



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 28 APRIL 2011
(Held at the Preston Beach Community Centre)

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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 N Dew	Councillor
Cr J Salerian	Councillor
Cr L Snell	Councillor
Mr I Curley	Chief Executive Officer
Ms T Olsson	Acting Director Financial Services
Mr S Cleaver	Director Community & Planning Services
Mr L Fouché	Manager Planning Services
Mr M Tamblyn	Manager Environmental Health & Building Services
Mrs S Cicolari	Executive Support Officer

APOLOGIES

Cr C Germain	Councillor
Cr C Wright	Councillor

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr L Scott	Deputy Shire President
Cr T Witney	Councillor

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil.

4.2 PUBLIC STATEMENTS

Nil.

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

OCM11/04/031

MOVED: Cr Salerian

SECONDED: Cr Dew

That Leave of Absence is granted to Cr Snell for the period 25 May to 10th June 2011 inclusive.

CARRIED 4/0



6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 22 MARCH 2011

COUNCIL RESOLUTION

OCM 11/04/032

Moved: Cr Dew

Seconded Cr Snell

That the Minutes of the Ordinary Council Meeting held 22 March 2011 be confirmed as being a true and correct record of proceedings.

CARRIED 4/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.

9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

9.2.1 PROPOSED CARPORT WITH A REDUCED SIDE SETBACK – LOT 49 (3) SURF STREET, PRESTON BEACH	
Reporting Officer / Officer's Interest:	Nadine Aiberti – Planning Assistant / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Gayle Audrey Smith
Landowner:	Gayle Audrey Smith
Date of Report: 8 April 2011	File No.: CV0004 / A669
Previous Reference:	Nil
Statutory/Policy Implications:	Planning & Development Act 2005 Town Planning Scheme 7 (TPS 7) Residential Design Codes 2010 (R-Code) Local Planning Strategy 2009 (LPS)
Strategic Implications:	Objective 1 – Prepare for Growth
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The Shire of Waroona has received a Residential Design Code (R-Code) variation application for a proposed carport at Lot 49 (3) Surf Street, Preston Beach.

A copy of the submitted application and an aerial view is at **Appendix 9.2.1a** and **Appendix 9.2.1b** respectively.

Background

Financial Implications

Nil

Statutory Implications

Planning and Development Act 2005

Part 5, Section 72 of the Planning and Development Act 2005 deals with 'Local government preparation and adoption of a Town Planning Scheme.

Shire of Waroona Town Planning Scheme 7 (TPS 7)

Clause 2.2 – Residential Design Codes – SPP No. 1 WAPC of the TPS 7 states in Clause 2.2.2 *“Unless otherwise provided for in this Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those codes”*.

The subject lot is located within Urban 9 – Preston Beach Zone' of the Shire of Waroona Town Planning Scheme No. 7 (TPS 7) and is subject to Clause 4.13.1 which relates specifically to that zoning.

Clause 4.13.1 states that it is an objective of the Council *“to support the District Planning Strategy recommendations for development of the zone with flexibility to*



adapt to changing circumstances”, and “permit, at the discretion of Council, a range of uses compatible with the character and intent of the zone”.

Clause 4.13.2 states *“In exercising its discretionary powers to grant Planning Consent to development in the zone, Council will have regard for any Town Planning Scheme Policy adopted under the provisions of Clause 2.4 of the Scheme, including but not limited to, the Preston Beach Development Guide Plan, and may impose such development conditions as it thinks fit”.*

Clause 4.13.4 states *“Notwithstanding the minimum setbacks from boundaries in Table 1 of the Residential Design Codes the minimum front setback in the subdivided portion of Preston beach established at the time of Scheme Gazettal may be reduced to 4.6m and may be further reduced with planning consent of Council”.*

Planning Policy 5.0 – Setbacks and Building Envelopes.

This policy states that setbacks are outlined, for residential areas, in the Residential Design Codes.

In some cases, the setbacks provided for by the R-Codes may not necessarily be appropriate for a particular site. In this case, proponents may request that Council consider relaxing or modifying the standard requirements.

Local Planning Strategy (LPS)

The subject lot is located within Preston Beach – Residential of the LPS. The LPS states that development is to comply with the Residential Design Codes.

Residential Design Codes (R-Codes)

With respect to R-Code variations an applicant wishing to construct any form of development that does not comply with the R-Codes must submit an application to Council for approval prior to a building licence being issued.

It is a requirement as per clause 4.2.1 of the R-Codes that if the Council believes that the development will potentially affect owners of adjoining properties that the said potentially affected adjoining owners be notified and given 14 days to respond to the proposal.

If no objections are received the application can be dealt with under delegated approval, however, if objections are received the proposal must be brought before Council in order for a decision to be made.

Lot 49 Surf Street is subject to an R-Code of 15/30. Given that there is no sewage in the Preston Beach area the coding applicable is that of R15. For a single house with an R-Coding of 15, the minimum setbacks are as follows:

- 6 m from primary street
- 1.5 m from a secondary street
- */6 other setbacks/rear

** Setback depending on wall height, wall length and whether wall contains major openings or not.*

As the carport is not enclosed and has a major opening, a setback of 1.5 m applies. However, the proposed setback is 0.5 m. The primary street setback required under R-Codes is 6m; however the proposed carport would have a setback of 5.5 m from the front boundary, which would be in line with the dwelling on the lot. The proposal is, however, not consistent with table 2b of the Residential Design Codes acceptable development provisions. It should, however, be noted that Clause 4.13.4 of the TPS allows a reduced front setback of 4.6m.

An R-Code Variation is therefore required and is to be determined in terms of performance criteria P1 in section 6.3.1 – Building setback from the boundary.

Community Consultation

A letter was sent to the adjoining property owner, which is located to the south of the property, requesting comment on the proposal. A letter was received from the owners objecting to the proposal. A copy of the Schedule of Submissions can be found at **Appendix 9.2.1 c**.

Internal Referral

The Engineering Department had no comment on the application. However, as the objection pertains to drainage a condition will be added to notify the applicant that all stormwater and drainage run-off shall be contained on site, that without the prior written approval of Council no stormwater is to be discharged into or on the road reserve, or connected to a Council stormwater legal point of discharge.

The Building and Health Department had no additional comment.

Officer's Comments

The proposed variation of the R-Codes is consistent with the Performance Criteria of 7.1.4 – Side and rear boundary setbacks are met as follows:

- A. *Ensure adequate daylight, direct sun and ventilation for buildings and open space associated with them;*

As can be seen in **Appendix 9.2.1d** the adjoining property stands considerably higher than Lot 49 and the fence between the two properties is level with the peak of the proposed carport, therefore there would be no overshadowing onto the neighbouring property.

- B. *Moderate the visual impact of building bulk on a neighbouring property;*

It is deemed that the visual impact on the neighbouring property, would not be considerable.

- C. *Ensure access to daylight and direct sun from adjoining properties; and*

As with A (above) the adjoining property stands considerably higher and the proposed carport would not affect the access to sunlight for the adjoining property.

- D. *Assist with the protection of privacy between adjoining properties.*

It is believed that the proposed carport would give more privacy to the owner of Lot 49 from the adjoining property owner, who overlooks Lot 49.

Submission by neighbouring property owner

See Schedule of Submissions at **Appendix 9.2.1c**. A submission has been received from the adjoining land owner, regarding the following concerns:

1. *That the rain coming off the roof would run down between the fence of the retaining wall undermining and weakening it?*
2. *Impingement on our amenity and surveillance of the street.*
3. *The roof pitch will reflect the sunlight and generate heat.*
4. *Impediment on neighbour's vista.*
5. *If we were to have another hail storm like the one in March 2010, the hail would ricochet off the roof and damage any vehicle parked on our side of the fence.*
6. *This large bland structure close to the fence will have significant affect on the streetscape of our home.*

Responses to these concerns have been provided in the **Appendix 9.2.1c** - Schedule of Submissions. Please also find attached **Appendix 9.2.1 d** and **Appendix 9.2.1 e** which shows the location of Lot 49 in regards to the adjoining property.

Conclusion

The Town Planning Scheme permits a variation of the R - Codes as long as the necessary criteria are satisfied. Given the above assessment, the proposed R - Code variation is not considered to have a significant adverse affect on the amenity of adjoining landowners as all valid concerns will be addressed with conditions. The proposed development is not considered to be detrimental to the amenity of the area in general and the proposed dwelling is generally in compliance with the R – Codes. The reduced side setback of the southern wall, is considered to be 'acceptable development'. Therefore, there is no reason to refuse the application and the application is recommended for approval subject to the conditions and advice notes noted below.

COUNCIL RESOLUTION**OCM 11/04/033****Moved: Cr Snell****Seconded: Cr Salerian**

In relation to the proposed Carport at Lot 49 (3) Surf Street, Preston Beach, Council resolves to approve the Residential Design Codes approval application to allow a reduced side setback of 0.5 m subject to the following conditions and advice notes:

1. The carport hereby approved shall be constructed in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.
2. All stormwater and drainage run-off shall be contained on site to the specification and satisfaction of the Director Technical Services. Without the prior written approval of Council no stormwater is to be discharged into or on the road reserve, or connected to a Council stormwater legal point of discharge.
3. Building materials are to be of a standard and colour complementing and blending in with the amenity of the area, to the satisfaction of the Manager Planning Services.
4. The development approved is to be substantially commenced within two (2) years after the date of the determination. The approval lapses if the development has not substantially commenced before the expiry of that period.

Advice to applicant:

- A. The applicant is advised that no site works shall commence until a Building Licence has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the dwelling is to comply with the Building Code of Australia.
- B. In relation to Condition 3, no highly reflective or white material is to be used. Colour schemes are to be of muted tones that will blend in with the environment.

CARRIED 4/0

9.2.2 WELLINGTON LOCATION 2143 WILLOWDALE ROAD, WAGERUP - PLANNING CONSENT FOR EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY LICENCE	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	B and J Catalano PTY LTD
Landowner:	William John Brown
Date of Report: 8 March 2011	File No: TP1404/EI29
Previous Reference:	TP871
Statutory/Policy Implications:	Planning and Development Act 2005. Environmental Protection Act 1986 Peel Region Scheme 2003 Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy Shire of Waroona Town Planning Scheme No. 7 Extractive Industries Local Law 1999 Local Planning Strategy 2009 Local Planning Policy 15.0 Extractive Industry
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 <ul style="list-style-type: none"> • 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 has been made for the renewal of a Planning Consent for an Extractive Industry as well as the Extractive Industry Licence for Location 2143 Willowdale Road, Wagerup. See location Map at **Appendix 9.2.2a**.

The mine site operations are divided into three stages consisting of 4Ha, 2.2Ha and 11.6Ha. The mining activity will include gravel extraction, crushing and stockpiling and rehabilitation with the cover material replaced and the local native species replanted. Annual extraction is estimated at 36 000 tonnes. The proposed number of working days per month is 24 days and it is expected that this will average ten to fifteen truck movements per day.

Background

The original Planning Consent and Licence was granted on 27 April 2006 and is set to expire on 27 April 2011.

An Environmental Protection Association (EPA) licence exists for the operation of the Extractive Industry.

The site covers 64.8HA and is situated approximately 9km by road east of the South Western Highway. The current Extractive Industry Licence is for the extraction of laterite gravel covering an area of 14.5 HA. Some rehabilitation has already taken place in the first cell of extraction.



Statutory Implications

Environmental Protection Act 1986 (EP Act)

Part V of the EP Act 1986 deal with Environmental Regulation. This section of the act covers pollution and environmental harm, the clearing of native vegetation and prescribed premises, works approvals and licences. This proposal was assessed by the Department of Environment and Conservation under Part V of the Act for the activities of crushing and screening, and a licence to operate was issued on 10 June 2010 which addresses all areas of concern from a Part V (of the EP Act) perspective . This licence expires 13 June 2015.

Peel Region Scheme 2003

Clause 5 (b) states that it is the purpose of the Scheme to provided for the zoning of land for living, working and rural land uses.

Clause 6 (h) states that it is an aim of the Scheme to provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.

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 subject lot is zoned Rural 5 – Darling Range under the Town Planning Scheme No. 7. Within this zone, 'Industry – Extractive' is listed as an 'AA' use and may be granted at the discretion of Council.

Extractive Industries Local Law (1999)

The Shire's Extractive Industries Local Law 1999 stipulates the type of matters that can be imposed as conditions on a Licence.

Part 4 of the Local Law deals with the renewal of a Licence.

Clause 14 (1) states that a licensee who wishes to renew a licence must apply in writing to the local government at least 42 days before the date of expiry of the licence and lists the documentation that must be submitted with the application for renewal.

Clause 17 (1) of the Extractive Industry Local Law 1999 states that the applicant:

"Must not without the written approval of the Local Government, excavate within'

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare;"

Strategic Implications

Shire of Waroona Strategic Plan 2005 – 2025

The Long-term sustainability of the Shire is paramount. There is a need to encourage business and allow private enterprise to flourish. Opportunities are needed for large and small-scale business. This in turn will generate employment opportunities resulting in economic benefits and industrial diversity.

Strategic Planning Implications

Strategic Minerals and Basic Raw Materials Policy (PRS Policy)

Section 2 states that Industry – Extractive to be a permitted use in all Rural zones.

Section 3 states that the extraction of sand, gravel and limestone should be permitted on sites where clearing of significant vegetation is not required and where the operations can be undertaken without unreasonable impact on the locality and environment. Extensive rehabilitation is to be undertaken on a cell by cell basis on all extraction sites upon completion of extraction in that cell.

Section 5 encourages the timely and comprehensive rehabilitation of mine sites.

Although the subject lot is not identified as a strategic minerals and basic raw materials resource policy area, it is identified as a known gravel resource area under this policy. See Map at **Appendix 9.2.2b**.

Town Planning Policy No. 15.0 – Extractive Industry

1. Council's recognises that extractive industry is and will remain a necessary and important part of the economic life of the Shire.
2. Applications for planning consent for extractive industry and/or for an extractive industry licence, whether they are new applications or applications for renewal of previously granted approvals, must be accompanied by the following documentation:
 - (a) A clear, concise, well-presented excavation management;
 - (b) A diagram prepared by a licensed surveyor indicating existing levels, proposed levels at the time when the approval being applied for will expire and proposed levels at the termination of extraction activity; and
 - (c) A rehabilitation plan that provides for clear and measurable outcomes, or, where a proposal has been assessed by the EPA, meets EPA requirements.
3. The primary role of the Town Planning Scheme is to determined whether the proposed extractive industry is consistent with the Zone in which is located, the amenity of adjoining or nearby properties and that the local road system is capable of supporting the demands that will be placed upon it by the transport of the extracted material. Other issues should generally be addressed via the Extractive Industry Local Law.

4. Planning consent for extractive industry and extractive industry licences shall be issued for a maximum period of five years.
5. Where extractive industry licences are issued for more than two years duration, a condition shall be applied requiring the submission of a progress report mid-way through the period of the licence. The progress report shall be prepared to the same standard as is required for applications and, in particular, must be accompanied by a diagram prepared by a licensed surveyor indicating the extent of excavation at the time of the progress report. If the progress report is not provided and endorsed prior to the time specified in the approval, then extraction must cease until such time as a satisfactory progress report is provided.
6. Where extractive industry is proposed the resultant increase in traffic is likely to have a significant impact on the local road system, the applicant shall, as a condition of planning consent, be required to make a proportionate contribution.

Local Planning Strategy

14.0 Minerals and Basic Raw Materials

Minerals contribute significantly to the economy. Mineral extraction and processing is a key component of the local economy. Basic raw materials are essential for the road and constructions industries.

14.1 Mineral and Basic Raw Materials Considerations

There is one remaining gravel pit in the Darling Range. Other reserves exist and may be extracted in the future. Providing that an appropriate setback to sensitive land uses is maintained and the sites are not visible from the coastal plain, this form of extraction is supported.

Precinct

The subject lot is located within the Scarp and Darling Range precinct of the LPS. Lot 2143 is designated General Agricultural within the LPS. It is an objective of the LPS to provide for the continued use of the area for a range of agricultural pursuits.

Industry Extractive is listed as a discretionary use in the general agriculture sub – precinct of the Scarp and Darling Range precinct.

Referrals / Community Consultation

The application was advertised to adjoining landowners and relevant public authorities for comment under clause 14 (3)(c) of the Extractive Industries Local Law. The application was also forwarded to a number of Public Authorities, the Department of Mining and Petroleum, the Department of Environment and Conservation as well as the Shire of Harvey and the Environmental Protection Authority.

See Schedule of Submissions at **Appendix 9.2.2c**.

Shire of Harvey

As the subject lot shares a boundary with the Shire of Harvey the proposal was forwarded to Harvey for comment. The Shire of Harvey's Environmental Officer



expressed concerns that the Excavation and Rehabilitation Management Plan has not included sufficient information to ensure a successful rehabilitation program -

1. Weed Control – although weeds are not currently considered to be a problem on site, the Plan should still address vehicle and machinery hygiene, weed control of the topsoil stockpiles and the rehabilitated areas.
 - The applicant currently implements a weed management plan aimed at controlling the Watsonias that occur along the entrance road to the property. Other weeds are not a problem on site, but this will be monitored and if problems occur then the necessary weed management will be implemented.
2. Rehabilitation – the Plan does not include a recommended species list or seeding rate (kg/ha) for the direct seeding works.
 - An advice note has been added stating that replanting must be in accordance with the recommended species list for West Coast soils.
3. Monitoring, Maintenance and Completion Criteria – the Shire of Harvey would generally require Extractive Industry rehabilitation works to have a maintenance period of two to three years after the initial works, which incorporates weed control and re-seeding or infill planting. Completion criteria are normally required to be able to assess the success of the rehabilitation at closure.
 - A condition has been added to address this issue.

Department Environment Conservation

This proposal was assessed by DEC (Part V) for the activities of crushing and screening, and a licence to operate has been issued which addresses all areas of concern from a Part V (of the EP Act) perspective. There are no further comments with regards to this aspect.

The extraction areas on the property were previously subject to an approved clearing permit. This clearing permit has now expired and if the current proposal involves the clearing of native vegetation, then a clearing permit may be required. This has been dealt with by the addition of an advice note.

Environmental Protection Authority

The Environmental Protection Authority had no further comment to make on this matter other than to defer to the licence issued by the DEC.

Department Mines and Petroleum (DMP)

The DMP had no comment to make on the application.

Alcoa World Alumina Australia (Alcoa)

Due to the proximity of the site to Alcoa Alumina refinery the proposal was also referred to Alcoa for comment. Alcoa had no objection to the proposal but they sought assurance that an appropriate traffic management plan is developed and implemented to ensure safety of road users. It is not felt that the renewal of this Licence warrants a traffic management plan as the number of truck movements per day is likely to be less than those of the current licence.

Internal Referral

Upon referral to the Shire's Technical Services Directorate, the Shire's Consulting Engineer stated that a bond on the road is required. A condition has been added to address this issue.

Advice from the Manager Environmental Health and Building Services states that a Dust Control Plan is to be developed, and that control of dust is a condition of the current licence. It is also requested that a Noise Management Plan be developed. The 2011 Lundstrom Environmental Report is not substantial in both these regards.

Officer's Comments

As noted this proposal is for the renewal of the Planning Consent and Extractive Industry Licence for one that has been operating successfully for five years. A comprehensive application from the proponent addresses the majority of issues that may arise from such a proposal.

A site visit confirmed that extraction is currently being undertaken in accordance with the conditions of the current licence. The new proposal, while larger in area, will not contravene the existing conditions of approval.

The proposal is compliant with the objectives of Planning Policy 15.0. This policy recognises the need for extractive industry, undertaken in a proper manner, within the Shire of Waroona.

Rehabilitation

The rehabilitation process for mined areas of the subject site is relatively simple. See Rehabilitation map at **Appendix 9.2.2d**. Rehabilitation of the completed areas will be progressive and the follow the steps listed in part 6 of the application. A minor stage of rehabilitation has taken place successfully by the proponent. An advice note has been added stating that the species of vegetation planted must be consistent with the West Coastal Soil Species list.

Length of Approval

The applicant is seeking a five (5) year approval for both the Planning Consent and the Extractive Industry Licence (EIL). In accordance with the Shire's *Extractive Industry Local Laws*, a Licence may be issued for a period of up to 21 years. It is recommended to Council that a five (5) year EIL and Planning Consent is granted. This is generally the standard period applied by the Shire in relation to Planning Consents and Extractive Industry Licences.

Conclusion

The proposal is generally sound and the demand for the gravel resource is not disputed. The proponents supply gravel to many local governments including Harvey, Mandurah and Waroona.

The assessment above indicates that the proposal complies with the PRS Strategic Minerals and Basic Raw Materials Policy, the Local Planning Strategy, Planning Policy 15.0 as well as the Local Law for Extractive Industries. Also all of the concerns that were raised in received submissions have been addressed through the addition of conditions. There is therefore no reason to refuse the application and it is recommended for approval subject to the conditions and advice notes noted below.

COUNCIL RESOLUTION

OCM 11/04/034

Moved: Cr Dew

Seconded: Cr Salerian

That with respect to the application for Planning Consent for an Extractive Industry and an Extractive Industry Licence at Location 2143 Willowdale Road, Wagerup, Council resolves to:

- A. Approve the application for Planning Consent for an Extractive Industry for a period of five (5) years subject to the following conditions:**
- 1. A site rehabilitation plan in accordance with part 6 of the submitted application (received 1 March 2011) shall be implemented by the holder of the Extractive Industry Licence to the satisfaction of the Manager Planning Services.**
 - 2. A water management plan in accordance with part 5.5.2 of the submitted application (received 1 March 2011) shall be implemented by the holder of the Extractive Industry Licence.**
 - 3. A Weed Management Plan in accordance part 5.2 of the submitted application (received 1 March 2011) shall be implemented by the holder of the Extractive Industry Licence to the satisfaction of the Manager Planning Services.**
 - 4. A Monitoring, Maintenance and Completion Criteria plan shall be submitted to the satisfaction of the Manager Planning Services.**
 - 5. The Licence holder shall enter into an agreement with the Shire of Waroona by which they agree to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic, as determined in the agreement, conducted by or on behalf of the Licence holder.**

6. **Excavation depths shall not extend below one (1) metre above the highest known water table.**
7. **A Dieback prevention plan shall be submitted to and approved by the Manager Planning Services.**
8. **A Noise mitigation and suppression plan shall be submitted to and approved by the Manager Environmental Health and Building Services.**
9. **A Dust Suppression Plan shall be submitted to and approved by the Manager Environmental Health and Building Services.**
10. **Stockpiles of gravel and topsoil shall be regularly watered so as to prevent dust from blowing onto nearby properties.**
11. **Stockpiles of gravel and topsoil shall not be located on the high ridgelines of the property and stored in an east/west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion).**
12. **Topsoil shall, when possible, be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs.**
13. **A Topsoil management plan shall be submitted to and approved by the Manager Planning Services.**
14. **The development approved is to be substantially commenced within two (2) years after the date of the determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**
15. **This approval shall expire after five (five) years from the date of the determination.**

Advice to the Applicant:

1. **In relation to condition number 1, species of vegetation to be planted will be taken from the West Coastal Soil Species list.**
2. **In relation to condition number 4, this plan shall detail the maintenance of the site for a period of two years after the initial works are completed, incorporating weed control, re-seeding and infill planting.**
3. **A clearing permit, from the Department Environment Conservation, may be required if clearing is intended to be undertaken on the lot.**

- 4. In relation to Condition 15, should the continuation of the extractive industry be required after the expiry of the Planning Consent, a new Planning Consent application will be required.**
- B. Issue an Extractive Industries Licence subject to the following conditions:**
 - 1. Operations must be undertaken in a manner consistent with the applicant's submission.**
 - 2. Operations must be carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.**
 - 3. Clearing and rehabilitation is to occur in accordance with an approved Rehabilitation Management Plan.**
 - 4. Operations must not take place within 20 metres of the boundary of any land on which the excavation site is located.**
 - 5. Council reserves the right to direct that cartage over particular roads may be redirected from time to time, and in the case of road failure, may direct that cartage operations over designated roadways cease entirely for the period specified.**
 - 6. Pit faces to be kept in a safe condition at all times.**
 - 7. The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
 - 8. Excavation depths shall not extend below one (1) metre above the highest known water table.**
 - 9. A Dieback prevention plan shall be submitted to and approved by the Manager Planning Services.**
 - 10. A Noise mitigation and suppression plan shall be submitted to and approved by the Manager Environmental Health and Building Services.**
 - 11. A Dust suppression plan shall be submitted to and approved by the Manager Environmental Health and Building Services.**
 - 12. Stockpiles of gravel and topsoil shall be regularly watered so as to prevent dust from blowing onto nearby properties.**

- 13. Stockpiles of gravel and topsoil shall not be located on the high ridgelines of the property and stored in an east/west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion).**
- 14. Topsoil shall, when possible, be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs.**
- 15. A Topsoil management plan shall be submitted to and approved the Manager Planning Services.**
- 16. No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of Council detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
- 17. Payment of the annual licence renewal fee as determined under the Shire of Waroona Extractive Industries Local Law (\$165 per year for less than 1 hectare at the time of determination).**
- 18. The Licence holder shall enter into an agreement with the Shire of Waroona by which they agree to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic, as determined in the agreement, conducted by or on behalf of the Licence holder.**
- 19. The licence shall be valid for a period of five (5) years from the date of this approval.**

Advice to the Applicant:

- 1. In relation to Condition 19, should the continuation of the extractive industry be required after the expiry of the Licence, a renewal of the Extractive Industries Licence will be required.**

CARRIED 4/0

9.2.3 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.

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION

OCM 11/04/035

Moved: Cr Salerian

Seconded: Cr Snell

That consideration of Item 9.2.3 be deferred until the May Ordinary Council meeting.

CARRIED 4/0

9.2.4 ENTRY KEYS – BUILDINGS ON SHIRE PROPERTY	
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:	Cr Trish Witney
Landowner:	Shire of Waroona
Date of Report:	5 May 2011 File No.: 44/1
Previous Reference:	OCM 11/03/030
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

To amend Council Leases on expiry to ensure that the Shire has entry keys to all buildings on Shire property.

Background

At the March 2011 Ordinary Council meeting it was raised that the Shire does not have access to all Council owned buildings. This requires Council Officers to negotiate entry for various functions, routine maintenance and emergencies. This results in slight additional costs for Shire Officers and Contractors to contact building owners and arrange to meet the key holders on site.

Community Consultation

Nil

Officer's Comments

All Council buildings user groups are dealt with by a landlord/tenant peppercorn lease arrangement. A general clause in the agreement is that the lessee permits the lessor to enter onto the demised premises to examine and repair the premises. Further legal advice would be required as to the extent of this clause.

In the case of the Lake Clifton Hall which was used for the Lake Clifton Fires the Shire has always been able to access the building for routine maintenance and for public meetings. A similar arrangement exists for the Preston Beach Community Centre and the Waroona Football Club.

It is recommended that Council instruct the Chief Executive Officer to amend the various leases when they are due to reflect a need for users to provide key access for maintenance and emergencies.

COUNCIL RESOLUTION

OCM 11/04/036

Moved: Cr Dew

Seconded: Cr Walmsley

That the Chief Executive Officer is to ensure that all future Shire-owned building leases require entry keys to be provided to the Shire for building maintenance and emergency purposes.

CARRIED 4/0

9.2.5 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:	5 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 which is 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.

OFFICER RECOMMENDATION

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.

COUNCIL RESOLUTION

OCM 11/04/037

Moved: Cr Snell

Seconded: Cr Salerian

That consideration of Item 9.2.5 be deferred until the May Ordinary Council meeting.

CARRIED 4/0

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: 14/4/11	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

COUNCIL RESOLUTION			
OCM 11/04/038			
Moved: Cr Snell			
Seconded: Cr Dew			
That Vouchers numbered:			
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal Trust	6464 - 6497	\$33,440.06	\$33,440.06
	10971 - 10974	\$8,699.85	\$8,699.85
	EFT 12175 to 12178 & 12266, 12322, 12323		
Electronic Transfers	EFT 12174 - 12324	\$478,924.41	\$478,924.41
Direct Wages	09/02/11 – 23/02/11 inclusive	\$145,312.60	\$145,312.60
	TOTAL:		<u>\$666,376.92</u>
and attached at Appendix 9.3.1 be endorsed.			
			CARRIED 4/0



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2010 TO 31 MARCH 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: 18.04.2011	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****OCM 11/04/039****Moved: Cr Dew****Seconded: Cr Salerian**

That the Monthly Statements of Financial Activity for the period 1 July 2010 to 31 March 2011 Appendix 9.3.2 be received and noted.

CARRIED 4/0

CHIEF EXECUTIVE OFFICER

9.4.1 DRAKESBROOK PUBLIC CEMETERY – ENDORSEMENT OF NEW NICHE WALL DEVELOPMENT / REDEVELOPMENT	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer
Responsible Officer / Officer's Interest	Kirsty Ferraro, Senior Rates Officer
Proponent:	Drakesbrook Public Cemetery Working Group
Landowner:	n/a
Date of Report: 5 May 2011	File No.: 30/1
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	Will allow development of new niche wall and redevelopment of the current Drakesbrook Public Cemetery Niche Wall.
Financial Implications:	N/A
Voting Requirements	Simple Majority

Proposal

For Council to acknowledge the need for the development of a new niche wall and redevelopment of the current niche wall at the Drakesbrook Public Cemetery by including the project in its Forward Capital Works Plan at its annual review.

Background

The Drakesbrook Cemetery Working Group has identified the need for the construction of a new niche wall. This need is a result of the lack of space available in the current niche wall. The construction of a new wall also provides an opportunity for the redevelopment of the existing niche wall and will provide much needed shelter and seating for visitors to the cemetery.

The working group have discussed possible structures for a new niche and have agreed on a similar design to a recently constructed niche wall at the Donnybrook Cemetery. Members of the group travelled to Donnybrook to inspect the new niche and believe the structure will fit in effortlessly with the current bush environment of the Drakesbrook Public Cemetery. The new niche will provide eight panels in the centre of an octagonal gazebo structure. Each panel allows for either 20 double interments or 30 single interments. The Shire of Donnybrook have also provided with the plans of the structure to which they have copyright to. In addition to the construction of a new niche we also wish to construct a similar gazebo structure over the existing niche wall, therefore tying the design into the new niche. The redevelopment would also include new pathways and gardens surrounding the structure.

Community Consultation

The committee intends to apply for funding through Royalties for Regions once the project has been endorsed by Council. Once the funds for the project have been approved the project will be announced to the community and consultation process undertaken.

Officer's Comments

The construction of a new niche wall should be considered a necessity rather than a want. Our current facility is lacking space with minimal room remaining for double interments. Currently there are only 12 vacant double interments remaining with only 3 of these higher than the bottom row of which community members are unlikely to choose. The working group have also identified a lack of shade and seating at the cemetery of which the new niche structure will provide both. The development of a new niche wall, redevelopment of the current niche wall and improvements to the pathways and gardens will result in beautification of the cemetery and the commencement of a long term plan to improve facilities at the cemetery for the community of Waroona.

COUNCIL RESOLUTION**OCM 11/04/040****Moved: Cr Snell****Seconded: Cr Salerian**

- a) **That Council acknowledge the need for the construction of a new niche wall, redevelopment of the current niche wall and surrounding gardens at the Drakesbrook Public Cemetery and include this project in its Forward Capital Works Plan.**
- b) **That Council approves in principle the design to the new niche wall to be similar to that which is constructed at the Donnybrook Cemetery, and**
- c) **That plans for the new niche wall are advertised for public comment prior to construction commencing.**

CARRIED 4/0

10. CONFIDENTIAL REPORTS

Members of the public will be excluded from the meeting as the following report is of a confidential nature.

COUNCIL RESOLUTION**OCM11/04/041****MOVED: Cr Salerian****SECONDED: Cr Snell**

That the meeting be closed to members of the public in accordance with Section 5.23(2)(d) of the Local Government Act 1995 to discuss a matter of a confidential nature relating to an unauthorised sea container. The time being 4.17pm.

CARRIED 4/0**10.1 INTENTION TO PROCEED WITH PROSECUTION – LOT 131 (3) WILLIAMS PLACE, WAROONA.**

Reporting Officer / Officer's Interest:	Nadine Aiberti – Planning Assistant / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Shire of Waroona
Landowner:	Mr Peter John & Mrs Jennifer Brady
Date of Report: 15 April 2011	File No.: A1850
Previous Reference:	Nil
Statutory/Policy Implications:	Planning and Development Act 2005 Town Planning Scheme 7 (TPS 7) Planning Policy 18.0 Sea Containers
Strategic Implications:	Objective 1 – Prepare for Growth
Financial Implications:	Fines of up to \$50,000 and daily penalties of \$5,000 apply
Voting Requirements	Simple Majority

COUNCIL RESOLUTION**OCM11/04/042****MOVED: Cr Dew****SECONDED: Cr Snell**

That in relation to the unauthorised sea container at Lot 131 (3) Williams Place, Waroona Council resolves:

- A. To grant an extension of time to Mr Peter and Mrs Jennifer Brady, for the removal of the sea container from the Lot until 30 June 2011.**
- B. That should the sea container not be removed by 30 June 2011 (subject to legal advice) Council will proceed with legal action/prosecution without further notice being given.**

C. That the Chief Executive Officer be authorised to sign all necessary documentation in relation to the prosecution.

CARRIED 4/0

COUNCIL RESOLUTION

OCM11/04/043

MOVED: Cr Salerian

SECONDED: Cr Snell

That the meeting resume in public, the time being 4.32 pm.

CARRIED 4/0

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.

OFFICER RECOMMENDATION

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.

COUNCIL RESOLUTION

OCM 11/04/044

Moved: Cr Snell

Seconded: Cr Dew

That consideration of Item 11.1 be deferred until the May Ordinary Council meeting.

CARRIED 4/0



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

12.1 ELECTED MEMBERS

12.1.1 Police Presence at Preston Beach over Easter

Council resolve that a letter of thanks be forwarded to the Waroona Police thanking them for their increased patrols at Preston Beach over the Easter long weekend.

12.2 OFFICERS

12.2.1 Lord Mayor’s Distress Relief Fund – Lake Clifton Fire

Council resolved that a letter of thanks be forwarded to the City of Perth in appreciation of their assistance and effort with regard to the Lord Mayor’s Distress Relief Fund.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 4.56 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 24 MAY 2011 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

