



Date: 21 July 2022

To: Shire President
All Councillors

Copy: Directors
Managers
Staff

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held in the Council Chamber at 4.00 pm Tuesday 26 July 2022 to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in blue ink, appearing to be "MG", is located below the meeting notice. The signature is fluid and cursive.

**MARK GOODLET
CHIEF EXECUTIVE OFFICER**

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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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**
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4. **PUBLIC QUESTION TIME**
5. **PETITIONS AND APPROVED DEPUTATIONS**
6. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 Special Council Meeting – 14 June 2022**RECOMMENDATION**

That the Minutes of the Special Council Meeting held 14 June 2022 be confirmed as being a true and correct record of proceedings.

6.2 Ordinary Council Meeting – 28 June 2022**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held 28 June 2022 be confirmed as being a true and correct record of proceedings.

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**
8. **ANNOUNCEMENTS BY MEMBERS**
9. **DISCLOSURES OF INTEREST**

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

10.1 Bush Fire Advisory Committee Unconfirmed Minutes – Meeting held Tuesday 12 July 2022**RECOMMENDATION:**

That the Unconfirmed Minutes (at Appendix 10.1.1 A) of the Bush Fire Advisory Committee Meeting held 12 July 2022 be received.

[Note that the Appendices to the Unconfirmed Minutes are at Appendix 10.1.1 B]

10.1.1 Structure Review of the Bush Fire Advisory Committee**RECOMMENDATION:**

That Council, in regard to the structure of the Bush Fire Advisory Committee, adopt the Bush Fire Advisory Committee’s recommendation that:

- 1. the following be appointed to the Bush Fire Advisory Committee as voting members:**
 - a. a nominated Shire of Waroona Councillor as presiding member, or their delegate;**
 - b. Shire of Waroona Community Emergency Services Officer (CESO);**
 - c. a Fire Control Officer from Lake Clifton Volunteer Bush Fire Brigade;**
 - d. a Fire Control Officer from Preston Beach Volunteer Bush Fire Brigade;**
 - e. a Fire Control Officer from Waroona West Volunteer Bush Fire Brigade; and**
 - f. a representative from the Waroona Volunteer Emergency Services unit.**

- 2. the following be appointed to the Bush Fire Advisory Committee as an Ex-Officio (advisory capacity only):**
 - a. a representative from the Department of Fire and Emergency Services (DFES);**
 - b. two representatives from the Department of Biodiversity, Conservation and Attractions (DBCA) (one from the Swan Coastal District and one from Perth Hills District); and**
 - c. the Shire of Murray Coordinator Ranger and Emergency Management or equivalent.**

- 3. the structure as outlined in the ‘Report Detail’ section of this report be endorsed and remain in effect until otherwise amended by the Bush Fire Advisory Committee or Council.**

10.1.2 Election of Officers for the 2022/2023 Fire Season

RECOMMENDATION:

That Council, in regard to election of officers for the 2022/2023 fire season, adopt the Bush Fire Advisory Committee’s recommendation as per the following:

- 1. to make the following appointments for the 2022/2023 Fire Season:**

Chief Bush Fire Control Officer:	Steve Thomas
Deputy Chief Bush Fire Control Officer(s):	Greg Lewis
Fire Control Officer Lake Clifton VBFB:	Gareth Davies
Fire Control Officer Preston Beach VBFB:	Steve Thomas
Fire Control Officer Waroona West VBFB:	Greg Lewis
Fire Control Officer Waroona VFES:	Brian Beales
Fire Weather Officer:	John Twaddle
Deputy Fire Weather Officer:	Peter Thurkle
Shire Training Coordinator(s):	Jess Dainton, LC VBFB

2. to support the appointment, through the Chief Executive Officer, of additional Fire Control Officers (Permit Issuing Only), as necessary for the district.

Fire Control Officer (Permit Issuing Only)
Fire Control Officer (Permit Issuing Only)

John Twaddle
Don Bebbington

10.1.3 Variation to the Restricted Burning Time

RECOMMENDATION

That Council, in regard to the Restricted Burning Time, adopts the Bush Fire Advisory Committee's recommendation as per the following:

1. to request the FES Commissioner to formally vary the Restricted Burning Time in the district, pursuant to the *Bush Fires Act 1954*, by specifically deleting the Restricted Burning Time period - 1 April to 31 May (inclusive) and replace with 1 April to 15 May (inclusive).

10.1.4 2022/2023 Firebreak Notice and Other Bush Fire Act 1954 Notices

RECOMMENDATION

That Council, in regard to the 2022/2023 Firebreak Notice and Other *Bush Fire Act 1954* Notices, adopts the Bush Fire Advisory Committee's recommendation as per the following:

1. adopt the Shire of Waroona Firebreak Notice, as attached at Appendix 2, subject to amending the end of the notice period to 15 April to ensure consistency with the recommendation (BFAC22/003) to vary the Restricted Burning Time;
2. adopt the limitations relating to Camp and Cooking Fires within the district during the prohibited burning time, as attached at Appendix 3;
3. adopt the limitations relating to the Burning of Garden Refuse within the district, as attached at Appendix 4, subject to amending the end of the notice period to 15 April to ensure consistency with the recommendation (BFAC22/003) to vary the Restricted Burning Time; and,
4. approve the publication of the Firebreak Notice, Camp and Cooking Fire Notice and Burning of Garden Refuse Notice in accordance with the provisions of the *Bush Fires Act 1954*, before 30 September 2022.

10.1.5 LGIS Information for Volunteer Bush Fire Fighters

RECOMMENDATION

That Council, in regard to the LGIS information for volunteer bush fire fighters, adopts the Bush Fire Advisory Committee’s recommendation, whereby the information documents are:

- a. required to be put onto the agenda for discussion at each of the local brigades’ next meetings;**
- b. made available for inspection at each of the local brigades’ depots; and**
- c. provided by each local brigade to new members.**

10.1.6 New Australian Fire Danger Rating System

RECOMMENDATION

That Council, in regard to the new Australian fire danger rating system, adopts the Bush Fire Advisory Committee’s recommendation to:

- 1. Note the new Australian Fire Danger Rating System;**
- 2. Update the Shire website and any Shire-produced documentation affected by the new rating system once the changes come into effect; and**
- 3. Include the information sheet attached at Appendix 8 with the upcoming mail out of the Rates Notice.**

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

11.1.1 Amendment to Local Planning Policy (LPP) 6 – Outbuildings	
File Ref:	N/A
Previous Items:	N/A
Applicant:	Shire of Waroona
Author and Title:	Craig Zanotti, Senior Planner
Declaration of Interest:	The author and authorising officer declare that they do not have any conflicts of interest in relation to this item.
Voting Requirements:	Simple Majority
Appendix Number	11.1.1 – Draft LPP 6 <i>Variations to the Residential Design Codes</i> 11.1.2 – Existing LPP 6 <i>Outbuildings</i>

RECOMMENDATION

That Council, pursuant to Division 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- 1. Initiates an amendment to Local Planning Policy (LPP) 6 *Outbuildings*, as presented in Attachment 1 of this item, for the purposes of public consultation; and**
- 2. Advertises the amended Local Planning Policy (LPP) 6 *Variations to the Residential Design Codes*, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

IN BRIEF

- The purpose of this report is for Council to consider amending Local Planning Policy (LPP) 6 – Outbuildings.
- The purpose of this amendment is to ensure that the Shire's local planning framework is kept up to date with evolving planning issues.
- Updated and localised development standards seek to reduce red tape, pass savings onto landowners and free up the Shire's resources.

BACKGROUND

The chronological events pertaining to the Policy are summarised below:

22 May 2012	Ordinary Council Meeting Policy for outbuildings first adopted.
26 March 2019	Ordinary Council Meeting Known as LPP 25 Outbuildings. Amendments to the Policy were adopted, which were largely reformatting. The content remained largely unchanged.

State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) provides a comprehensive basis for the control of residential development throughout Western Australia. The R-Codes apply to all residential development on residential zoned land where there is a density coding allocated to the lot. This sets a state-wide set of deemed-to-comply

standards. Where these are met, planning approval is not required and where one or more provisions are not met, the proposal requires planning approval to be issued by the Local Government.

Variations to standard setbacks for dwellings and sheds and the size of sheds are the main reasons that a significant proportion of development requires planning approval within Waroona and Preston Beach. Currently these standards are set by the State Government and are as follows:

Setbacks*

- Front: 6m
- Rear: 6m

*Note: Based on an R-15 code which is applicable to the majority of Waroona and Preston Beach.

Sheds (also known as outbuildings)

- Individually or collectively do not exceed 60sqm or 10% of the site area, whichever is less;
- Setback 6m from the rear boundary;
- Wall height of 2.4m;
- Top of roof height of 4.2m
- Not located in the front or secondary street setback area; and
- Does not reduce the open space and outdoor living area requirements.

Whenever one or more of the above are not met, planning approval is required to be issued by the Shire. A significant amount of the Shire's resources are tied up in determining applications for oversized sheds and to a lesser extent, variations to some setbacks for houses and sheds.

These requirements are considered too prescriptive. It is evident that the community expects to be able to build a larger shed and to make more efficient use of the property.

The Shire is finding that the planning applications are largely procedural and add no benefit or value to the community. The planning process for the majority of the residential builds are considered an unnecessary time delay and cost to landowners and tie up limited and valuable resources.

REPORT DETAIL

Part 7 of the R-Codes allows local government to amend or replace deemed-to-comply criteria and/or modify design principles by implementing a set of local housing objectives to provide a more appropriate set of standards to the context of the Shire.

The existing Local Planning Policy 6 – *Outbuildings* (refer to Attachment 2), makes some headway into addressing this. However, it is predominantly focussed on when the Shire will advertise a certain sized shed. This Policy does not exempt the need for planning approval.

An amendment to Local Planning Policy 6 *Outbuildings*, has been prepared as part of ongoing reviews into the Shire's local planning framework. This has been initiated to:

- Provide a localised deemed-to-comply criteria for residential development on residential zoned land;
- Apply a consistent approach to the assessment and decision making of low-density residential development applications;

- Allow greater flexibility to landowners for development on their property – decreasing setbacks and effectively allowing a greater development footprint;
- Create a straightforward pathway for gaining approval to build a shed and/or house – by increasing the shed size exemptions (for planning approval), which are widely accepted as appropriate to the urban form; and
- Strengthening provisions around urban amenity – fencing standards and setbacks for garages/carports.

The proposed changes seek to realign the direction of the Policy by creating exemption criteria. It also seeks to remove the rural zone prohibition on certain colours/materials as this adds extra costs to landholders, often with little benefit to achieving the intent of blending in with the landscape.

The proposed objectives of the Policy are to ensure:

1. *Designs respond to the natural and built features of the local context.*
2. *Residential development meets community expectations regarding appearance, use and density.*
3. *Adequate provision of direct sunlight and ventilation for buildings and to limit the impacts of overlooking and overshadowing on adjoining properties*
4. *Suitable open space (private and communal) is provided on-site that:*
 - *is landscaped to enhance streetscapes; and*
 - *complements nearby buildings.*
5. *That design is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings. In precincts undergoing transition, development achieves the desired future character identified in the local planning framework.*

If the proposed amendments are adopted, this will reduce the number of landowners that will need to obtain planning approval from the Shire and could progress directly to a building permit.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Environment
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.3 A planning framework that is visionary, supports connectivity and enables participation that ensures quality, diverse and innovative planning outcomes that meets community aspirations
Strategy	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes
Action	Adoption of this proposed policy will assist in achieving the aspirations, objectives and Strategies of the Strategic Community Plan.

OTHER STRATEGIC LINKS

- State Planning Policy 7.3 Residential Design Codes Volume 1 (WAPC);

STATUTORY ENVIRONMENT

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015; and
- Shire of Waroona Local Planning Scheme No. 7.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Innovation and resilience of the built form are encouraged, assessed and implemented.

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

Regular opportunities for the broad community to have input into the Shire’s plans and programs are provided for transparency, accountability and two-way interaction.

Environment – (Impact on environment’s sustainability)

The protection and valuing of the environment, amenity and the rural space in enhanced through community engagement.

Policy Implications

The initiation of this policy will allow advertising to the public and stakeholders to gauge the level of support for the amendment to the Local Planning Policy.

Risk Management Implications

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

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	There is a reputational risk associated which may arise from the adoption of LPP6, given an applicant has the option to apply to the State Administrative Tribunal for a review of any decision made using this policy.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Although this risk will remain with the adoption of the officer’s recommendation, the reputation risk would be greater if no policy was adopted.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

External Agencies

The Department of Planning, Lands and Heritage will be consulted through the public advertising period, should the Policy amendment be initiated.

Community and Stakeholders

Should Council resolve to initiate advertisement, the Policy will be publicly advertised by a notice in the local newspaper, for a period of no less than 21 days in accordance with the

Planning and Development (Local Planning Schemes) Regulations 2015. The advertisement will provide details on:

- The subject and nature of the proposed policy;
- The objectives of the proposed policy;
- Where the proposed policy may be inspected; and
- To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the Policy will be provided at the Shire's Administration Building and published on the Shire's webpage inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

RESOURCE IMPLICATIONS

Financial

There is a financial cost of advertising the draft policy in the local newspaper, with an approximate cost of \$300.

Workforce

Officer time associated with the preparation, review and possible adoption of the policy, which is within the Shire's existing operating expenditure.

OPTIONS

Council has the option of:

1. Adopting the officer's recommendation;
2. Amending the officer's recommendation; or
3. No adopting the officer's recommendation.

CONCLUSION

The amendments proposed to LPP6 are designed to provide clear objectives for the public and introduce localised deemed-to-comply standards that are widely accepted in Preston Beach and Waroona. If adopted, this will result in savings to ratepayers, reduce red tape and free up Council resources. By initiating this amendment, Council will facilitate improved built form outcomes and provide certainty to the public.

11.1.2 Preparation of Local Planning Policy 12 Domestic Outbuildings in Rural Lifestyle and Peri-Urban Areas	
File Ref:	N/A
Previous Items:	N/A
Applicant:	Shire of Waroona
Author and Title:	Rhys Bloxsidge, Senior Infrastructure and Development Services Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.1.2 - Outbuildings in Rural Lifestyle and Peri-Urban Areas

RECOMMENDATION

That Council, pursuant to Division 2 of Part 2 under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Resolves to prepare Local Planning Policy 12 Domestic Outbuildings in Rural Lifestyle and Peri-Urban Areas as presented at Appendix 11.1.2; and
2. Resolves to advertise Local Planning Policy 12 Domestic Outbuildings in Rural Lifestyle and Peri-Urban Areas as presented at Appendix 11.1.2.

IN BRIEF

The purpose of this report is for Council to consider preparing a new local planning policy specifically addressing domestic outbuildings in the Shire's rural lifestyle and peri-urban areas that are not subject to the Residential Design Codes of Western Australia (R-Codes).

BACKGROUND

Domestic outbuildings in both residential and rural settings are currently dealt with under Shire of Waroona Local Planning Policy 6 Outbuildings (LPP6). A copy of LPP6 is at Appendix 11.1.2.

As part of a current review of the Shire's suite of local planning policies, it is considered appropriate to deal with domestic outbuildings in rural and peri-urban settings separately.

LPP6 is proposed by Shire officers to be amended to address variations to the R-Codes. This means that LPP6 will only apply to properties that have been allocated an R-Code by the Shire of Waroona Local Planning Scheme No. 7 (the Scheme). Provisions for domestic outbuildings on R-Coded properties have been included under the amended version LPP6. It should be noted that the proposed amended version of LPP6 is addressed as a separate report under this same agenda.

Draft Local Planning Policy 12 Domestic Outbuildings in Rural Lifestyle and Peri-Urban Areas (draft LPP12) will ensure a contemporary set of planning objectives and provisions still apply to properties that do not have an R-Code allocated to them under the Scheme.

REPORT DETAIL

Importantly, draft LPP12 is only proposed to address domestic outbuildings in zones that offer rural and peri-urban lifestyle opportunities, rather than zones set aside for agriculture. Zones that provide rural and peri-urban lifestyle opportunities generally entail property sizes

under 10ha, and most commonly between 1ha and 4ha. The zones subject to draft LPP12 are:

- Rural 3A Coastal Zone
- Rural 3B Coastal Highway Zone
- Rural 4 Hills Face Zone
- Rural 5 Darling Range Zone
- Rural 6 Rural Residential Zone
- Rural 7 Rural Smallholdings Zone
- Rural 8 Hills Landscape Protection Zone
- Urban 5 – Special Residential
- Urban 6 – Rural Living

The existing LPP6 is rather minimal in its content and provides a set of objectives and maximum size standards for outbuildings in all rural zones. Draft LPP12 is more detailed than LPP6. It contains a set of objectives, a number of provisions and a set of maximum size standards.

The objectives of draft LPP12 are to:

- Ensure domestic outbuildings in rural lifestyle and peri-urban areas are not used for human habitation, commercial or industrial purposes.
- Permit domestic outbuildings in rural lifestyle and peri-urban areas that are appropriately sited and sized to ensure they do not visually detract from the amenity of the area, streetscape, neighbouring properties and other public vantage points.
- Ensure domestic outbuildings in rural lifestyle and peri-urban areas are sited in a manner that does not cause environmental harm and minimises the extent of any clearing of native vegetation that may be necessary.

The proposed provisions and maximum size standards ensure that these objectives can be met. Applications for development approval for domestic outbuildings that meet the provisions and maximum size standards of draft LPP12 will be exempt in the vast majority of cases.

The proposed provisions of draft LPP12 are generally consistent with most other local governments that have similar rural and peri-urban lifestyle zones to the Shire of Waroona. The provisions are not considered to out of the ordinary and are based on established planning principles. Essentially the provisions centre around the appropriate use, design and siting of domestic outbuildings to protect the amenity of the area.

In regard to the maximum size standards, draft LPP12 is somewhat more stringent than the size standards under the existing LPP6. The size standards under LPP6 are considered too loose and can permit outbuildings of extraordinary size in situations where they would not normally be warranted. For example, under the existing LPP6 a property zoned Rural Residential greater than two hectares in area would be permitted to have an outbuilding of unlimited floor area and a height of 9m. A landowner could potentially build a shed with a floor area that occupies a massive area, which could potentially lead to seriously adverse impacts on the visual amenity of an area. The primary use of rural and peri-urban lifestyle properties is essentially residential, therefore extremely large domestic outbuildings are not normally needed. Further, the Scheme makes numerous references to ensuring the landscape character of many of the rural and peri-urban lifestyle zones being protected. It is considered the maximum size standards under existing LPP6 are contrary to the Scheme's intent.

The maximum size standards under draft LPP12 are broken into three categories, dependant on the size of the property. The proposed maximum size standards ensure that a domestic outbuilding will maintain a size and scale that protects the visual amenity of a locality whilst still enabling landowners to maximise the use and enjoyment of their property. Further, the maximum size standards can be varied via the development application process and larger outbuildings may be permitted where the objectives and provisions of draft LPP12 are achieved.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Community
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.3 A planning framework that is visionary, supports connectivity and enables participation that ensures quality, diverse and innovative planning outcomes that meets community aspirations
Strategy	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

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

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Draft LPP12 is not expected to have any adverse consequences on affected landowners in rural lifestyle areas. The proposed provisions are considered fair and reasonable.

Environment – (Impact on environment’s sustainability)

Draft LPP12 includes objectives and provisions that protect the environment. These provisions are currently lacking from the existing planning framework specifically in respect to domestic outbuildings.

Policy Implications

Draft LPP12 will plug a planning framework gap for domestic outbuildings in rural areas which would be exposed through the proposed amendment to LPP6.

Risk Management Implications

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	There is a risk some landowners may feel aggrieved by draft LPP12, particularly in relation to the proposed reduction in maximum size standards.
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Local planning policies can be reviewed at any time
<i>Review Frequency</i>	Semi-annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Should Council resolve to prepare draft LPP12, it will be publicly advertised by a notice in the local newspaper, for a period of no less than 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertisement will provide details on:

- the subject and nature of the proposed policy;
- the objectives of the proposed policy;
- where the proposed policy may be inspected; and
- to whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the proposed policy will also be provided at the Shire's administration building and published on the Shire's webpage inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

RESOURCE IMPLICATIONS

Financial

There is a financial cost of advertising draft LPP12 in the local newspaper.

Workforce

Preparation of draft LPP12 is wholly undertaken by Infrastructure and Development Services.

OPTIONS

Council has the option of:

1. Resolving to prepare draft LPP12 in the form provided at Appendix 11.1.2 and proceeding to public consultation; or
2. Resolving to prepare draft LPP12 in an alternative form and proceeding to public consultation; or
3. Resolving not to proceed with draft LPP12.

CONCLUSION

Draft LPP12 is considered sound and is based on established planning principles. Its implementation will provide a reasonable balance between landowners using and enjoying their rural and peri-urban lifestyle properties to their potential and protecting the amenity and environmental quality of the locality. The new provisions are not expected to cause any issues for landowners wishing to build a new domestic outbuilding.

Draft LPP12 will also fill a planning framework gap for domestic outbuildings in rural and peri-urban areas which would be exposed through the proposed amendment to LPP6.

11.1.3 Amendment to Local Planning Policy (LPP) 5 – Sea containers	
File Ref:	N/A
Previous Items:	N/A
Applicant:	Shire of Waroona
Author and Title:	Craig Zanotti, Senior Planner
Declaration of Interest:	The author and authorising officer declare that they do not have any conflicts of interest in relation to this item.
Voting Requirements:	Simple Majority
Appendix Number	11.1.3 A – Draft LPP 5 Sea/shipping containers & transportable buildings 11.1.3 B – Existing LPP 5 Sea containers

RECOMMENDATION

That Council, pursuant to Division 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Initiates an amendment to Local Planning Policy (LPP) 5 *Sea containers*, as presented in Attachment 1 of this item, for the purposes of public consultation; and
2. Advertises the amended Local Planning Policy (LPP) 5 *Sea/shipping containers & transportable buildings*, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

IN BRIEF

- The purpose of this report is for Council to consider amending Local Planning Policy (LPP) 5 – Sea containers.
- The purpose of this amendment is to ensure that the Shire’s local planning framework is kept up to date with evolving planning issues.
- Updated development standards seek to create clear and concise expectations around the built form when sea containers and transportable buildings are to be used.
- This will ensure transparency in decision making and a consistent approach to alternative building designs.

BACKGROUND

The chronological events pertaining to the Policy are summarised below.

24 October 2006	Ordinary Council Meeting. Policy for sea containers first adopted.
26 March 2019	Ordinary Council Meeting Known as LPP 18 Sea Containers. Amendments to the Policy were adopted, which were largely reformatting. The content of remained largely unchanged.
22 June 2021	Ordinary Council Meeting Updated and reformatted.

The Shire has received a significant volume of enquiries and applications in recent months to:

- Install sea containers on their property - to function as sheds; and
- Relocate transportable buildings, such as dongas – to function as a dwelling.

This seems to be a growing trend which has likely stemmed from a multitude of factors including:

- A number of rural-residential estates coming on-line in Lake Clifton;
- The relocation of people from Perth seeking a tree change;
- People seeking more affordable alternatives to the standard brick and tile house; and
- Delays within the building industry with wait times in excess of two years for completion of a dwelling.

It is anticipated that this trend will continue for the foreseeable future. It is important that the local planning framework is reviewed and adjusted on an 'as needs' basis to respond to these changes.

REPORT DETAIL

The Shire of Waroona (the Shire) currently has Local Planning Policy (LPP) 5 *Sea containers*, which was updated and reformatted in June 2021 (Attachment 2 – Existing LPP 5 *Sea containers*). Whilst it addresses some design treatments for sea containers, it is not consistent with the Western Australian Local Government Association's *Local Planning Policy Guide*. It is also considered deficient in several key areas including wording and policy provisions, it is ineffective at addressing current trends and does not address transportable buildings, which have similar qualities/issues to sea containers.

The proposed amendments to the Policy focus on addressing the following:

- Providing objectives;
- Addressing changing trends in building typologies;
- Providing specific design requirements to address the determined objectives; and
- Having a flexible approach to addressing a number of scenarios in which the Policy will be applicable.

The proposed objectives of this Policy are to:

1. *Ensure that a transportable structure/building does not detract from the amenity, character and established streetscape of an area; and*
2. *Fulfil the intended objectives of design guidelines, the Residential Design Codes and the Shire's local planning framework of achieving good quality-built form and design outcomes.*

The proposed Policy amendment seeks to address transportable buildings in all zones and reserves. The Policy defines a transportable building as:

A building or structure which has been constructed at another location and transported, either whole or in parts, to the intended location. This may include, but is not limited to, a sea/shipping container, donga, ancillary dwelling, outbuilding or dwelling.

The proposed Policy considers various scenarios and has a scaled approach to addressing building design whilst still offering flexibility for applicants/developers. Scenarios within the Policy are based on whether a proposal will be visible from a public place, neighbouring property or not visible at all and considers the levels of potential impact accordingly.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Built Assets
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.3 A planning framework that is visionary, supports connectivity and enables participation that ensures quality, diverse and innovative planning outcomes that meets community aspirations
Strategy	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes
Action	Adoption of this proposed policy will assist in achieving the aspirations, objectives and Strategies of the Strategic Community Plan.

OTHER STRATEGIC LINKS

- Not applicable.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015; and
- Shire of Waroona Local Planning Scheme No. 7.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Innovation and resilience of the built form are encouraged, assessed and implemented.

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

Regular opportunities for the broad community to have input into the Shire’s plans and programs are provided for transparency, accountability and two-way interaction.

Environment – (Impact on environment’s sustainability)

The protection and valuing of the environment, amenity and the rural space in enhanced through community engagement.

Policy Implications

The initiation of this policy will allow advertising to the public and stakeholders to gauge the level of support for the amendment to the Local Planning Policy.

Risk Management Implications

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

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	There is a reputational risk associated which may arise from the adoption of LPP5, given an applicant has the option to apply to the State Administrative Tribunal for a review of any decision made using this policy.

<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Although this risk will remain with the adoption of the officer's recommendation, the reputation risk would be greater if no amendment to the policy was adopted.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

External Agencies

The Department of Planning, Lands and Heritage will be consulted through the public advertising period, should the Policy amendment be initiated.

Community and Stakeholders

Should Council resolve to initiate advertisement, the Policy will be publicly advertised by a notice in the local newspaper, for a period of no less than 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertisement will provide details on:

- The subject and nature of the proposed policy;
- The objectives of the proposed policy;
- Where the proposed policy may be inspected; and
- To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the Policy will be provided at the Shire's Administration Building and published on the Shire's webpage inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

RESOURCE IMPLICATIONS

Financial

There is a financial cost of advertising the draft Policy amendment in the local newspaper, with an approximate cost of \$300.

Workforce

Officer time associated with the preparation, review and possible adoption of the Policy, which is within the Shire's existing operating expenditure.

OPTIONS

Council has the option of:

1. Adopting the officer's recommendation;
2. Amending the officer's recommendation; or
3. No adopting the officer's recommendation.

CONCLUSION

The amendments proposed to LPP5 are designed to provide clear objectives for the public, introduce a scaled approach to address the objectives and address the growing trend of relocating transportable buildings within the Shire. By initiating this amendment, Council will facilitate improved built form outcomes and provide certainty to the public.

11.1.4 Lot 270 Buller Road, Hamel - Proposed Workforce Accommodation	
File Ref:	TP2235
Previous Items:	
Applicant:	Fruitico Farms PTY LTD
Resubmitted By:	Karen Oborn – Director Infrastructure and Development Services
Author and Title:	Cameron Leckey – Contract Planner
Voting Requirements:	Simple Majority
Appendix Number	11.1.4 A - Location Plan 11.1.4 B – Development Plans

RECOMMENDATION

That Council proceed to the next item of business, and this matter be given further consideration at a future Ordinary Council meeting, after:

- a) the applicant supplies the information requested; and**
- b) the Department of Planning Lands and Heritage or legal advisor provides clarification regarding the question: is 'workforce accommodation' being considered to be a complex land use under planning regulations, still intrinsically linked to the rural use of the land?**

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

As the applicant was unable to supply the details and information required to assess this matter appropriately, to expedite the process in line with the applicants wishes, in June 2022 this matter was put before council with a conditional recommendation outlined below. However, Council determined to not assess the application until the relevant detail could be provided:

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

OFFICERS JUNE 2022 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

- 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-and-works-approvals> and/or if they have queries relating to works approvals and licences to contact the Department at 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. 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

Focus Area	Our Economy
Aspiration	To create a diverse economy base that supports opportunity and employment
Objective	2.1 Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land
Strategy	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.

<u>Issue 1</u> Inconsistent with Zoning and creates an undesirable precedent in the Rural Zone
<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.
<u>Officer comments</u>

<p>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> 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></p>

<p>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> No details provided on existing buildings proposed to be repurposed</p>
<p><u>Applicant Response</u> In architectural</p>
<p><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.</p>

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:

Department of Health
<p><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).</p>
<p><u>Applicant Response</u> Mak Water Scope</p>
<p><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.</p>
<p><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.</p> <p>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.</p>
<p><u>Applicant Response</u> Refer to revised site design</p>
<p><u>Officer comments</u> 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.</p>
Department of Water & Environmental Regulation
<u>Nutrient and Irrigation Management</u>

<p>Various activities associated with this proposal has the potential to export significant nutrient loads to the Peel-Harvey Estuary System.</p> <p>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.</p>
<p><u>Applicant Response</u> Note to be included in SMP to treat surface runoff from sealed surfaces subject vehicular traffic.</p>
<p><u>Officer comments</u> Conditions requiring a Nutrient and Irrigation Management Plan and an updated Stormwater Management Plan have been recommended that can address these matters.</p>
<p><u>Industry Regulation</u> Based on the information provided, the proposed operations will cause the premises to be considered a prescribed premise as per Schedule 1 of the <i>Environmental Protection Regulations 1987</i>.</p>
<p><u>Applicant Response</u> N/A by Mak Water</p>
<p><u>Officer comments</u> An advice note is recommended to be applied to the approval identifying that a separate approval will be required under the <i>Environmental Protection Act 1986</i>.</p>
<p><u>Separation from Watercourses</u> 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.</p>
<p><u>Applicant Response</u> N/A</p>
<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></p>

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><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>

Water Corporation
<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.

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

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

RECOMMENDATION

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

Municipal	Cheque	9945 - 9959	\$19,313.46
	EFT	36542 – 36726	\$1,406,246.12
Direct wages	01/06/22 – 30/06/22 inclusive		\$201,699.40
Direct Debit	01/06/22 – 30/06/22		\$73,881.28
Trust	Cheque – Nil		\$ -
	EFT – Nil		\$ -
GRAND TOTAL			\$1,701,140.26

as per Appendix 11.2.1.

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 June 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

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

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 June 2022; or
2. Not receive the listing of payments presented for the month of June 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 June 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.

11.2.2 Monthly Statement of Financial Activity for the period ending 30 June 2022	
File Ref:	1/1 – Annual Statements
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number	11.2.2 - Monthly Agenda Report 21-22 June

RECOMMENDATION

That Council receives the Monthly Statement of Financial Activity for the period ending 30 June 2022, as per Appendix 11.2.2.

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

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

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
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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.

11.2.3 Lease Agreement for Consulting Room at Waroona Community Resource Centre – Palmerston Association Incorporated	
File Ref:	LD178; 88/1; 192/1
Previous Items:	Nil
Applicant:	Palmerston Association Incorporated
Author and Title:	Kate Pisconeri, Corporate Planning & Governance Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	11.2.3 - Palmerston Lease Agreement 2022-2023 - draft

RECOMMENDATION

That Council:

- 1. Enters the proposed Lease Agreement with Palmerston Association Incorporated, for the lease of the identified premises on Lot 42 – 10 Henning Street, Waroona;**
- 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.**

IN BRIEF

Council is requested to consider entering into the proposed Lease Agreement with Palmerston Association Incorporated, for the lease of the identified premises, as per **Appendix 11.2.3**

BACKGROUND

Palmerston Association Incorporated (Palmerston) is an incorporated association registered with the Department of Mines, Industry Regulation and Safety as of 5 November 1980 (Reference A0800237Z) under the *Incorporated Associations Act 2015*.

Palmerston is a leading not-for-profit provider of alcohol and other drug support services including counselling, groups, residential rehabilitation and educational initiatives.

Since 2018, Palmerston has leased a consulting room at the Waroona Community Resource Centre to provide outreach services to the local community.

The current lease expires on 30 June 2022. Because the annual lease is above \$500, the lease is unable to be renewed under Council Policy CORP023 Renewal of Council Leases and the entire lease must be reviewed and renewed by Council.

On 21 June 2022, Palmerston confirmed its interest in renewing the lease for twelve months.

REPORT DETAIL

The proposed Lease Agreement between Shire of Waroona and Palmerston Association Incorporated 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 twelve months commencing on 1 July 2021 and expiring on 30 June 2022.
- Rent is \$165 including GST per week payable annually in advance.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

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

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

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 \$7800 excluding GST over the twelve months.

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

The lease will provide a facility for Palmerston Association Incorporated to conduct business directly associated with the permitted purpose of drug and other alcohol support services.

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 Palmerston Association Incorporated, impacting the 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 Palmerston Association Incorporated as current lessees.
- Relevant officers were consulted on the items included in the lease.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. Supporting the recommendation provided.
2. Amending or not supporting the recommendation.

CONCLUSION

This Lease is an opportunity to have a community asset used by a health support service and to increase rental income.

11.3 CHIEF EXECUTIVE OFFICER

A confidential item will be considered under item 16.1.

11.4 ITEMS FOR INFORMATION

- 12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING**
- 13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING**
- 15. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING**
- 16. MEETING CLOSED TO THE PUBLIC**

RECOMMENDATION

That Council proceeds behind closed doors as per Section 5.2.3(2) of the Local Government Act for the purpose of considering Item 16.1.

16.1 Chief Executive Officer Contract Amendments	
File Ref:	As per special meeting held 12 October 2022
Previous Items:	Item 5.1, SCM21/10/150
Applicant:	Mark Goodlet, Chief Executive Officer
Author and Title:	Mark Goodlet, Chief Executive Officer (CEO)
Declaration of Interest:	Financial, relates to the CEO's contract
Voting Requirements:	Simple Majority
Appendix Number	16.1A – CEO's contract

A confidential report is provided under separate cover

- 17. CLOSURE OF MEETING**