



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 24 MAY 2011

(Held at the Waroona Health & Community Resource Centre)

TABLE OF CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENTS.....	4
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	4
3.	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
4.1	PUBLIC QUESTION TIME	4
4.2	PUBLIC STATEMENTS	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
6.	DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS.....	5
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS	5
8.	CONFIRMATION OF MINUTES	5
8.1	ORDINARY COUNCIL MEETING – 28 APRIL 2011	5
9.0	REPORTS OF OFFICERS AND COMMITTEES	6
9.1	DIRECTOR TECHNICAL SERVICES.....	6
9.2	DIRECTOR COMMUNITY & PLANNING SERVICES	6
9.2.1	AMENDMENT TO THE 2010/11 ADOPTED BUDGET – PRESTON BEACH FIRE SHED.....	6
9.2.2	BUDGET AMENDMENT – 1 EASTCOTT STREET	8
9.2.3	POLICY MANUAL ALTERATION – SHIRE OF WAROONA EMPLOYEE AND RECREATION CENTRE EMPLOYEE USAGE OF RECREATION/AQUATIC CENTRE.....	10
9.2.4	REQUEST FOR LEASE – LIONS CLUB	13
9.2.5	DEVELOPMENT ASSESSMENT PANELS - ELECTED MEMBER NOMINATIONS.....	16
9.2.6	SOUTH WESTERN HIGHWAY (WAROONA DEVIATION) AND ASSOCIATED RAILWAY REALIGNMENT - PROPOSED PLANNING CONTROL AREA.....	20
9.2.7	LOT 19 (NO.13) BIRCH STREET, WAROONA - APPLICATION FOR PLANNING CONSENT FOR FAMILY DAY CARE CENTRE	24
9.2.8	NO. 33 WEALAND ROAD, WAROONA- APPLICATIONS FOR PLANNING CONSENT FOR ADVERTISING SIGNAGE.	31
9.2.9	AMENDMENT TO THE 2010/11 ADOPTED BUDGET – DRY SEASON ASSISTANCE SCHEME FUNDING FOR WATER TANKS	39
9.2.10	AMENDMENT TO THE 2010/11 ADOPTED BUDGET – DRY SEASON ASSISTANCE SCHEME COMMUNITY SERVICE GRANTS	41
9.3	DEPUTY CEO/DIRECTOR CORPORATE SERVICES	43
9.3.1	ACCOUNTS FOR PAYMENT	43
9.3.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2010 TO 30 APRIL 2011	44
9.4	CHIEF EXECUTIVE OFFICER.....	45
10.	CONFIDENTIAL REPORTS	45
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING	45
11.1	CR SNELL – MODIFICATIONS TO FOURACRE AND MILLAR STREETS, WAROONA	45

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION48

12.1 ELECTED MEMBERS..... 48

12.2 OFFICERS 48

13. CLOSURE OF MEETING48



1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the meeting open at 4.00pm and welcomed Councillors and Staff to the meeting.

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

Cr M Walmsley	Shire President
Cr L Scott	Deputy Shire President
Cr N Dew	Councillor
Cr J Salerian	Councillor
Cr L Snell	Councillor
Cr C Wright	Councillor
Cr T Witney	Councillor
Mr I Curley	Chief Executive Officer
Mr L Tilbrook	Deputy Chief Executive Officer
Mr S Cleaver	Director Community & Planning Services
Mr L Fouché	Manager Planning Services
Mr M Tamblyn	Manager Environmental Health & Building Services
Mr G Delahunty	Town Planner
Mrs S Cicolari	Executive Support Officer

APOLOGIES

Cr C Germain Councillor

There were two members of the public present at the commencement of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil.

4.2 PUBLIC STATEMENTS

4.2. Mr Ben Carter, of Greg Rowe & Associates made a statement in support of the agenda Item 9.2.8 – Application for Planning Consent for Advertising Signage at 33 Wealand Road, Waroona.

5. APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL RESOLUTION****OCM11/05/045****MOVED: Cr Witney****SECONDED: Cr Snell****That Leave of Absence is granted to Cr Wright for the month of July 2011.****CARRIED 7/0****6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

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

Cr Witney declared a proximity interest in agenda item 9.2.8, as a joint owner of the land, the subject of the application.

Cr Dew declared an interest affecting impartiality in agenda item 9.2.1, as a member of the Preston Beach Fire Brigade.

Cr Scott declared an interest affecting impartiality in agenda item 9.2.4, as a member of the Lions Club of Waroona.

Cr Salerian declared an interest affecting impartiality in agenda item 9.2.4, as a member of the Lions Club of Waroona.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING – 28 April 2011****COUNCIL RESOLUTION****OCM11/05/46****MOVED: Cr Dew****SECONDED: Cr Snell****That the Minutes of the Ordinary Council Meeting held 28 April 2011 be confirmed as being a true and correct record of proceedings.****CARRIED 7/0**

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.

9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

Cr Dew declared an interest affecting impartiality in agenda item 9.2.1 as he was a member of the Preston Beach Fire Brigade.

9.2.1 AMENDMENT TO THE 2010/11 ADOPTED BUDGET – PRESTON BEACH FIRE SHED	
Reporting Officer / Officer's Interest:	Maree Ellis – Community Development Officer
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	18 April 2011
	File No.: 24/1
Previous Reference:	N/A
Statutory/Policy Implications:	An absolute majority decision of the Council is required to approve unbudgeted expenditure
Strategic Implications:	Nil
Financial Implications:	2010/2011 budget \$18,750 project contribution from the Natural Disaster Resilience Program.
Voting Requirements	Absolute Majority

PROPOSAL

Council is requested to consider an amendment to the 2010/11 adopted budget in order to accept funding from the Natural Disaster Resilience Program for services at the new Preston Beach Fire Shed.

BACKGROUND

The Shire of Waroona and the Preston Fire Brigade have recently constructed a new fire shed to suit the future needs of the area. There were insufficient resources at the time of construction, to provide toilet amenities and services such as power and water. Until such time as sufficient resources are allocated the brigade will have to use the old facilities in the existing fire shed or private facilities.

COMMUNITY CONSULTATION

Preston Beach Fire Brigade
FESA

OFFICER'S COMMENTS

The Shire of Waroona has already provided \$83,000 of funds for the capital construction of the new fire shed. The shed has been built with the capacity to be a



dual use facility to include the housing of the Preston Beach Voluntary Rangers Vehicle. The grant funds will be used towards the provision of water service, power and septics.

COUNCIL RESOLUTION

OCM11/05/47

MOVED: Cr Dew

SECONDED: Cr Snell

That the 2010/2011 adopted budget be amended as follows

- **Increase expenditure of account Preston Beach Fire Shed from \$81,500 to \$100,250**
- **Authorise unbudgeted expenditure of \$18,750 from A/C FC01**
- **Authorise unbudgeted income of \$18,750 from grants to A/C 106930**

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2.2 BUDGET AMENDMENT – 1 EASTCOTT STREET	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community and Planning Services / Nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 27 May 2011	File No.: 44/10
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act
Strategic Implications:	Will provide improved accommodation for the Drs House
Financial Implications:	\$4491 expenditure in 2010/2011 \$10000 expenditure in 2011/2012
Voting Requirements	Absolute majority

PROPOSAL

To amend the 2010/2011 budget to allow for air-conditioning to be installed at 1 Eastcott Street. The premises will house the new doctor.

BACKGROUND

Following a meeting with the new doctor Moayad al Kaptan and the Forrest house group in April 2010 the Shire offered the house at 1 Eastcott Street or alternative rental accommodation. After a period of consideration the Dr Al Kaptan agreed to take the Shire residence.

He has however enquired whether the Shire would consider installing air-conditioning and reticulation.

COMMUNITY CONSULTATION

Nil

OFFICER'S COMMENTS

The Shire is aware that 1 Eastcott Street has a number of lifecycle issues relating to the premises, and in 2009 replaced the roof, kitchen cabinet network as well a full repainting and replacement of floor and window treatments prior to occupation by Dr Singh. Both bathrooms are original and partial or total refurbishment is required of these areas that are estimated at \$30,000.

Dr Al Kaptan has requested that the Shire install split system air conditioners for heating prior to winter. He has also stated that he would like the lawns to be reinstated and that the reticulation be automated. He has emailed advising that he will take good care of the lawns if provided.

In regard to the request for a garden upgrade it is requested that this be budgeted for financial year 2011/2012 and include any paving upgrade and reticulation system installation. Costs are estimated at \$12,000 however the Manager Health and



Building is now seeking competitive quotes for Council's consideration in the upcoming budget process. It is recommended that in the meantime the 2010/2011 budget be amended for \$4,491 to allow an air-conditioning upgrade be progressed prior to this winter.

COUNCIL RESOLUTION

OCM11/05/48

MOVED: Cr Wright

SECONDED: Cr Scott

That the 2010/2011 budget be amended to allow for unbudgeted expenditure of \$4,491 for air-conditioning of 1 Eastcott Street. (a/c 1704).

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2.3 POLICY MANUAL ALTERATION – SHIRE OF WAROONA EMPLOYEE AND RECREATION CENTRE EMPLOYEE USAGE OF RECREATION/AQUATIC CENTRE	
Reporting Officer / Officer's Interest:	Steve Cleaver – Director Community & Planning Services / Nil
Responsible Officer / Officer's Interest:	Ron Thomas – Manager Recreation/ Aquatic Centre / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 18 April 2011	File No.: 111/1 & 126/2
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Absolute Majority

PROPOSAL

To alter Policy No 7.12 (Recreation Centre Employee Usage of WRAC) Section 1b:

1. Full-time, permanent part-time and casual employees are entitled to the following:

- b. Subject to available class space, free entry to group fitness classes;

and Policy No 7.13 (Shire of Waroona Employee Usage of WRAC) Section 1b:

1. Full-time and permanent part-time employees are entitled to the following:

- b. Subject to available class space, free entry to group fitness classes;

to

Policy 7.12 Section 1b:

1. Full-time, permanent part-time and casual employees are entitled to the following:

- b. Free entry to four group fitness classes per week.

and Policy No 7.13 Section 1b:

1. Full-time and permanent part-time employees are entitled to the following:

- b. Free entry to four group fitness classes per week.

BACKGROUND

Policy 7.12 & 7.13 were introduced to promote health and well being for Waroona Recreation/Aquatic Centre and Shire of Waroona staff. The membership is advertised and offered as part of an employee's salary package.

COMMUNITY CONSULTATION

Nil

OFFICER COMMENTS

Recent use of staff memberships has outlined some anomalies in the current policy. Proposed changes will allow ease of administration of the policy for Recreation/Aquatic Centre Staff and will allow employees a straight forward description of their entitlements.

Anomalies in the current policy include:

1. Staff who book a place in a class may only be informed of a waiting list a minimal time prior to a class or are unaware they are required to pay for a class which had a waiting list.
2. The current policy is not equal for all staff as some employees may only be able to attend classes which may be likely to have a waiting list and would therefore be required to pay for their classes while other employees may attend classes which are not full and aren't required to pay.

Changes to the policy are unlikely to affect the income to the Waroona Recreation/Aquatic Centre. It would be doubtful that an employee would be taking the place of a casual member or attend more than two to three classes per week. Only a limited percentage of employees choose to take advantage of an employee membership.

The staff membership is currently providing for great health and fitness, stress relief and comradery amongst staff.

GEO's comment

The recommendation below includes casual employees of the Shire to have free access to the facilities at the Recreation Centre. This was not included in the original policy 7.13 and "casual employee" is not defined in that policy. If Council wishes to extend the current benefits of policy 7.13 to casual employees it should also include a definition of a casual employee in the recommendation. A casual employee is defined in policy 7.12 as –

Casual employee for this policy relates to :

- a An employee working a minimum of 6 hours per week; or*
- b An employee employed specifically to provide coverage for full-time staff annual, sick and special leave entitlements.*

It is recommended that the words above in italics be included in Council's resolution for section 7.13 if it endorses the committee's recommendation.

COUNCIL RESOLUTION

OCM11/05/49

MOVED: Cr Wright

SECONDED: Cr Snell

The Recreation Advisory Committee recommends to Council that policy 7.12 and policy 7.13 of the Shire of Waroona Policy Manual be amended as follows:

Section 7.12 1b (Recreation Centre Employee Usage of WRAC)

- 1. Full-time, permanent part-time and casual employees are entitled to the following:**
 - b. Free entry to four group fitness classes per week.**

Section 7.13 1b (Shire of Waroona Employee Usage of WRAC)

Casual employee to this policy relates to :

- a An employee working a minimum of 6 hours per week; or**
 - b An employee employed specifically to provide coverage for full-time staff annual, sick and special leave entitlements.**
- 1. Full-time, permanent part-time and casual employees are entitled to the following:**
 - b. Free entry to four group fitness classes per week.**

and that all other sections of this policy remain unchanged.

CARRIED BY ABSOLUTE MAJORITY 7/0

Cr Scott and Cr Salerian declared an interest affecting impartiality in item 9.2.4, as members of the Lions Club of Waroona

9.2.4 REQUEST FOR LEASE – LIONS CLUB	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community and Planning Services / Nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services / Nil
Proponent:	Lions Club of Waroona
Landowner:	Shire of Waroona
Date of Report: 27 May 2011	File No.: 126/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

PROPOSAL

To consider a request from the Lions Club of Waroona for a lease of the former Beer Booth at the Town Oval.

BACKGROUND

A letter has been received from the President of the Waroona Lions Club requesting a lease of the former Beer Booth at the Waroona town oval. The purpose of the lease is that the Lions Club would like to upgrade the building for food service.

The building is a Shire owned building and has been predominately utilised by the Waroona Football Club for sales of alcohol at the Waroona Show. The building has on occasion housed the fencing for Drakesbrook Square.

COMMUNITY CONSULTATION

Nil

OFFICER'S COMMENTS

Current arrangements for the various Agricultural and Car Shows is that the lessee is given full enjoyment of all the Councils buildings and then by agreement sub leases those buildings to the various stall holders and community groups. Discussions with various neighbouring Shires is that by setting up an exclusive lease agreement the building may or may not be available for groups that lease the entire site or for enjoyment by the entire community. Generally exclusive use leases are reserved for community groups that fund, build and operate high cost buildings on Shire land.

An inspection of the building by Councils Environmental Health Officers revealed that the building is unsuitable to meet the Food Act requirements for food preparation and could only be used as a temporary service facility as currently exists at the various shows. An audit of these buildings by the Tungsten Group in 2005 recommended



that these minor buildings be demolished when at end of life and that skid mounted transportable or food vans be utilised. This has already occurred with the demolition of a toilet block. In the interim there is no impediment for the Lions club to undertake upgrades to the facility for the benefit of the wider community similar to what has occurred with the log chop area by the axmen and the junior football club kiosk by the Junior Football Club neither whom have a lease agreement with the Shire. It is therefore recommended that the request to lease the building be declined.

COMMITTEE RECOMMENDATION

Moved: Ms Morris

Seconded: Cr Witney

That the Recreation Advisory Committee recommends to Council that the request from the Lions Club of Waroona for a peppercorn lease of the former beer booth at the Town oval is approved subject to the following conditions:

- That the building is available to other groups when not in use by the Lions Club of Waroona.

CEO'S COMMENT

As indicated above the beer booth has been left unmaintained for some time and could, arguably, warrant removal as not being in good enough condition as a public building or in significant demand to warrant expenditure on. Recent users have been the Waroona Agricultural Society and Waroona Football Club (both for the annual show day).

The above recommendation does not give adequate direction to prepare a lease and the requirement for the building to be available for other groups may expose the Council to liability for replacement/repairs of Lions Club property (for which we cannot provide insurance).

COUNCIL RESOLUTION

OCM11/05/50

MOVED: Cr Witney

SECONDED: Cr Wright

That Council deem the Beer Booth at the Town Oval, in its current state, to be of little value to the Council or general public and agree to exclusively lease the premises to the Waroona Lions Club at an annual peppercorn rental, for an initial period of 5 years, subject to the following conditions –

- **No objection to the lease from the Waroona Agricultural Society or Waroona Football Club**
- **The Waroona Lions Club agrees to undertaken restoration of the existing premises and then to insure and maintain the internal fittings and contents of the premises**



- **The Shire of Waroona to insure and maintain the upgraded external structure of the premises**
- **The Waroona Lions Club be permitted to charge a hire fee to allow others use of the premises on a casual basis for pursuits in keeping with the Town Oval precinct.**
- **Reasonable access to utilise the premises be negotiated between the lessee and event organiser for the annual show day, car shows and football fixtures.**

CARRIED 6/1

**For the Motion: Crs Witney, Wright, Salerian,
Walmsley, Dew, Scott**

Against the Motion: Cr Snell

9.2.5 DEVELOPMENT ASSESSMENT PANELS - ELECTED MEMBER NOMINATIONS.	
Reporting Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil.
Responsible Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil.
Proponent:	Minister for Planning
Landowner:	N/A
Date of Report: 14 April 2011	File No: File No. - 48/8
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995 Planning and Development Act 2005 Approvals and Related Reforms (No.4) (Planning) Act 2010. Planning and Development (Development Assessment Panels) Regulations 2011 Planning and Development Regulations 2009 / Policy 1.3 - Election of Members and Representatives
Strategic Implications:	Shire of Waroona Strategic Plan 2005-2025 <ul style="list-style-type: none"> • Leadership and Governance • Land Use Planning
Financial Implications:	Town Planning Fees and Charges remain. Additional DAP fees to apply. Hosting fees for Local Government. Sitting Fees for members. (See report for detail).
Voting Requirements	Absolute Majority

PROPOSAL

Council is requested to consider the membership of the Local Development Assessment Panel. Four elected members of Council are to be nominated to represent Council at the Local Development Assessment Panel. The nomination of two permanent local government members and two alternate members are required.

BACKGROUND

A letter dated 16 February 2011, was received from the Director General of the Department of Planning providing information on the implementation of Development Assessment Panels in Western Australia. The Planning and Development (Development Assessment Panels) Regulations 2011 gazetted on 24 March 2011 give effect to one of the national Development Assessment Forum principles with the establishment of fifteen independent Development Assessment Panels (DAPs) in Western Australia. DAP applications can be lodged from 1 July 2011.

DAPs will consist of five members:

- One presiding specialist member (qualified planning specialist).
- One deputy presiding member (qualified planning specialist).
- One specialist member (relevantly qualified specialist).
- Two Local Government Councillors.



DAP members are appointed by the Minister for Planning for a two year term and all DAP appointments expire on 26 April 2013. DAP members are required to attend training prior to sitting on a DAP. Training of DAP members is expected to commence in June 2011. DAP meetings will be dependant on the receipt of DAP applications.

Local governments are expected to host DAP meetings and Local Government Planning staff are encouraged to attend DAP meetings in order to elaborate on technical matters in Council reports to the DAP.

FINANCIAL IMPLICATIONS

A DAP fee will apply to applications referred to a Development Assessment Panel in addition to the application fee charged by Council. DAP fees are to be forwarded from the Shire to the DAP Secretariat. \$50 / application is payable to Local Government as a Transaction Fee.

Sitting fees for DAP Elected Member representative members:

- \$400 / DAP session.
- \$400 / training session.
- 75c / kilometre mileage for vehicle travel.

Local Government Hosting Fees:

- \$28 / hr for a minute taker.
- \$100 for catering.
- \$150 for security (contentious applications).

STATUTORY IMPLICATIONS

Local Government Act 1995

Delegates of Council are to be nominated at a meeting of Council in accordance with the provisions of Part 5 of the Local Government Act.

Planning and Development Act 2005

Applications can be made to Development Assessment Panels for certain applications provided for under the Act. These applications include Development Applications and Minor Amendments to Town Planning Schemes.

Approvals and Related Reforms (No.4) (Planning) Act 2010.

Part 3 of the Amendment Act contains the heads of powers required to introduce development assessment panels ('DAPs) through the making of regulations.

Planning and Development (Development Assessment Panels) Regulations 2011

The Regulations provide the detailed provisions for the establishment, administration and operation of DAPs.



Planning and Development Regulations 2009

The Regulations include consolidated provisions from other regulations including subdivision and development control as well as Planning Fees and Charges.

POLICY IMPLICATIONS

Policy 1.3 - Election of Members and Representatives states that members of all committees are to be elected at a Special Meeting of Council following the day set aside for the Biennial Elections in October or the next Ordinary Meeting of the Council.

COMMUNITY CONSULTATION

None required.

OFFICER'S COMMENTS

DAP applications will consist of:

- *Mandatory DAP Applications:* Applications for development with an estimated cost of development of \$7 million or more (and \$15 or more in the City of Perth), and which is not an excluded development application.
- *Optional DAP Applications:* Application for development with a total value of more than \$3 million but less than \$7 million (more than \$10 million but less than \$15 million in the City of Perth) which is not an excluded development application and has not been delegated to the DAP by the relevant local government.
- *Delegated DAP Applications:* Local governments and the WAPC may choose to delegate the power to determine development applications to DAPs. Delegations are to be published in the *Government Gazette*. (If a local government chooses to delegate an application to a DAP, the local government must pay the DAP fee).

Applications excluded from DAP determination include:

- A single house.
- Less than 10 Grouped or Multiple Dwellings.
- Sheds, carports and incidental development.
- Development in an Improvement Scheme Area.
- Development by the Local Government or WAPC.

CONCLUSION

It is recommended that Council nominate two permanent local government members and two alternate members as requested. Failure to nominate local government members will leave the Shire unrepresented on the local DAP.

COUNCIL RESOLUTION

OCM11/05/51

MOVED: Cr Dew

SECONDED: Cr Wright

That with respect to the Local Development Assessment Panel, Council resolves to advise the Minister for Planning that the Shire of Waroona nominates the following elected members to represent Council:

- 1. Permanent Local Government Members:
The Shire President and Deputy Shire President; currently Councillor Mike Walmsley and Councillor Larry Scott.**
- 2. Alternate Local Government Members:
Councillor Chris Germain and Councillor Noel Dew.**

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2.6 SOUTH WESTERN HIGHWAY (WAROONA DEVIATION) AND ASSOCIATED RAILWAY REALIGNMENT - PROPOSED PLANNING CONTROL AREA.	
Reporting Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Ni
Proponent:	Western Australian Planning Commission
Landowner:	Various (38)
Date of Report: Date Report Written	File No: 95/6, 122/1.
Previous Reference:	TP7A13
Statutory/Policy Implications:	Planning and Development Act 2005 Heritage of Western Australia Act 1990 Environmental Protection Act 1986 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme 1996 Shire of Waroona Local Planning Strategy (2009)
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 • Community Infrastructure • Land Use Planning
Financial Implications:	Budgeted operational costs.
Voting Requirements	Absolute Majority

PROPOSAL

Correspondence has been received from the Department of Planning stating that the Department is preparing a new Planning Control Area (PCA) to protect the land required for the South Western Highway (Waroona Bypass) deviation and the associated railway realignment from development for other purposes.

The PCA is an interim measure until such time as an amendment to the Peel Region Scheme is in place. The purpose of the PCA is to:

- Provide a statutory planning mechanism to protect the proposed alignment and land required for the proposed South Western Highway (Waroona Deviation) and associated rail realignment.
- Allow the continuation of any existing legal land use.
- Create a statutory requirement for the approval of the Western Australian Planning Commission (WAPC) of any development within the PCA.

A plan of the proposed PCA is at **Appendix 9.2.6(a)** and a plan of the proposed realignment is at **Appendix 9.2.6(b)**.

BACKGROUND

Following Council's meeting of 26 June 2001, a ballot poll was held in Waroona to determine whether the community supported the deviation of the South Western Highway and if so, which of the four alternative alignment options they preferred.



At its meeting of 11 February 2003 Council resolved to support Option 2 of the alternative alignments provided by the WAPC in relation to the South Western Highway deviation subject to:

- the gazettal of the Peel Region Scheme and
- the preparation of an “Alignment Definition Report” to the satisfaction of Council.

A copy of this alignment is at **Appendix 9.2.6(c)**.

On 16 February 2006 the Western Australian Planning Commission advised the Shire that Regional Planning Control Area No.1 – South Western Highway (Waroona Bypass) and Associated Railway Realignment was declared. The correspondence also stated that when the design of the future road is finalised in the future, the WAPC will consider an amendment of the Peel Region Scheme (PRS) to include the bypass and associated railway realignment within the Primary Roads and Railway reservations under the Scheme. This amendment to the PRS has not occurred to date.

COMMUNITY CONSULTATION

The Department of Planning has referred letters to all 38 landowners affected by the latest proposed Planning Control Area. Submissions on this proposal close on 25 May 2011.

FINANCIAL IMPLICATIONS

There are no known direct costs to Council other than budgeted operational costs.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Section 112 of the Act refers to the declaration of Planning Control Areas by the WAPC where land may be required for purposes specified in Schedule 6. After notification in the Government Gazette, the Planning Control Area is approved by the Minister for Planning.

Section 115 requires the approval of the WAPC for development within a Planning Control Areas.

Section 186 makes provision for compensation by the State Government in respect of land injuriously affected by the declaration of Planning Control Areas.

Part 4 of the Act deals with the making and amendment of a Region Scheme.

Part 9 of the Act deals with the relationship between Region Schemes, Local Planning Schemes and Planning Control provisions.

Section 126 of the Act states that *“If a region planning scheme delineates land comprised in a local planning scheme as a reserve for any public purpose, then the local planning scheme, in so far as it operates in relation to that land, is, by*



force of this section and without any further action under this Act, amended to such extent (if any) as is necessary to give effect to the reservation under the region planning scheme”.

Heritage of Western Australia Act 1990

Part 5 of the Act makes provision for a State Register of Historic Places as well as a requirement of Local Government to “...*compile and maintain a an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance*”.

It should be noted that the Railway Cottages located within the proposed Planning Control Area are reflected in both the State Register of Historic Places and the Shire of Waroona Municipal Heritage Inventory.

Environmental Protection Act 1986

Part IV of the Act deals with Environmental Impact Assessment including the assessment of Town Planning Schemes. Part V of the Act deals with the clearing of native vegetation.

Peel Region Scheme 2003 (PRS)

Clause 10 of the PRS makes provision for the reservation of Primary Regional Roads and Railways.

Clause 18 of the PRS requires the approval of the WAPC for the development of land reserved under the scheme.

Shire of Waroona Town Planning Scheme 1996

Part III of the Scheme deals with reserved land. The Scheme makes provision for the reservation of land proposed for a range of public purposes including Highways, Major Roads and Railways.

STRATEGIC PLANNING IMPLICATIONS

Shire of Waroona Local Planning Strategy 2009 (LPS)

The South Western Highway is reflected as a Significant Road, while the Waroona Bypass is reflected as a Future Significant Road under the LPS. The Waroona Railway Line and Station are both denoted on the Town Precinct map.

OFFICER'S COMMENTS

Although Lot 51 McNeill Road is owned by the Shire, and this lot abuts the proposed Waroona deviation, there is no change to the alignment of the road at this location.

When comparing the previous alignment and the current proposal, it is clear that the new alignment is relatively similar to the previous alignment; however the current proposal affects larger portions of private land to the west of the current railway line. This is due to the realignment of the railway line to the west in order to protect the



Railway Cottages, an Aboriginal Historic site, wetland and remnant vegetation located within the proposed Planning Control area (between the proposed Waroona Deviation and the rail realignment). These sites were adversely affected by the previous alignment and advice from the Heritage Council of Western Australia and Environmental Agencies led to the formulation of the new alignments.

Given the above, it is acknowledged that the new alignment is necessary in order to achieve the relevant strategic infrastructure, heritage and environmental objectives. Nevertheless, the new alignment adversely affects landowners given the relocation of the railway line as well as the proposed provision of service roads abutting the new railway line. Impacts in terms of the use / loss of land as well as adverse amenity impacts related to rail and road noise are expected.

It is therefore imperative that affected landowners be adequately compensated by the State Government in relation to land injuriously affected by the declaration of the Planning Control Area.

It is also important that the necessary reservation of the railway line and South Western Highway deviation be completed by the WAPC in the Peel Region Scheme without delay subsequent to the declaration of the Planning Control Area, in order to provide certainty to landowners in relation to the use and development of their land.

COUNCIL RESOLUTION

OCM11/05/052

MOVED: Cr Snell

SECONDED: Cr Salerian

That Council defer consideration of the newly proposed alignments of the South Western Highway Deviation and Waroona railway line until the June 2011 Council meeting, or a Special Council meeting if required, following analysis of the results of consultation undertaken by WAPC with the affected landowners.

CARRIED 7/0

9.2.7 LOT 19 (NO.13) BIRCH STREET, WAROONA - APPLICATION FOR PLANNING CONSENT FOR FAMILY DAY CARE CENTRE	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Dianne Louise Clarke
Landowner:	Dianne Louise Clarke and Daniel Joseph Angi
Date of Report: 12 May 2011	File No: TP1406
Previous Reference:	None
Statutory/Policy Implications:	Planning and Development Act 2005 Child Care Services Act 2007 Environmental Protection Act 1986 Food Act 2008 Health Act 1911 <u>Child Care Services (Family Day Care) Regulations 2006</u> <u>Environmental Protection (Noise) Regulations 1997</u> Food Regulations 2009 Shire of Waroona Town Planning Scheme No. 7 1996 Planning Bulletin 72/2009 Child Care Centres Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL:

An application was received for a Family Day Care Centre at Lot 19 (No.13) Birch St, Waroona.

The Family Day Care Centre entails the following:

- Employment of no-one other than members of the occupier's household.
- Hours of operation between 7:00am and 6.00 pm.
- Family Day Care to take place throughout the dwelling.
- Provision of care for no more than seven children including the applicant's own.
- Three (3) designated play areas.
- Two (2) toilets will be provided for the centre.
- All play to be contained within the dwelling and within the roofed patio area.
- Driveway and Carport to provide parking for up to four (4) cars.

The submitted site plan and floor plans are at **APPENDIX 9.2.7a**.

BACKGROUND:

There have been no family day car providers in Waroona for over five years. With the local Child Care Centre closing, families are relying on Child Care Centres outside the Shire of Waroona for their needs. Council however granted Planning Consent for a Family Day Care centre at Lot 69 (No.15) Hesse Street on 15 February 2011.

The 1004m² lot contains one house with an adjoining covered patio and carport. The width of the existing driveway can comfortably accommodate a double car bay for visitors / clients in addition to a double bay covered carport.



Previous approvals:

A search of Council records has indicated that Planning Approval for a Patio was issued on the 12 October 2010.

STATUTORY IMPLICATIONS

Family Day Care Centres need to comply with the legislation of the Government of Western Australia's Department of Communities Child Care Services Act 2007 and Child Care Services (Family Day Care) Regulations 2006.

In terms of the Child Care Services Act 2007 a Family Day Care Service means:

“a child care service provided at a place where —

- (a) The person providing the service lives; and*
- (b) None of the children to whom the service is provided live.”*

The Department for Communities, through the Child Care Licensing and Standards Unit (CCLSU), is responsible for administering the State Regulations for all licensed child care services, including child care centres, family day care centres and outside school hour's care. When issuing a Licence for Family Day care the number of children is restricted to seven

Family Day Care centres are also subject to supplementary legislation such as the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations, and the Building Code of Australia.

In order to operate a Family Day Care centre, an operator must comply with all of the relevant legislation.

Child Care Services (Family Day Care) Regulations (2006)

A license for Family Day Care must be obtained from the Department of Communities in terms of the Child Care Services (Family Day Care) Regulations (2006). An advice note has been added to the recommendation in relation to this requirement.

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

TPS No. 7 defines a Family Day Care Centre as *“land and building used for the purpose of a Family Day Care Centre as defined in Child Welfare (Care Centres) Regulations 1968 (as amended).”*

The subject lot is located within the 'Urban 4 – Residential' zone under the Shire of Waroona Town Planning Scheme No. 7 and is therefore subject to Clause 4.8.1 of the Scheme, which relates specifically to that zoning.

Clause 4.8.1 states that it is an objective of the Council to ensure that development occurs in a manner which will provide adequately for the variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resources and a high level of urban amenity.

Family Day Care is currently listed as an 'AA' use under the Zoning Table of the Scheme for the 'Urban 4 – Residential' zone. An 'AA' use means the Council may, at its discretion, permit the use.

Clause 6.8.1 of the Scheme states that minimum on-site vehicle parking spaces shall be provided in accordance with the requirements shown in table 2. As a Family Day Care Centre is listed as a residential use in the Scheme, in relation to vehicle parking, the Scheme states that it must refer to the standards of the Residential Design Codes (covered below).

Residential Design Codes

Section 6.5 of the Residential Design Codes deals with Access and Parking Requirements. Clause 6.5.1 states that in relation to single houses, on-site parking spaces provision for two spaces, which may be provided in tandem, is deemed as acceptable development.

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

The Shire and the community will see new land releases and housing developments and will need accommodation for the aged, health care, education and recreation opportunities, police services.

STRATEGIC PLANNING IMPLICATIONS

WAPC Planning Bulletin 72/2009 Child Care Centres

The objectives of the said Bulletin are to:

- 1) Locate child care centres appropriately in relation to their surrounding service area.
- 2) Minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas.
- 3) Consider the health and safety of children attending the child care centre within the confines of the planning system.

Local Planning Strategy (LPS)

The subject lot is located within the residential sub precinct of the Town Precinct. Section 16.5 states that it is the objective of the Strategy to provide for the enhancement and the planned expansion of the Waroona Townsite. Family Day Care is listed as a discretionary use within the residential sub precinct.

COMMUNITY CONSULTATION

As Family Day Care is listed as an 'AA' use, the proposal was advertised under section 8.2.2 of the TPS.

The proposal was advertised to adjoining landowners for a period of 21 days from 31 March 2011 to 27 April 2011. Letters were sent to adjoining landowners to make them aware of the application. During that time one submission on the matter was received from an adjoining landowner, voicing concerns about potential noise and resale issues that may occur if the planning consent was granted.



The Schedule of Submissions and the officer's responses to the matters raised are at **APPENDIX 9.2.7b**.

INTERNAL REFERRAL

Upon referral to the Shire's Technical Services Directorate, the Shire's Consulting Engineer stated the driveway should be used for drop off / pick up short term parking only. It was also noted that no long term parking must take place on the verge.

Upon referral to Environmental Health and Building Services, the Building Surveyor stated that the leach drains have been modified from those on the approved plans. Therefore new plans must be submitted showing the new location of the leach drains.

Should food be prepared on the premises, the premises must be registered with the Shire and comply with the Food Act 2009.

OFFICER'S COMMENTS

The Family Day Care Centre is in keeping with the Council's objectives of providing adequately for the variety of residential needs. Currently there is only one such facility approved in Waroona, this shows a critical need for this service.

There is sufficient space for on site vehicular parking, with space for up to four cars on the double car driveway and covered carport. There is also space for supplementary parking of up to four vehicles upon the verge of the subject lot if such a need should arise, however this will require specific approval of Council. An advice note has been added with regards to this. The subject lot is located on a straight stretch of road. This should ease the ability of vehicles to access the site safely.

The proposed Family Day Care Centre is consistent with the WAPC's Planning Bulletin 72 – Child Care Centres, in the following ways:

1) **Locate child care centres appropriately in relation to their surrounding service area.**

The Family Day Care Centre is appropriately located in an area that is clearly lacking this service. There has been only one such facility approved in recent times.

2) **Minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas.**

The most significant impact that a Family Day Care Centre could have on the amenity of an existing residential area, stems from the fact that there will be an increased number of children on site during the designated times on the designated days. It is the difference between the extra number of children on site compared to a family with children residing on the property that could result in a negative impact on the amenity of the area. The two major differences involved in having the extra number of children on site are parking, consisting of on site parking as well as vehicle drop offs and collection, and noise.

a) Parking

The first point to note is that the property is in compliance with the Scheme's requirement to comply with the Residential Design Codes standards for on site vehicle parking. It is a requirement of the Residential Design Codes that two (2) parking spaces must be provided on site for a single house. In the case of the subject proposal the site plan submitted indicates parking provision for at least four (4) vehicles on site. Two (2) parking bays can be utilised by the owners of the residence, while two (2) bays will be available for the purposes of the Family Day Care Centre.

As a result of the extra children on site there will be an increased number of cars accessing the site and parking on site in order to drop off and collect children.

Two potential problems that could possibly arise from this are verge parking and traffic congestion. After a site assessment it is considered that all the parking can be contained wholly on site. There is provision for two (2) visitor parking spaces on site and this should be sufficient to deal with the parent generated trips as they drop off and collect their children each day. A condition has been added to this effect also stating that if parking cannot be contained on site that no parking shall take place on Shire property (verge) without prior written consent of Council. This condition should ensure that no verge parking will take place. Given that the number of children at the Family Day Care Centre is limited to seven (7) including children of the centre operator, traffic generation to the site is considered to be relatively low and consistent with that expected in a residential area. Traffic congestion is therefore not expected to be an issue.

b) Noise

The other impact that could arise from having an extra number of children on site is noise pollution. Under the Environmental Protection (Noise) Regulations 1997, a residence is defined as a Noise Sensitive Premises and can be only subject to a certain level of noise. The proposed Family Day Care centre is surrounded by five (5) residences that would be considered Noise Sensitive Premises under the Noise Regulations. Should the noise created on site exceed the levels permitted as a result of the additional children, the Shire will be able to deal with the matter by enforcing the provisions of the Noise Regulations. To deal with this an advice note has been added to advise the applicant that the Family Day Care Centre needs to comply with the Environmental Protection (Noise) Regulations 1997 at all times.

3) Consider the health and safety of children attending the child care centre within the confines of the planning system.

The health and safety of the children are regulated by the Child Care Services (Family Day Care) Regulations 2006. In order for an individual to acquire a licence to operate a Family Day Care Centre, the centre needs to be in compliance with these regulations, as well as receiving a Planning Consent. These regulations set out the obligations of the licensee such as the requirements of place and operating procedures. There is also a section dealing with the Safety and Health of the enrolled child. Under *Part 3, Obligations of licensee, Division 2, Requirements for place*, there is an extensive list of requirements, that the licensee must comply with, that ensure the safety of the child. Under *Part 4, Operating the service, Division 5, Safety and*

Health of enrolled child, there is a list of requirements that must be satisfied throughout the operation of the service that will ensure the safety of the child.

The Shire's Consulting Engineers' concerns that the driveway should be used for Drop Off / Pick Up short term parking only and that no long term parking must take place on the verge have been addressed with conditions to this effects. If excess parking is required, it will not take place on Shire property without the prior written consent of Council.

The Building Surveyors' concern that the leach drains have been modified from those on the approved plans and therefore new plans must be submitted showing the new location of the leach drains has been dealt with the addition of an advice note.

The Manager Environmental Health Office and Building Services' concern regarding the serving of food on the premises has been addressed with the addition of an advice note stating that compliance with the Food Regulations 2009 and Food Safety Standards is required, if food is prepared on site for the consumption at the Family Day Care Centre.

The concerns raised in the submission received following public advertising, have been adequately addressed with the addition a condition stating that the Family Day Care centre must comply with Environmental Protection (Noise) Regulations 1997.

The proposed Family Day Care Centre is not expected to detract from the amenity of the area. The proposal will also address the current lack of a similar service in the Shire of Waroona. Given the above assessment, there is no planning reason to refuse the application and the proposed Family Day Care Centre is therefore recommended for approval.

COUNCIL RESOLUTION

OCM11/05/053

MOVED: Cr Scott

SECONDED: Cr Snell

That Council, with respect to the application for Planning Consent for a Family Day Care Centre at Lot 19 (No.13) Birch Street Waroona, approve the application subject to the following conditions:

- 1. The total number of children on site for child care purposes (including the proponent's own children), shall not exceed seven (7) at any time in accordance with the conditions on the Department for Communities Family Day Care Service Licence.**
- 2. Proposed outdoor activities associated with the Family day Care Centre are only to be carried out between 7.00am – 6.00pm on weekdays and 9.00am – 6.00pm on weekends. All activities must be conducted in a manner to avoid any adverse noise impact upon adjoining neighbours, to the satisfaction of the Manager Environmental Health and Building Services.**
- 3. Dropping off and picking up of children are to be restricted between 7.00am – 6.00pm on weekdays and 9.00am – 6.00pm on weekends to**



the satisfaction of the Manager Environmental Health and Building Services.

- 4. All vehicle parking, including vehicles dropping off and picking up children, shall be accommodated within the boundaries of the subject lot.**
- 5. The area proposed for dropping off and picking up (as per attached site plan) is to be clear at all times and available for the use of customers to the satisfaction of the Manager Planning Services.**
- 6. No verge parking shall take place without prior written consent of the Shire.**
- 8. The use, management and development of the land to be in accordance with the terms and provisions of the Town Planning Scheme No.7.**
- 9. All conditions to be completed with prior to exercising the right of this consent, to the satisfaction of the Manager Planning Services.**
- 10. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period**

Advice to applicant:

- A. The applicant should ensure that the proposed development complies with all other relevant legislation including but not limited to; Child Care Services (Family Day Care) Regulations 2006, the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations.**
- B. The applicant is advised that the Family Day Care Centre must be registered under the Food Act 2008 and compliance with the Food Regulations 2009 and Food Safety Standards is required if food is prepared on site for the consumption at the Family Day Care Centre.**
- C. The applicant is advised to liaise with the Shire's Environmental Health and Building Services Department to arrange for an inspection of the premises to ensure compliance with requirement of the Health Act 1911.**
- D. The applicant is advised that an amended site plan showing modifications to the leach drains must be submitted to the Shire of Waroona's Building Department.**

CARRIED 7/0



Cr Witney declared a proximity interest in item 9.2.8 as a joint landowner of property, the subject of this application, and left the meeting, the time being 5.05 pm.

9.2.8 NO. 33 WEALAND ROAD, WAROONA- APPLICATIONS FOR PLANNING CONSENT FOR ADVERTISING SIGNAGE.	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Greg Rowe and Associates
Landowner:	Gary Charles Witney and Patricia Anne Witney
Date of Report: 12 May 2011	File No: 1402
Previous Reference:	N/A
Statutory/Policy Implications:	Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 State Development Control Policy 1.2 Local Planning Strategy 2009 Town Planning Policy 6.0 Advertising Signs Waroona North Structure Plan (2007)
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 2 – Conserve our pristine environment, Objective 3 – Protect and conserve agricultural lands and rural land uses.
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

An application was received for a third party advertising (billboard/hoarding) sign at No.33 Wealand Road, Waroona. See site location plan and elevations at **APPENDIX 9.2.8a**.

The double sided sign with an overall height of 5.5m and a width of 12.6m will have a sign face area of 41.58m² on each side and is proposed to be set back 5m from the property boundary. The sign fronts the South Western Highway.

The applicants have indicated that the sign will advertise road safety messages from the Office of Road Safety during road safety campaigns with ancillary advertising displayed during 'off – peak ' periods. The applicant has indicated that there will be a message from the Office of Road Safety on one side of the sign for approximately nine (9) months in every 12.

See Artists impression of the sign at **APPENDIX 9.2.8b** (Note: Not to scale).

BACKGROUND

The subject lot is located in a prominent area on the entry route to Waroona from the North.

Four similar double sided signs were approved by the Shire of Murray and Waroona on the Forrest Highway. The ancillary material advertised ranges from insurance, RAC, liquor, jewellery, general product advertising etc.



PREVIOUS APPROVALS

A search of Council records indicates that a planning approval for a Home Occupation was issued on 8 November 2004 for the property.

STATUTORY IMPLICATIONS

Peel Region Scheme (PRS) 2003

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

Clause 12 (e) deals with the Rural zoning under the Scheme;
“Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

Town Planning Scheme No. 7 (1996)

The lot in question is zoned ‘Rural 1 – General Farming’ under the Town Planning Scheme.

Clause 4.14.1 lists the objectives and Policies for all Rural zones. These are as follows:

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

Council’s policies will therefore be to:

- Permit land uses consistent with achieving the objective.
- Maintain an open rural atmosphere by encouraging generous setbacks.

Clause 7.2 of the Scheme deals with the Control of Advertisements. Clause 7.2.3.1 of the Scheme states that without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed.

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

It is an objective of the Shire of Waroona Strategic Plan 2005 – 2025 to protect and conserve agricultural lands and rural land uses.



STRATEGIC PLANNING IMPLICATIONS

Development Control Policy 1.2 General Principles

Although this particular application may not necessarily be considered to be of regional significance and does not need supplementary approval under the Peel Region Scheme, it is important to understand the criteria used by the Western Australian Planning Commission when dealing with a development application.

It is a policy objective of the Western Australian Planning Commission to ensure development is site-responsive, enhances local identity and character and is well-connected to the adjacent neighbourhood.

The WAPC will have regard to the following relevant planning considerations in making decisions on development applications:

- Integration of development into the site and its surroundings;
- Relevant factors of amenity and sustainability.

Amenity as defined in the Model Scheme Text meaning 'all those factors which combine to form the character of an area and include the present and likely future amenity'.

The Peel Region Scheme provides that the WAPC will, in exercising its development control powers, have regard for the purpose for which land is zoned or reserved, the orderly and proper planning of the locality, and the preservation of the amenities of the locality.

Local Planning Strategy (1999)

Under the Local Planning Strategy No.33 Wealand Road is located within the Priority Agriculture sub precinct of the Agricultural precinct. In this sub precinct it is Council's objective to protect an area which has, or is capable of having, irrigation infrastructure to allow for a range of diverse agricultural uses from lifestyle subdivision and other non – compatible development.

Advertising signage is not listed as a primary or a discretionary use within the priority agriculture sub precinct.

This Local Planning Strategy also lists the suitable setbacks for the priority agriculture sub precinct. These setbacks are 20 metres from the road and 10 metres from the side and rear.

Waroona North Structure Plan (2007)

The Waroona North Structure Plan (2007) provides for the expansion of the current townsite to the North. The location of the proposed sign is approximately 1.5 km from the boundary of the Waroona North Structure Plan. A sign of this scale, in such a prominent location would not serve as an appropriate entry statement to a town that has such a distinct rural / country town character.



Shire of Waroona Town Planning Policy 6.0 - Advertising Signage

It is the objective of this policy to ensure that signs within the Shire of Waroona are designed to be sympathetic and harmonious with the surrounding environment and the building or structure to which they are attached or affixed, and erected in accordance with proper structural engineering practices.

Section 6.6 of this policy defines a 'Hoarding' as a detached or detachable structure including a wall panel or an illuminated panel that is erected for the sole purpose of displaying one or more signs or advertising devices.

According to this policy a hoarding shall not –

- A. Be erected on land that is zoned for residential purposes by a Town Planning Scheme or Local Laws for the time being in force;
- B. Except with the approval of the Council be erected within 15 metres of a street or other public place and in any case not closer than its own height to a street or public place;
- C. Be of greater area than 22 square metres.

Section 6.2.1 (d) of this policy states that a person shall not erect or maintain a sign or hoarding if the sign is an advertising device and is erected or proposed to be erected in a position where, in the opinion of Council it would be injurious to the amenity or natural beauty of the area in which the sign is erected, or would be unsuitable to the locality.

COMMUNITY CONSULTATION

This proposal was advertised in accordance with Clause 8.2.4(c) of the Town Planning Scheme. A sign displaying notice of the proposed development was erected in a conspicuous position on the land for a period of twenty-one days. Letters were also sent to advertise the proposal to adjoining landowners. During this period no comments were received.

Referrals

As the South Western Highway is controlled by Main Roads Western Australia (MRWA) the proposal was forwarded to MRWA for comment. MRWA stated that they have no objection in principal to this sign, provided that it is located at least 132m from the Wealand Road intersection.

See Schedule of Submissions at **APPENDIX 9.2.8c.**

OFFICER'S COMMENTS

Town Planning Scheme

As Advertising Signage is not listed as a land use under the Town Planning Schemes zoning table, applications for signage are dealt with under Clause 7.2 of the Scheme.

Clause 7.2.3.1 states that Council shall examine this application against the objectives of the Scheme for the Rural 1 zone with particular reference to the character and amenity of the locality within which it is to be displayed.

As noted Clause 4.14.1 of the Town Planning Scheme lists the objectives and Policies for all rural zones. The proposed sign, with a sign face of 41.58m² on each side (total sign face area of 83.16m²), is not consistent with the objectives and policies of the Rural 1 zone.

- Such a large sign in such a prominent location would not assist Council's objective to preserve the rural character of the District's farming lands.
- It would be injurious to the amenity of the locality.
- It would also, serving as an entry statement, be injurious to the amenity of the townsite of Waroona.

Taking into consideration the objectives of the Scheme for the Rural 1 zone and the amenity of the locality it is clear that this proposal is not consistent with these objectives.

Local Planning Strategy

The proposal is also not compliant with the provisions of the Local Planning Strategy.

Firstly advertising signage is not listed as a primary or a discretionary uses within the priority agriculture sub precinct.

Secondly the setback of 2 metres and no more than 5 metres from the road is conflicts with the 20 metre setback provisions provided for in the Strategy.

Finally the proposal is not consistent with the objective of the Strategy for this particular sub precinct which states that it is the Strategies objective to protect from non compatible development within the priority agriculture sub precinct.

This third party sign / hoarding has no relevance to the Rural use of the area.

Town Planning Policy 6.0 Advertising Signage

When considering the objectives of the Town Planning Scheme and the Local Planning Strategy for the subject lot, it is evident that the proposed third party sign within the Shire of Waroona is not sympathetic and harmonious with the surrounding environment.

The proposal would be detrimental to the amenity of the area in which it is to be erected, and is unsuitable to the locality. The proposal is not consistent with Section 6.2.1 (d) of Policy 6.0. The proposed sign is approx 3.14km from the townsite of



Waroona and would serve as a significant but not relevant entry statement to the town itself. A comparison in scale between the Shire of Waroona entry statement and the proposed hoarding indicates the sheer extent to which the sign will be out of scale with its locality.

In the previous approval for the sign on the Forrest Highway, officers at the time were of the view that the proposal will have a minor affect on the character of the locality given that the new Highway already had a significant adverse impact on the aesthetics of the area.

The rural (country road) character of the South Western Highway contrast however considerably with the character of the Forrest Highway. The South Western Highway is predominantly single lane (both ways) with intermittent overtaking lanes. Significant vegetation is present right up to the boundaries of the road reserve. On entering Waroona from the North, one can observe agricultural land to either side and Scarp to the West. There is no doubt that the placement of such a large sign would be detrimental to the amenity and character of the locality as one approaches the town of Waroona.

The size of the proposed sign also contravenes the provisions of the policy. The double sided sign with two (2) sign faces of 41.58m² each is significantly larger (almost double) than the 22m² permitted in Policy 6.0.

It is noticeable that no current sign on the South Western Highway between Pinjarra and Harvey exceeds approximately 8m².

Link to Land Use

Advertising signage is intrinsically linked to the urban environment. The placing of advertising signage on commercial buildings adds to the urban fabric of a townsite. A retail outlet or a pub will displays advertising signage for products that are sold on site.

Although the proposed sign 'promises' messages from the Office of Road Safety, one side of the sign shall be exclusively dedicated to third party advertising. For a period of up to three (3) months in every 12 there shall be no message from the Office of Road Safety and both sides of the Hoarding sign shall be dedicated to third party advertising that has no link or relevance to the rural land use on which it is proposed to be erected.

Precedent

In determining this application the issue of precedent must be considered. The applicant has argued in their proposal that the Shire of Waroona has recently approved an advertising sign on the Forest Highway 'similar' to the one proposed as part of this proposal. In fact there are stark differences between the two locations, as mentioned earlier.

The reality is that if this proposal was to be approved, this would indeed set a precedent for advertising signage on the South Western Highway. It then would become more difficult for Council to refuse similar proposals in the future.



Proliferation

If Council was to approve this application and a precedent is set on the South Western Highway, the Shire of Waroona would open itself up to the potential issue of proliferation. The proliferation of inappropriate signage would detract from the visual amenity of the Shire's rural setting. This may also result in the irreversible change to the character of the locality.

The current Planning Policy 6.0 does not allow the placing of hoarding signs on land that is zoned residential under the Town Planning Scheme. However, it is silent on the placement of Hoardings on land zoned Rural. Once a precedent has been set there will be no planning controls in place to limit the amount of hoardings that can be placed on rural lots.

Conclusion

In conclusion it is quite clear to see that such a sign of such a large scale would indeed be injurious to the amenity and the rural character of the locality in which it is proposed. The proposed sign does not comply with the objectives of the Town Planning Scheme, the Local Planning Strategy and also Planning Policy 6.0. It is for these reasons and all others mentioned in this report it is recommended that Council resolves to refuse the application for Planning Consent.

COUNCIL RESOLUTION

OCM11/05/054

MOVED: Cr Snell

SECONDED: Cr Dew

That Council, with respect to the application for Planning Consent for an Advertising Sign (Hoarding) at Lot 520 (No.33) Wealand Road, Waroona, refuse the application as the proposed hoarding:

- 1. Does not comply with the objectives of the Town Planning Scheme for the Rural Zone as it would be detrimental to the amenity and therefore injurious to the rural character of the locality.**
- 2. Is not consistent with the Local Planning Strategy for the following reasons:**
 - Advertising Signage is not listed as a primary or a discretionary use in the Priority Agriculture sub precinct.**
 - The proposal does not comply with the setbacks provided for by the Strategy.**
- 3. Is not consistent with Planning Policy 6.0 in the following manner:**
 - The area of the proposed sign face (41.58m²) on each side significantly exceeds the maximum area of 22m² allowed under the Policy.**
 - The proposal is unsuitable to the location where it is proposed.**

- 4. Is located in such a prominent location that it would not serve as an appropriate entry statement to the town of Waroona.**
- 5. Has no link, as a land use, to the land on which it is proposed to be located.**
- 6. Would set a precedent for similar proposals along the South Western Highway.**
- 7. Would expose the Shire of Waroona to the issue of proliferation of advertising signage along the South Western Highway.**

CARRIED 4/2

For the Motion: Crs Snell, Dew, Walmsley, Wright

Against the Motion: Crs Salerian & Scott

Cr Witney returned to the meeting, the time being 5.20 pm.

Cr Wright left the meeting, the time being 5.20 pm.

Cr Wright returned to the meeting, the time being 5.23 pm

9.2.9 AMENDMENT TO THE 2010/11 ADOPTED BUDGET – DRY SEASON ASSISTANCE SCHEME FUNDING FOR WATER TANKS	
Reporting Officer / Officer's Interest:	Maree Ellis – Community Development Officer
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 16 May 2011	File No.: 47/1
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	Nil
Financial Implications:	2010/2011 budget \$15,000 project contribution from the Dry Season Assistance Scheme for Water Tanks. Council expenditure of \$1800 for installation & plumbing.
Voting Requirements	Absolute Majority

PROPOSAL

Council is requested to consider an amendment to the 2010/11 adopted budget in order to accept funding from the Dry Season Assistance Scheme Funding for Water Tanks.

BACKGROUND

The Shire of Waroona was one (1) of one hundred (100) Shires in the decile 2 and below rainfall range for 2010 to receive an offer of a \$15,000 funding as part of the Dry Season Assistance Scheme for 2010 from the Department of Agriculture and Food and the Rural Business Development Corporation (RBDC). The grants are to be used to purchase two (2) high volume tanks which would allow tankers to be filled rapidly in the event of an emergency such as a bushfire. The tanks are to be located in strategic locations and a site has been chosen at Centennial Park.

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

The core decision by the funding body to provide the tanks is to provide a secure water supply for Emergency Services as well as providing emergency access to water for households and stock. Locating the tanks at Centennial Park is a strategic decision taking into account access for large vehicles and the provision of an alternative water supply in the case of an emergency at a different location to the standpipe. The tanks will be filled from the existing bore and the Shire of Waroona can use the tanks for reticulation purposes at the park. This will mitigate the reserve



from dying if a total sprinkler ban should be in force and will have the capacity to reduce the mains water costs for Centennial Park by \$9,000.

COUNCIL RESOLUTION

OCM11/05/055

MOVED: Cr Dew

SECONDED: Cr Salerian

That the 2010/2011 adopted budget be amended as follows:

- **Increase expenditure of account 136240 from \$0 to \$16,800**
- **Authorise unbudgeted expenditure of \$16,800 from A/C 136240 (Job OV94).**
- **Authorise unbudgeted income of \$15,000 from grants to A/C 136330**

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2.10 AMENDMENT TO THE 2010/11 ADOPTED BUDGET – DRY SEASON ASSISTANCE SCHEME COMMUNITY SERVICE GRANTS	
Reporting Officer / Officer's Interest:	Maree Ellis – Community Development Officer
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	16 May 2011 File No.: 12/2
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	Nil
Financial Implications:	2010/2011 budget \$20,000 project contribution from the Dry Season Assistance Scheme
Voting Requirements	Absolute Majority

PROPOSAL

Council is requested to consider an amendment to the 2010/11 adopted budget in order to accept funding from the Dry Season Assistance Scheme Community Service Grants.

BACKGROUND

The Shire of Waroona was one (1) of one hundred (100) Shires in the decile 2 and below rainfall range for 2010 to receive an offer of a \$20,000 Community Service grant as part of the Dry Season Assistance Scheme for 2010 from the Department of Agriculture and Food and the Rural Business Development Corporation (RBDC). The grants are to be used to conduct wide-ranging community events to help maintain community spirit and welfare. The funds can be used to support existing events or to create new events and should be run in conjunction with local community organisations. The funds must be expended by the 30 November 2011.

COMMUNITY CONSULTATION

Waroona Visitor Centre
Waroona Agricultural Society
Waroona Youth Advisory Council
Further consultation will be conducted on acceptance of funds by council.

OFFICER'S COMMENTS

It is recommended that the funds be used to add a new component to existing events such as the Waroona Show and some Summer Events programs and explore the possibility of holding a new event or events during the winter period.



DCPS COMMENT

The grant funding for the dry seasons was a funding pool created in summer 2010/2011 as a result of the drought in rural Western Australia. Whilst income from this grant will be accepted this financial year the Shire of Waroona projects/functions will be predominantly around spring 2011 ie This requires Council to ensure that this expenditure is budgeted for in financial year 2010/2011.

COUNCIL RESOLUTION**OCM11/05/056****MOVED: Cr Scott****SECONDED: Cr Wright**

1. That the 2010/2011 adopted budget be amended as follows:
 - Authorise unbudgeted income of \$20,000 to receive the grant from the dry season assistance scheme to A/C 152130.
2. That Council budgets in 2011/2012 expenditure from account 153020 (Summer Events) of \$20,000 for the 2010 dry season assistance grant.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Joe Dineley – Senior Finance Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 10/5/11	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.3.1

<u>COUNCIL RESOLUTION</u>			
OCM11/05/057			
MOVED: Cr Witney			
SECONDED: Cr Snell			
That Vouchers numbered:			
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal	6498 - 6520	\$19,065.88	\$19,065.88
Trust	10975 - 10978	\$5,245.95	\$5,245.95
	EFT 12325, 12327, 12403- 12405		
Electronic Transfers	EFT 12326 - 12480	\$403,721.72	\$403,721.72
Direct Wages	6/4/2011 – 20/4/2011 inclusive	\$137,298.00	\$137,298.00
	TOTAL:		<u>\$565,331.55</u>
and attached at Appendix 9.3.1 be endorsed.			
			CARRIED 7/0



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2010 TO 30 APRIL 2011	
Reporting Officer / Officer's Interest:	Tamara Olsson – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 18.5.11	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.3.2**COUNCIL RESOLUTION****OCM11/05/058****MOVED: Cr Wright****SECONDED: Cr Snell**

That the Monthly Statements of Financial Activity for the period 1 July 2010 to 30 April 2011 Appendix 9.3.2 be received and noted.

CARRIED 7/0

9.4 CHIEF EXECUTIVE OFFICER

Nil.

10. CONFIDENTIAL REPORTS

Nil.

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

11.1 CR SNELL – MODIFICATIONS TO FOURACRE AND MILLAR STREETS, WAROONA	
Responsible Officer / Officer's Interest:	Chief Executive Officer, Ian Curley / Nil
Proponent:	Cr Laurie Snell
Landowner:	Shire of Waroona
Date of Report: 14.04.2011	File No: 97/1
Previous Reference:	Item 12.1.2 Feb 1022 meeting; OCM09/07/101 July 2010
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	Uncosted, out of budget expenditure proposed
Voting Requirements	Absolute Majority required to alter budget

PROPOSAL

To expand the scope of the 2010/2011 redevelopment of Fouracre Street project and to undertake alterations to the work that has been completed.

BACKGROUND

Cr Snell has provided a notice of motion, seconded by Cr Salerian, to the April 2011 Council meeting to authorise additional works and alterations to the Fouracre Street townscape construction project.

COMMUNITY CONSULTATION

Council has not undertaken any consultation on the proposals.

RECOMMENDATION FROM by Cr Snell, SECONDED by Cr Salerian :

That Fouracre Street between Millar and Coronation Road be modified to allow room for vehicles travelling both north and south, and Miller Street to be widened.

- (a) Millar Street to be widened and a T junction constructed at Millar / Fouracre Street intersection. Removal of current raised islands and placement of a stop sign on Millar Street with appropriate painting on road surface.
- (b) Approximately one metre of kerb and brick pavement on Fouracre Street between IGA car park entry and exit to be removed and replaced with bitumen painted with yellow diagonal lines.
- (c) Removal of similar portion of jutting brick and kerb pavement immediately south of IGA car park entry and replaced with yellow diagonal lines on bitumen.



- (d) Truck bay for unloading at IGA to be clearly marked with bright diagonal lines and signage to warn motorists of unloading area.
- (e) Southeast corner of Coronation Road and Fouracre Street to have cement and brick pavement partially removed and curbing/pavement modified
- (f) Change angle parking to parallel parking on west side of Fouracre Street in front of hotel.

CEO'S COMMENT

The proposals submitted by Cr Snell have not been costed, and, as such, are not recommended for support in their current format. If Council is desirous of expanding the current Fouracre Street project and altering some of the work that has already been completed it would be prudent to refer the specific works to a Council committee for detailed investigation, proper planning and budget assessment.

Major road works would not be able to be undertaken until towards the end of 2011, as the site is not conducive to being worked on during the winter months.

It is already proposed that the following projects in the Waroona CBD be included in the 2011/2012 budget –

1. The widening of the south side of Millar St (between SW Highway and Fouracre St) to enable safe parking on the south side of the road. The existing road is too narrow to allow parking on both sides. Renewing the road surface with an asphalt overlay is also proposed.
2. The reconstruction of Coronation Road (between SW Highway and the railway line), including parking on the north and south side of the road and asphalt seal. Part of the funding for this project is from Council's annual Main Roads Regional Road Group allocation. As part of this project the intersection of Coronation and Fouracre will be reconstructed and the nibs will need to be partially removed and can be modified at that time.

COUNCIL RESOLUTION

OCM11/05/059

MOVED: Cr Snell

SECONDED: Cr Salerian

That Council's Works and Services Committee be requested to identify and specify the detailed nature of any capital works requested in the Waroona CBD, including any modifications to the already constructed Fouracre Street, and refer those matters to Council to be considered for inclusion in the 2011/2012 Budget.

Such matters to be considered and costed are -

1. **Widening, for parking, the south side of Millar St (SW Hwy to Fouracre St) and modification of the Millar / Fouracre Street intersection.**



- 2. Reduction of the width of the footpath/nibs adjacent to the IGA carpark entrance.**
- 3. Widening of the Coronation Road and Fouracre Street intersection in conjunction with the reconstruction of Coronation Rd (SW Hwy to the railway line).**

CARRIED 7/0.

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

12.1 ELECTED MEMBERS

12.2 OFFICERS

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 6.32 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 28 JUNE 2011 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

