain will be mitigated, in accordance with the requirement of this Policy.

Shire of Waroona Local Planning Policy 6 – Outbuildings (PP006)

Multiple outbuildings are proposed to serve the domestic needs of the workforce to be accommodated at the site. Based on the lot size being in excess of 2ha, the height of all outbuildings is required to be less than 9 metres. This requirement is included in a condition of approval.

*Risk Management Implications*

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Being seen to fetter private business
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Work with all parties to reach a suitable outcome
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION****Public Consultation**

As 'workforce accommodation' is a land use that cannot be reasonably classified within the zoning table of LPS7, it is therefore considered to be a complex land use under the Planning Regulations. The proposal was publicly advertised accordingly. Advertising commenced on 31 August 2021 and ran until 28 September 2021. It was carried out in the following manner:

- Letters were sent to landowners within 800m of the site;
- A sign was displayed on site on Buller Road;

- An advertisement was placed within the Harvey Waroona Reporter on 31 August; and
- A copy of the application was be placed on the Shire’s website.

At the close of the public comment period 10 public submissions had been received. The issues raised in the submissions have been summarised in the table below, along with the applicant’s response and Officer Comments.

<p><u>Issue 1</u> Inconsistent with Zoning and creates an undesirable precedent in the Rural Zone</p>
<p><u>Applicant Response</u> There is no visual corridor from any connecting road. The facility is bounded by a generous earth bund which eliminates any concern of visual impact. The camp is utilised for agricultural needs and is consistent with agricultural planning policy.</p>
<p><u>Officer comments</u> The proposed development is intrinsically linked to the rural use of the land. As such, it is considered to be compatible with the objectives of the Rural Zone subject to the application of conditions that limit offsite impacts.</p>
<p><u>Issue 2</u> Undermines the role of Waroona Townsite, no community benefits</p>
<p><u>Applicant Response</u> Buy local policy implemented as part of operations which is a typical approach for regional/remote facilities such as this to ensure multiplier benefits are filtered through to the local community and economy. Items such as stores, retail, hospitality, recreation, hardware, local contractors, will all benefit significantly from the camp operations.</p>
<p><u>Officer comments</u> A condition has been recommended for the preparation of a Social Impact Assessment (SIA) and Social Impact Assessment Management Plan (SIMP). This will assist with identification and assessment of positive and negative social impacts, through the SIA. The SIMP will plan to mitigate the adverse impacts.</p>
<p><u>Issue 3</u> Alternative location suggestion is Lot 1 on Diagram 33487, located on the corner of Somers Road and Buller Road, also owned freehold by the same registered proprietor.</p>
<p><u>Applicant Response</u> Existing infrastructure is already located at subject site and visual impact is also lessened at subject site.</p>
<p><u>Officer comments</u> It is not within the purview of the Shire to contemplate alternative locations. The Shire must assess this application, within this location, on its merit.</p>
<p><u>Issue 4</u> Area is not big enough to cater for this camp, poor occupant amenity including overcrowding within the camp and the development of unhygienic living conditions</p>
<p><u>Applicant Response</u></p>

<p>Camp design and all setbacks are typical of similar developments. There are generous outdoor and indoor and under cover activity areas plus all accommodation buildings include a 1.8m veranda, spanning the length of the entire 14.4m building. All rooms include its own ensuite and rooms are serviced weekly.</p>
<p><u>Officer comments</u> Conditions of approval will ensure that the operation of the development is suitably hygienic.</p>
<p><u>Issue 5</u> Dining area cannot accommodate the number of occupants.</p>
<p><u>Applicant Response</u> Dining area is more than suitable for total occupancy. Typically, the dining area does not need to cater for full camp occupancy. Moreover, Covid 19 processes also need to be implemented to manage the number of diners in one area at any given time, to mitigate transmission in the case of possible infections. This will be dictated to by updated Govt Health advice.</p>
<p><u>Shire Response</u> The Department of Health and the Shire's Health services have not raised any concerns regarding this aspect of the proposal.</p>
<p><u>Issue 6</u> Concern with expansion potential, including camping area for back packers</p>
<p><u>Applicant Response</u> The camp is for agricultural use only. All occupants must be pre-qualified as a Fruitico employee. It is suggested that this be a condition of operating license, similar to other accommodation facilities in the North of the State.</p>
<p><u>Officer comments</u> Any further expansion of the development will be subject to a new application that would be assessed on its individual merits. A use condition is also recommended, which will prevent the use of the camp for other businesses and industries.</p>
<p><u>Issue 7</u> No consideration of Social Impacts, Anti-social behaviour, Safety and Crime</p>
<p><u>Applicant Response</u> Social impacts are managed by both the camp operator and the employer. Any anti-social behaviour is dealt with by termination of employment and visa and the occupant is sent back to their country of origin. This is relevant both within the confines of the camp and within the local community.</p> <p>All occupants are inducted into the camp, part of which is to provide each individual with a comprehensive understanding of local laws, rules, acceptable behaviour and local customs.</p>
<p><u>Officer comments</u> Through the SIA and SIMP process, a number of mitigation strategies may be developed that benefit the Shire and the future occupants.</p>
<p><u>Issue 8</u> This submission contained a lot of irrelevant information and omits key technical reports that could consider the planning merit</p>

<p><u>Applicant Response</u> This is typical of approaching a DA with large amounts of engineering reports required. Normally these reports are required and detailed as a condition of approval</p>
<p><u>Officer comments</u> A significant number of supporting information related to a number of topics is required to demonstrate the merits of a proposal such as this. The applicant has since provided further information requested by the Shire and other government agencies. Conditions of approval require further or updated information to be provided to ensure that the development will operate effectively and preserve the amenity of the occupants, neighbours, broader locality and the natural environment.</p>
<p><u>Issue 9</u> Noise</p>
<p><u>Applicant Response</u> Refer acoustic report</p>
<p><u>Officer comments</u> The applicant has provided a noise assessment demonstrating that the operation of the facility will be compliant with the noise limits set out in the <i>Environmental Protection (Noise) Regulations 1997</i>. A condition requires this noise assessment to be finalised once the final detailed design of the development is complete.</p>
<p><u>Issue 10</u> Traffic and Parking</p>
<p><u>Applicant Response</u> The company and the operator of the camp both have extensive experience in profiling the overseas occupants. Owing to this, it has been the norm over years of the Seasonal Worker Program joint venture, that a very small percentage of workers are qualified to drive and furthermore, most, if not all workers do not have the financial capacity and do not have the desire to purchase vehicles. Hence the traffic implications for this development are minor and only based around the bus movements, which already exist and have posed zero issues thus far. It is requested that a traffic management plan may be redundant for the purposes of this development.</p>
<p><u>Shire Response</u> A condition of approval requires a Traffic Impact Assessment to be prepared in accordance with the Department of Planning, Lands and Heritage's Traffic Impact Assessment Guidelines. This will analyse likely traffic volumes, vehicle types, existing and proposed infrastructure and assist with detailed design measures to mitigate and reduce traffic congestion and safety.</p>
<p><u>Issue 11</u> Visual Amenity Impacts including lighting</p>
<p><u>Applicant Response</u> All lighting will be low lux, low spill bollard lighting.</p>
<p><u>Officer comments</u> A condition of approval requires a detailed lighting plan to be provided and for lighting to comply with the requirements of Australian Standard AS 4282-1997 – Control of the obtrusive effects of outdoor lighting.</p>

<p><u>Issue 12</u> Rubbish and Waste concerns – a Waste Management Plan required</p>
<p><u>Applicant Response</u> Refer WMP</p>
<p><u>Officer comments</u> The applicant has provided a Waste Management Plan. A condition is proposed, requiring a detailed plan that will address, amongst other things, waste collection, storage, vermin and pests, recycling and education.</p>
<p><u>Issue 13</u> Risk from “treated” sewage being aerial sprayed over grounds</p>
<p><u>Applicant Response</u> Refer WWTP plan (Mak Water)</p>
<p><u>Officer comments</u> The applicant has since provided a Waste Water Treatment Plan demonstrating that the proposed wastewater treatment plant and irrigation systems will be designed so that they do not spray treated sewage. A condition is recommended, requiring detailed plans to be submitted, prior to the commencement of site works.</p>
<p><u>Issue 14</u> Environmental risk from proximity of effluent disposal to watercourses</p>
<p><u>Applicant Response</u> Refer WWTP plan (Mak Water)</p>
<p><u>Officer comments</u> Conditions of approval include a Nutrient and Irrigation Management Plan and an updated Stormwater Management Plan. These will ensure that any environmental risk associated with waste generated by the development will not adversely impact the environment or neighbours.</p>
<p><u>Issue 15</u> Impacts on peel inlet/estuary, no consideration of State Planning Policy 2.1 Peel Harvey Coastal Plain Catchment (SPP2.1)</p>
<p><u>Applicant Response</u> Peritas to include in SMP</p>
<p><u>Officer comments</u> The Shire has considered the proposal with respect to the requirements of State Planning Policy 2.1, and a condition of approval has been recommended as a result requiring a Nutrient and Irrigation Management Plan demonstrating that the development will not impact the Peel Inlet and Harvey Estuary.</p>
<p><u>Issue 16</u> Application is deficient in information required by the WAPC’s Position Statement for Workforce Accommodation</p>
<p><u>Applicant Response</u> Refer previous point regarding further detailed information (Shire Note: Issue 8)</p>

<p><u>Officer comments</u> The Shire has considered all relevant matters in the WAPC's Position Statement as part of its assessment of the proposal.</p>
<p><u>Issue 17</u> Lack of information of colours and materials for the buildings</p>
<p><u>Applicant Response</u> In design brief</p>
<p><u>Officer comments</u> The buildings should not be visible from nearby roads or adjacent properties once a Landscaping Plan has been approved by the Shire and implemented. However, to allay any immediate concerns, a condition is recommended that requires a schedule of colours and materials to be submitted for review and approval.</p>
<p><u>Issue 18</u> Ongoing maintenance of buildings, fences, structures, car parking and access ways, and landscaped areas via a management agreement in the form of a deed of agreement as a condition of approval.</p>
<p><u>Applicant Response</u> Forms part of operational management contract which includes a range of KPI's to ensure all forms of regulatory compliance are maintained</p>
<p><u>Officer comments</u> Conditions of approval require all development to be maintained to the satisfaction of the Shire.</p>
<p><u>Issue 19</u> Property devaluation</p>
<p><u>Applicant Response</u> Relevance?</p>
<p><u>Officer comments</u> This is not a matter that the Shire can give consideration in its assessment of the planning merits of the proposal.</p>
<p><u>Issue 20</u> No information on how drainage and stormwater will be dealt with</p>
<p><u>Applicant Response</u> By Peritas SMP</p>
<p><u>Officer comments</u> The applicant has since provided an updated Stormwater Management Plan that generally addresses the requirements of the Shire and Department of Water and Environmental Regulation. Where further information is required to confirm appropriate management of stormwater, a condition of approval requires that information to be approved by the Shire. The Shire will liaise with the Department once a revised plan is received.</p>
<p><u>Issue 21</u></p>

No details provided on existing buildings proposed to be repurposed
<u>Applicant Response</u> In architecturals
<u>Officer comments</u> The use of each building proposed to be repurposed has been provided on the site plan submitted in support of the application.

**State Government Referrals**

The application was also referred to the following government agencies for comment;

- Department of Health;
- Department of Water & Environmental Regulation;
- Department of Planning, Lands and Heritage;
- Department of Biodiversity, Conservation and Attractions;
- Department of Primary Industries and Regional Development;
- Water Corporation;
- Western Power;
- Telstra; and
- Atco Gas.

The full submissions are contained within the attached Schedule. Relevant comments are addressed in the table below:

<b>Department of Health</b>
<u>Wastewater Disposal</u> The DoH does not support the proposal until it can be demonstrated that the proposed lots are suitable for effluent disposal via a site-specific Site and Soil Evaluation (SSE).
<u>Applicant Response</u> Mak Water Scope
<u>Officer comments</u> A Geotechnical Investigation Report has since been provided. A condition of approval requires a Recycled Water Quality Management Plan detailing the matters raised by the Department of Health to be provided, satisfactorily demonstrating how wastewater will be managed to ensure no environmental or health impacts. The Shire will liaise with the Department when this supporting technical document is received.
<u>Separation of Agricultural and Residential Land Uses</u> The EPA Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses requires that a separation of 300m be provided between Market Gardens and sensitive land uses i.e., the proposed workforce accommodation. It will therefore be necessary to demonstrate that the proposal meets this separation distance or else demonstrate that a reduced distance is acceptable with relation to gaseous, acoustic, odour, dust and risk impacts.

DOH guidance recommends that the minimum default separation distance can be further reduced to 40m where a vegetative buffer has been adequately designed, implemented and maintained in accordance with these guidelines, and has reached a sufficient height to control spray drift.

Applicant Response

Refer to revised site design

Officer comments

The site design has since been modified to provide a minimum 40 metre separation distance and landscaping buffer. A condition has been applied to the approval requiring a landscaping buffer surrounding the site to be provided and maintained, in order to achieve compliance with this requirement.

**Department of Water & Environmental Regulation**

Nutrient and Irrigation Management

Various activities associated with this proposal has the potential to export significant nutrient loads to the Peel-Harvey Estuary System.

The onus of proof will rest with the proponent to demonstrate how the proposal meets the objectives of the aforementioned policy and guidance through the preparation and submission of a nutrient and irrigation management plan (NIMP) to support the development application.

Applicant Response

Note to be included in SMP to treat surface runoff from sealed surfaces subject vehicular traffic.

Officer comments

Conditions requiring a Nutrient and Irrigation Management Plan and an updated Stormwater Management Plan have been recommended that can address these matters.

Industry Regulation

Based on the information provided, the proposed operations will cause the premises to be considered a prescribed premise as per Schedule 1 of the *Environmental Protection Regulations 1987*.

Applicant Response

N/A by Mak Water

Officer comments

An advice note is recommended to be applied to the approval identifying that a separate approval will be required under the *Environmental Protection Act 1986*.

Separation from Watercourses

The proposed location of the Waste Water Treatment Plant (WWTP) and the recreation grounds receiving the irrigated wastewater only appears to propose a 30m setback to this drain and therefore does not meet the policy's setback requirement of 100m.

Applicant Response

N/A

<p><u>Officer comments</u> The WWTP has since been relocated such that it is set back 100m from the drain and as far as possible within the development site. Conditions of approval require the WWTP to be constructed with its base 1.5m above the groundwater level as required by the Department of Water and Environmental Regulation, and for the stormwater in the swale adjacent to the WWTP and recreation grounds to be filtered prior to discharge into the drain.</p>
<p><u>Stormwater Management</u> It is recommended that a drainage management plan is prepared to the satisfaction of the Department and the Shire. The drainage system is to be designed, constructed, and managed as per Stormwater Management Manual for Western Australia</p>
<p><u>Applicant Response</u> SMP by Peritas</p>
<p><u>Shire Response</u> A Stormwater Management Plan has since been provided; however, a condition is recommended to be applied to the approval requiring the Stormwater Management Plan to be updated to reflect the final civil design and other matters.</p>
<p><u>Acid Sulfate Soils (ASS)</u> The Department advises that a model ASS related condition is not considered necessary in this instance, however, an advice note is recommended to be applied to the relevant approval.</p>
<p><u>Applicant Response</u> N/A</p>
<p><u>Officer comments</u> The standard ASS advice note is recommended to be applied to the approval.</p>

<p><b>Water Corporation</b></p>
<p><u>Water</u> Water Servicing is available from the existing DN63 PE along Somers Road. However, the developer will be required to provide for a water tank on site to accommodate peak instant demand.</p>
<p><u>Applicant Response</u> That is addressed as per WC comments. A formal application to WC will have to be completed at the detailed design stage.</p>
<p><u>Officer comments</u> Noted. An advice note has been applied to the approval identifying that an application to Water Corporation will be required.</p>

## **RESOURCE IMPLICATIONS**

*Financial*  
Nil.

*Workforce*  
Nil.

### **OPTIONS**

Council has the following options:

1. Approve the Development Application for Workforce Accommodation at Lot 270 Buller Road, Hamel subject to conditions as recommended or alternative conditions; or
2. Refuse the Development Application and provide reasons for the refusal.

### **CONCLUSION**

The proposed workforce accommodation provides a local accommodation need required for rural land to be used in a manner that can contribute to the local economy. Although not specifically contemplated within the Shire's planning framework it is considered that, with the addition of appropriate conditions relating to the management of the development, the proposal can be delivered in a manner that respects the rural character of the area. As such, the proposal is considered to be consistent with the objectives of the Rural Zone and the prevailing planning framework and is recommended for approval.

4 members of the public left, the time being 4.38 pm

Cr Purcell returned to the meeting, the time being 4.38 pm

Cr Walmsley returned to the meeting and resumed his seat as Presiding Member, the time being 4.38 pm

Senior Planner Craig Zanotti left the meeting, the time being 4.39 pm

**11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES**

<b>11.2.1 Listing of Payments for the Month of May 2022</b>	
<b>File Ref:</b>	1/3 - Creditors
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kathy Simpson, Senior Finance Officer
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number</b>	11.2.1 - Monthly Report to Council – May 22

**COUNCIL RESOLUTION****OCM22/06/75****Moved: Cr Pisconeri****Seconded: Cr Odoriso**

**That Council receives the following payments made throughout the month of May 2022;**

<b>Municipal</b>	<b>Cheque</b>	<b>9927 - 9944</b>	<b>\$42,309.81</b>
	<b>EFT</b>	<b>36369 – 36541</b>	<b>\$942,879.58</b>
<b>Direct wages</b>	<b>01/05/22 – 31/05/22 inclusive</b>		<b>\$192,389.60</b>
<b>Direct Debit</b>	<b>01/05/22 – 31/05/22</b>		<b>\$75,622.44</b>
<b>Trust</b>	<b>Cheque – Nil</b>		<b>\$ -</b>
	<b>EFT – Nil</b>		<b>\$ -</b>
<b>GRAND TOTAL</b>			<b>\$1,259,201.43</b>

as per Appendix 11.2.1.

**CARRIED 6/0**

**IN BRIEF**

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of May 2022.

**BACKGROUND**

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

**REPORT DETAIL**

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribed information.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
<b>Strategy</b>	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities
<b>Action</b>	

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following is required;

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared
  - (a) the payee's name; and
  - (b) the amount of the payment; and
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing
  - (a) for each account which requires council authorisation in that month
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment's sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Control measures are in place whereby payments are checked and verified by two authorising officers.
<i>Review Frequency</i>	Monthly
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

Nil

### **RESOURCE IMPLICATIONS**

*Financial*

Nil

*Workforce*

Nil

### **OPTIONS**

Council has the option of:

1. Receive the listing of payments presented for the month of May 2022; or
2. Not receive the listing of payments presented for the month of May 2022.

### **CONCLUSION**

The listing of payments as per the attached appendix is a true reflection of the expenditure from the Municipal and Trust Fund accounts for the month of May 2022. All expenditure is accordance with the 2021/22 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

<b>11.2.2 Monthly Statement of Financial Activity for the period ending 31 May 2022</b>	
<b>File Ref:</b>	1/1 – Annual Statements
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kirsty Ferraro, Manager Corporate Services
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number</b>	11.2.2 - Monthly Agenda Report 21-22 May

**COUNCIL RESOLUTION****OCM22/06/76****Moved: Cr Purcell****Seconded: Cr Odorisio**

**That Council receives the Monthly Statement of Financial Activity for the period ending 31 May 2022, as per Appendix 11.2.2.**

**CARRIED 6/0****IN BRIEF**

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

**BACKGROUND**

The Local Government Act 1995 in conjunction with regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a monthly Statement of Financial Activity to be presented to Council detailing the prescribed information within 2 months after the end of the month to which the statement relates.

**REPORT DETAIL**

The monthly financial report recognises the financial position of Council at the reporting date and contains the following information;

- a) Annual budget estimates taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c) of the Local Government Act 1995;
- b) Budget estimates to the end of the month to which the statement relates;
- c) Actual amounts of expenditure, revenue and income to the end of the month to which the statements relate;
- d) The material variance between the comparable amounts referred to in the paragraphs (b) and (c); and
- e) The net current assets at the end of the month to which the statement relates.

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances

- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions
- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
<b>Strategy</b>	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities
<b>Action</b>	

### **OTHER STRATEGIC LINKS**

Shire of Waroona 2021/22 Annual Budget

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

### **SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment’s sustainability)*

Nil

*Policy Implications*

All financial policies from Policy FIN002 through to Policy FIN035

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)

<i>Controls / Review</i>	Monthly scheduled review of statements.
<i>Review Frequency</i>	Monthly
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

Nil

### **RESOURCE IMPLICATIONS**

*Financial*

Nil

*Workforce*

Nil

### **OPTIONS**

Council has the option of:

1. Receiving the monthly financial statements; or
2. Not receiving the monthly financial statements.

### **CONCLUSION**

That Council receives the monthly financial statements prepared in accordance with the Local Government Act 6.4 and Local Government (Financial Management) Regulations 1996 section 34.

Cr Mike Walmsley declared an interest affecting impartiality in Item 11.2.3 as he owns a neighbouring property.

Cr Vince Vitale declared an interest affecting impartiality in item 11.2.3 as the reporting officer is a family member.

<b>11.2.3 Disposal of Lot 191 (Reserve 22912) Coronation Road, Waroona</b>	
<b>File Ref:</b>	87/1; A2219
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not applicable
<b>Author and Title:</b>	Brad Vitale, Corporate Compliance Officer Ashleigh Nuttall, Director Corporate & Community Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.2.3 - Lot 191 Coronation Road aerial view

### **COUNCIL RESOLUTION**

**OCM22/06/77**

**Moved: Cr Odorisio**

**Seconded: Cr Purcell**

**That Council decline the request to relinquish the Management Order over Reserve 22912 Lot 191 Coronation Road, Waroona.**

**CARRIED 6/0**

### **IN BRIEF**

Council was approached by the owner of the land that surrounds Reserve 22912 enquiring about the process of acquiring this land from the Department of Planning, Lands and Heritage (DPLH).

Council originally had the intention to approach the DPLH to purchase the Reserve at 5% of market value and then sell to the adjoining landowner for market value. The revenue made from this sale was then to be used on the Community Precinct.

Officers are now of the opinion that relinquishing this Reserve to the approaching landowner may adversely affect any future opportunities the Shire may have for environmental studies or additional recreation or economic ventures.

### **BACKGROUND**

At its Special Meeting held on 22 December 2020, Council resolved the following:

#### **COUNCIL RESOLUTION**

**SCM20/12/241**

**Moved: Cr Odorisio**

**Seconded: Cr Snell**

*That Council:*

- 1. Resolve to approach the Department of Planning, Lands & Heritage to acquire Reserve 22912, Lot 191 Coronation Road, Waroona at 5% of Market value highest and best value.*

2. *Accept the market valuation from “First Choice Valuation Services” stating that Reserve 22912 has a market price of \$45,000.*
3. *If successful in acquiring Reserve 22912 as freehold land on its own title, advertise the potential sale of the land in accordance with s.3.58(3) of the Local Government Act 1995 to the proponents who have approached Council to purchase this particular section of land.*
4. *Resolve to allocate the funds received from the subsequent sale of the Reserve towards the Town Centre Intergenerational Activation Space project.*
5. *Once the advertising period closes return to Council with all submission and a recommendation.*

*CARRIED 8/0*

Since that meeting, advice has been received from the Department of Planning Land and Heritage (DPLH) as follows:

*“The Shire’s vesting was granted pursuant to section 33 of the Land Act 1933 and the Department cannot support the sale of Lot 191 at 5% of the highest and best use market value, as this only relates to the disposal of Crown Reserves vested pursuant to section 20A/152 of the Planning and Development Act 2005 Guidelines.*

*The Department’s position is that any proposed acquisition of Crown land for a commercial purpose will attract a commercial value. The onus is on a proponent seeking to acquire Crown land below market value to justify any requested discount and demonstrate that the proposal both achieves the highest and best use for the land in the interests of the State and delivers public benefit that aligns with current State objectives and priorities. Any proposed sale at less than market value will also require the Minister for Lands approval.*

*The future use of the land, and/or revenue generated through acquisition and disposal of the land, needs to assist in delivering a State objective or priority (e.g., Aged Care, Social Housing). Proposals that seek to generate revenue for the purpose of funding core business are less likely to be considered positively. Business Case submissions will be considered on a case-by-case basis.*

*In this case, the Shire is requesting to acquire the land at below market value and on-sell at market value, with proceeds to be invested in the Town Centre Intergenerational Activation Space project. This proposal does not appear to meet the above criteria and relates to funding the Shire’s core business. Should you [the Shire] wish to provide a detailed submission addressing the above, the Shire will also need to demonstrate that the site is underutilised, and that the disposal of the site will not otherwise affect the required provision of public open space in the locality.”*

As the DPLH declined the Shire’s offer to purchase the Reserve at below market value, it was subsequently concluded that the Landowner wishing to acquire this portion of land should approach the Department directly.

DPLH has since received a request from the adjoining freehold landowner to acquire Reserve 22912 for amalgamation with their adjoining freehold Lot 11 on Deposited Plan 232807, as Reserve 22912 is situated within the boundary of Lot 11’s property and the landowner claims that they are responsible for the ongoing upkeep.

Council is now requested to assess the usage of Reserve 22912 and determine if appropriate to relinquish the management order of the site.

### **REPORT DETAIL**

Currently, Reserve 22912 is vested to the Shire of Waroona with a land-use purpose of “Recreation”. This reserve is located approximately 6 kilometres west of the Waroona town centre, on the south side of Coronation Road, about 400 metres from the crossroad intersection with Somers Road. It has a size of 1.0117 hectares (10,119.8 m<sup>2</sup>) and is currently surrounded by the owner of the adjoining land who is interested in obtaining this portion. **See Appendix 11.2.3**

The Reserve has a cover of natural grass, and several large trees however is predominantly cleared. It is situated in a locality in which the majority of neighbouring properties have an area of greater than 40 hectares.

Waroona Historical Society have noted that the Reserve was formerly the site of the West Waroona School from 1924 to 1939, with the school building having been transferred from Yoongarillup in late 1923/early 1924.

DPLH have advised that if the Shire does not wish to progress with the previous proposal to purchase Reserve 22912 **and** is supportive of the adjoining landowner’s application to acquire the property, the following must be provided to DPLH:

- Confirmation that case 2100109 be closed.
- Advise if any portion of the land has been transferred, granted, or created in a registrable form in favour of any other person other than the Management Body.
- Comply with the Contaminated Sites Act 2003 and declare if there is any possible contamination of the land.
- Confirmation that the Shire supports the proposed sale and amalgamation with freehold Lot 11, including the Shire’s consent to revoke the Shire’s management order and Statutory Declarations to address any contamination or interests over the subject land.

If, however, the Council decides against relinquishing the management order over Reserve 22912, Officers will write back to DPLH and inform the following

- Case 2100109 can be closed, and that
- The current vesting with the Shire of Waroona is to remain.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Built Assets
<b>Aspiration</b>	To build and effectively manage our assets to continually improve our standard of living
<b>Objective</b>	4.2 Manage assets in a consistent and sustainable manner
<b>Strategy</b>	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets
<b>Action</b>	Nil

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

Nil.

## **SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil.

*Social - (Quality of life to community and/or affected landowners)*

Nil.

*Environment – (Impact on environment’s sustainability)*

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Failing to retain interest in a currently vested Reserve could lead to the loss of opportunities with relation to future endeavours.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

- Department of Planning, Land and Heritage.
- Department of Water and Environmental Regulation - "Guideline - Assessment and management of contaminated sites"
- Chief Executive Officer
- Director Development & Infrastructure Services
- Annee Smith (adjoining landowner).
- Waroona Historical Society.

## **RESOURCE IMPLICATIONS**

*Financial*

Previously Council had the intention of purchasing the land at 5% of market value and then selling the block at market value. The net funds received (estimated at approximately \$35,000 - \$40,000) from the sale of this land were to be used towards funding the Community Precinct project. The Department did not accept this rationale and indicated that the Shire would need to pay market value for the land, leading to no nett gain for the Shire.

*Workforce*

Nil.

**OPTIONS**

Council has the option of:

1. Accepting the officer's recommendation to decline the request to relinquish the management order for Reserve 22912
2. Amending recommendation to decline the request to relinquish the management order for Reserve 22912; or
3. Accepting the request to relinquish the management order over Reserve 22912

**CONCLUSION**

Officers are recommending that Council reconsider their position with relation to relinquishing the management order of Reserve 22912. Previously there were financial gains to be made which are no longer applicable. There are also future land use alternative that should be taken into consideration.

<b>11.2.4 Lease Agreement for Consulting Room at Waroona Community Resource Centre – Waroona Aboriginal And Torres Strait Islander Corporation</b>	
<b>File Ref:</b>	88/1; 187/1; 192/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Waroona Aboriginal And Torres Strait Islander Corporation
<b>Author and Title:</b>	Ashleigh Nuttall, Director Corporate & Community Services
<b>Declaration of Interest:</b>	Ashleigh Nuttall - Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	11.2.4 – Proposed Lease Agreement

**COUNCIL RESOLUTION**

OCM22/06/78

Moved: Cr Mason

Seconded: Cr Vitale

That Council:

1. Enters the proposed Lease Agreement with Waroona Aboriginal And Torres Strait Islander Corporation, for the lease of the identified premises on Lot 42 – 10 Henning Street, Waroona, as per Appendix 11.2.4, with the amended weekly fee of \$165 per week;
2. Authorises the application of the Shire of Waroona Common Seal to the Lease Agreement; and
3. Authorises the Shire President and Chief Executive Officer to sign and execute all matters relating to the Lease Agreement.

**CARRIED 6/0**

Note the amendment of the Officer Recommendation in item 1 of the resolution.

**IN BRIEF**

Council is requested to consider entering the proposed Lease Agreement with Waroona Aboriginal And Torres Strait Islander Corporation (WAATSIC), for the lease of the identified premises, as per **Appendix 11.2.4**

**BACKGROUND**

WAATSIC is a corporation registered with the Office of the Registrar of Indigenous Corporations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* on 2 March 2019.

The objectives of the corporation are to assist in the relief of poverty, sickness, destitution, helplessness, distress, suffering, and misfortune, among Aboriginal and Torres Strait Islander people in the Shire of Waroona, through the process of supporting social and economic development.

The corporation aims to:

- Operate community enterprises and build a strong financial base for community development activities and infrastructure;

- Promote community development by acting as a resource for the community and stakeholders in the areas of education, health, housing, employment and welfare to the community;
- Act as a clearing house to facilitate the exchange of information and skills, participation and maintenance of community development activities, community services, employment and housing for the community; and
- Operate and maintain a gift fund to be known as 'The Waroona Aboriginal And Torres Strait Islander Corporation Gift Fund' in accordance with the requirements of the *Income Tax Assessment Act 1997*.

On 13<sup>th</sup> June 2022, WAATSIC was successful in receiving funding from Alcoa as a part of their Community Partnership funding round.

### **REPORT DETAIL**

Currently WAATSIC are utilising a meeting room at the Waroona Community Resource Centre (CRC) for Corporation meetings and activities such as Noongar language classes, however a more permanent and exclusive option is preferred.

The option of having an exclusive facility for the Corporation will enable increased usage and a specialised space for classes, meetings and as well as a place for storing equipment and office requirements.

The proposed Lease Agreement between Shire of Waroona and WAATSIC has the key components:

- The whole of the Premises as identified, together with all buildings, structures, alterations, additions and improvements completed during the Term, is identified and outlined in red in **Annexure 1** of the Lease Agreement.
- Lease is for two years commencing on 1 July 2022 and expiring on 30 June 2024.
- Rent is \$165 (including GST) per week payable in advance.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
<b>Objective</b>	1.4 Encourage an active and healthy community with an improved quality of life
<b>Strategy</b>	1.4.5 Support and enhance health services in Waroona
<b>Action</b>	Nil

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
<b>Objective</b>	1.5 Value, protect and celebrate our rich history and culture
<b>Strategy</b>	1.5.3 Support, embrace and celebrate our local Aboriginal community
<b>Action</b>	Nil

<b>Focus Area</b>	Our Built Assets
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<b>Aspiration</b>	To build and effectively manage our assets to continually improve our standard of living
<b>Objective</b>	4.1 Public spaces and infrastructure that are accessible and appropriate for our community, and meet the purpose and needs of multiple users
<b>Strategy</b>	4.1.1 Plan community facilities for current and future generations
<b>Action</b>	Nil

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
<b>Strategy</b>	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities
<b>Action</b>	Nil

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

Nil.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*

The lease of the identified Land and Premises will provide an income of \$7,800 (GST ex.) each financial year.

*Social - (Quality of life to community and/or affected landowners)*

The lease will provide a facility for WAATSIC to assist the Aboriginal and Torres Strait Islander people in the Shire of Waroona through the process of supporting social and economic development.

*Environment – (Impact on environment’s sustainability)*

The lease outlines the requirement of the Lessee’s maintenance of the environment.

*Policy Implications*

Nil.

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Failing to enter a formal lease agreement may result in unclear responsibilities of the Shire of Waroona and WAATSIC, impacting management of the premises, delivery of services and compliance with legislation and arrangements.

<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

- Lease prepared in consultation with WAATSIC as proposed new lessees.

### **RESOURCE IMPLICATIONS**

*Financial*

Nil.

*Workforce*

Nil.

### **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation; or
2. Amending or rejecting the officer recommendation.

### **CONCLUSION**

This Lease is an opportunity to have a community asset utilised by a local corporation.

**11.3 CHIEF EXECUTIVE OFFICER**

<b>11.3.1 Waroona Community Precinct Arts, Cultural and Heritage Projects</b>	
<b>File Ref:</b>	
<b>Previous Items:</b>	Item 11.4.2 OCM 21/11/184 November 2022
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Mark Goodlet, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.3.1 - WCP, Community Working Groups Final Report, Conceptual Planning for Arts, Cultural and Heritage Projects, May 2022

**COUNCIL RESOLUTION****OCM22/06/79****Moved: Cr Purcell****Seconded: Cr Mason****That Council:**

- 1. receives the Waroona Community Precinct Community Working Groups Final Report, Conceptual Planning for Arts, Cultural and Heritage Projects, May 2022 (Final Report);**
- 2. endorses implementation of the projects listed in the Final Report into the Waroona Community Precinct, at the direction of the Chief Executive Officer, as and when they are able to be implemented in Phases 1 & 2 of the Waroona Community Precinct project; and**
- 3. considers the possibility of future relocation of the ANZAC memorial to the Waroona Community Precinct.**

**CARRIED 6/0**

Note the amendment of the Officer Recommendation by inclusion of item 3.

**IN BRIEF**

- In December 2022 Council approved the formation of small, targeted community working groups to advance the outcomes of the Waroona Town Centre Revitalisation Strategy.
- Two groups were formed, being the Heritage, Interpretation & Salvage Group and the Arts & Culture Group.
- The output of their work is provided in Appendix A and is recommended to be received and endorsed for implementation.

**BACKGROUND**

The Waroona Community Precinct is part of the suite of projects designed to revitalise Waroona Town. It is now in the design and procurement stages.

Ensuring that the community had input to this project and that it reflect Waroona led to the implementation of two working groups which have met and worked to develop a series of small sub-projects aimed for integration with the Precinct.

**REPORT DETAIL**

The working groups were led by Liz Storr, previous Shire of Waroona director and now consultant with Story Box Consulting. The output of the two working groups i

Some sub-projects will be built into the basic fabric of the project construction, while others will be produced off site through artists and brought to a specific location set aside for the art piece. Similarly, some projects will be scheduled in Phase 1 of the works while others, relating to the Big Shed and Irrigation House, will be implemented in Phase 2.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
<b>Objective</b>	2.3 Create a vibrant, inviting and thriving town centre and maximise Waroona's natural assets, cultural and heritage as drivers for tourism development
<b>Strategy</b>	4.1.1 Plan community facilities for current and future generations

**OTHER STRATEGIC LINKS**

Townsite Revitalisation Strategy.

**STATUTORY ENVIRONMENT**

Local Government Act 1995.

**SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*

Supports business activity within the Waroona Town.

*Social - (Quality of life to community and/or affected landowners)*

Supports visitation and community participation within Waroona Town.

*Environment – (Impact on environment's sustainability)*

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Project - Delays to start or completion, variations to scope or budget, insufficient funds
<i>Description</i>	In a high activity construction industry costs are increasing, with labour and material scarcity.
<i>Consequence</i>	4 - Major
<i>Likelihood</i>	4 - Likely
<i>Rating</i>	High (10-19)
<i>Controls / Review</i>	Project risk management assessment is being carried out.

<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

The Final Report documents the community consultation process and its outcomes.

### **RESOURCE IMPLICATIONS**

#### *Financial*

Receiving the Report has no financial implications.

Implementation of the sub-projects will be funded in the Waroona Community Precinct Phases 1 and 2.

#### *Workforce*

Project Management will be outsourced along with sub-project development. An internal working group is supporting the main project.

### **OPTIONS**

Council has the option of:

1. accepting the recommendation in full;
2. accepting the recommendation in part by nominating specific sub-projects to be completed; or
3. not accepting the recommendation.

### **CONCLUSION**

The engagement of the community working groups to consider art, cultural and heritage matters has led to sub-projects being developed. These will be implemented throughout project, initially in the selection of salvage materials, in the main construction phases and in separate sub-projects where applicable.

**11.4 ITEMS FOR INFORMATION**

Nil

**12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING**

Nil

**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING**

Nil

**15. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING**

Cr Karen Odorisio declared a financial interest in item 15.1 (Alcoa Reference Group Representative) as her husband is an employee of Alcoa. This item was not accepted by the Presiding Member as urgent business and was not included in the meeting.

**16. MEETING CLOSED TO THE PUBLIC**

**17. CLOSURE OF MEETING**

There being no further business, the Presiding Member closed the meeting, the time being 4.55 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 26 JULY 2022 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE