



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 14 FEBRUARY 2012

(Held at the Waroona Shire – Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.01 pm and welcomed Councillors and Staff present.

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

Cr N Dew	Shire President
Cr L Scott	Deputy Shire President
Cr J Salerian	Councillor
Cr C Germain	Councillor
Cr C Wright	Councillor
Cr J Mason	Councillor
Cr T Witney (from 4.02 – 4.04pm)	Councillor
Mr I Curley	Chief Executive Officer
Mr L Tilbrook	Deputy Chief Executive Officer
Mr L Fouché	Manager Planning Services
Mr S Cleaver	Director Community & Planning Services
Mrs S Cicolari	Executive Support Officer
Mr G Delahunty	Town Planner

APOLOGIES

Cr L Look Councillor

There were three 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

Nil.

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

OCM12/2/001

MOVED: Cr Scott

SECONDED: Cr Germain

That a Leave of Absence be granted to Cr Trish Witney for the March Ordinary Council meeting.

CARRIED 7/0



Cr Witney left the meeting, the time being 4.04 pm and did not return.

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Wright declared a Financial Interest in item 9.2.3 and item 9.2.5 as the outcome of item 9.2.3 affected agenda item 9.2.5 of which he was the landowner and applicant of the subject lot.

Cr Dew declared a proximity interest in item 9.2.8 as he resided adjacent to the proposed location of this application.

Cr Scott declared an interest affecting impartiality of Item 9.2.11 as he is a member of the Waroona Golf Club.

Cr Mason declared an interest affecting impartiality of Item 9.2.11 as he is a member of the Waroona Golf Club.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Mr Ben Carter – Greg Rowe & Associates

Mr Carter from Greg Rowe & Associates advised he was attending on behalf of the applicant of Item 9.2.4 for an application for planning consent for an advertising sign at Lot 520 (33) Wealand Road, Waroona.

He provided an outline of the proposed application noting this application had been varied since the last application which had been refused by the Council. He requested the Council to consider approving the application.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 20 DECEMBER 2011

COUNCIL RESOLUTION

OCM12/2/002

MOVED: Cr Wright

SECONDED: Cr Mason

That the Minutes of the Ordinary Council Meeting held 20 December 2011 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.



9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

9.2.1 CROWN RESERVE 31319, SCARP ROAD, WAROONA - TRANSFER OF VESTING FROM DEPARTMENT OF WATER TO CONSERVATION COMMISSION OF WESTERN AUSTRALIA	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil
Proponent:	Department of Environment and Conservation
Landowner:	Crown Land
Date of Report: 19 January 2012	File No: 87/1
Previous Reference:	Nil
Statutory/Policy Implications:	Land Administration Act 1997 Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 2 – Conserve Our Pristine Environment
Financial Implications:	Nil
Voting Requirements	Simple Majority

BACKGROUND

Lot size	60.3 Ha
Existing improvements	Nil

There are no buildings or structures on the site. An access track provides a secondary access to Lot 184 Scarp Road to be used in case of emergency. Scarp Road also runs through the reserve and is of gravel construction in this location. The lot is generally undulating and densely vegetated throughout with both tall tree and undergrowth. A Location Plan is at **APPENDIX 9.2.1**.

PROPOSAL

Notification has been received from the Department of Environment and Conservation that the Department of Water wishes to relinquish the vesting of Reserve 31319. Given the quality of the vegetation within the reserve it is proposed that the Conservation Commission of Western Australia would take over the vesting.

STATUTORY IMPLICATIONS

Land Administration Act 1997

Part 4 of the Land Administration Act 1997 (Act) provides for the vesting and change of vesting of crown land. As the Shire of Waroona is not involved in the administration of the Act, there are no obligations on the Shire under the Act and its relationship with reserve 31319.



STRATEGIC/POLICY IMPLICATIONS

Shire of Waroona Strategic Plan 2005-2025

Objective 2 of the strategic plan is to *Preserve Our Pristine Environment*. The vesting of reserve 31319 to the Conservation Commission of Western Australia will enable the reserve to be maintained as natural vegetation. The Department of Environment and Conservation has indicated that the reserve may be included in State Forrest 14 at a future date.

Local Planning Strategy 2009

Reserve 31319 is designated as General Agriculture under the Local Planning Strategy. The considerations of the General Agriculture classification of the Local Planning Strategy state that viable areas of priority vegetation are to be considered for protection. The vesting of the land to the Conservation Council will enable it to be retained as protected vegetation.

COMMUNITY CONSULTATION

Community Consultation was not required nor sought for this matter.

Internal Referral

The Shire's Consulting Engineer stated that there were no concerns with the proposal.

OFFICER'S ASSESSMENT

The change in vesting of reserve 31319 will have minimal impact on the Shire of Waroona and its relationship with the reserve. The native vegetation on the reserve is to be retained and maintained into the future by the Conservation Commission. The Shire will therefore not have any management responsibilities in relation to the reserve.

Given the minimal impact on the Shire of the proposed change in vesting it is recommended that the Shire respond to the Department of Environment and Conservation stating that it has no objection to the proposed alteration.

COUNCIL RESOLUTION

OCM12/2/003

MOVED: Cr Scott

SECONDED: Cr Wright

- 1. That Council, in respect to the notification received from the Department of Environment and Conservation proposing the change in vesting of Reserve 31319, respond stating that it has no objection to the proposal.**

CARRIED 6/0



9.2.2 LOT 50 & 51 DORSETT ROAD, WAROONA - 4 LOT SUBDIVISION	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Thompson Surveying Consultants
Landowner:	Marbar Nominees Pty Ltd
Date of Report: 18 January 2012	File No: SD145450
Previous Reference:	SD132427
Statutory/Policy Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme No. 7 Local Planning Strategy 2009 WAPC Development Control Policy 1.1 WAPC Development Control Policy 3.4
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth Objective 3 – Protect and Conserve Agricultural Lands and Rural Land Uses
Financial Implications:	Nil
Voting Requirements	Simple Majority

BACKGROUND

Lot size	161.6 Ha
Existing improvements	Two Sheds, Sea Container and Stock Yards

A Western Australian Planning Commission subdivision application referral was received for a four (4) lot subdivision of Lots 50 and 51 Dorsett Road, Waroona.

The lots are generally flat, low laying farmland, with tree lines established on boundary fences. The vast majority of the lots has been cleared and is currently used for agricultural purposes.

A location plan is at **APPENDIX 9.2.2A**.

PROPOSAL

The application proposes the subdivision of the two (2) 80.8ha parent lots into four (4) lots. Proposed lots are all 40.4ha. All lots are proposed to have direct frontage onto Dorsett Road. The proposal plan is at **APPENDIX 9.2.2B**.

Previous Applications

SD132427 – subdivision application received 21 August 2006. Proposed subdivision of the original 161.6ha parent lot into two (2) 80.8ha lots. The application was recommended for approval by the Shire and was approved by the WAPC on 15 February 2007 as it was consistent with the Rural 1 – General Farming zone and the then Draft Local Planning Strategy.

STATUTORY IMPLICATIONS

Peel Region Scheme

Lots 50 and 51 are zoned Rural under the Peel Region Scheme. The objective of the Rural zone under the Peel Region Scheme states:

“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 mineral, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planner rural living developments.”

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

Shire of Waroona Town Planning Scheme

The subject lot is located within the ‘Rural 1 – General Farming’ zone under the Shire of Waroona Town Planning Scheme No. 7. Clause 4.14 relates to rural zones but fails to specify criteria for subdivision of land within the rural zones.

STRATEGIC/POLICY IMPLICATIONS

WAPC Development Control Policy 1.1 Subdivision of Land – General Principles

Objectives of Development Control Policy 1.1 include:

- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- To ensure a comprehensive and coordinate approach to the subdivision of urban expansion areas in metropolitan Perth, regional centres and country towns.
- To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.
- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.

WAPC Development Control Policy 3.4 Subdivision of Rural Land

Section 4.2 of DC Policy 3.4 states:

“In broadacre farming areas large lots may be subdivided to create lots which are consistent with the size of lots used for farming in the locality and allow for continued broadacre farming. Neither lots created in the early days of settlement nor tied lots will be used in determining prevailing lot sizes in a locality or for creating a precedent for further subdivision.”

Assessment of the application against these objectives and provisions is detailed in the officer’s comment section.

Local Planning Strategy 2009 (LPS)

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

COMMUNITY CONSULTATION

Community Consultation was not required nor sought for this application.

Internal Referral

The Shire's Consulting Engineer stated that there were no concerns with the proposal.

OFFICER'S ASSESSMENT

The proposed subdivision is not in accordance with the 80ha minimum required by the Local Planning Strategy. As a result the application is deemed not to comply with the requirements of DC Policy 1.1 as it does not comply with the requirements of the Local Planning Strategy and is therefore not consistent with proper and orderly planning.

Previous application SD132427 was recommended for approval by the Shire of Waroona with the condition that no lot created be smaller than 80ha. The approval of 80ha lots was in accordance with the then Draft Local Planning Strategy.

80ha is considered by the Local Planning Strategy to be an appropriate lot size for maintaining the viability of rural enterprises and the amenity of the locality. The application proposes lot sizes much smaller than this required minimum.

Given the proposed lot sizes are not in accordance with the requirements of the Local Planning Strategy and no justification has been provided for the inconsistency, the application is recommended for refusal.

COUNCIL RESOLUTION

OCM12/2/004

MOVED: Cr Wright

SECONDED: Cr Germain

That Council, in respect to the application for the subdivision SD145450 of lots 50 and 51 Dorsett Road, Waroona, respond to the West Australian Planning Commission recommending refusal of the application for the following reasons:

- a) The subject lot is classified as General Agriculture under the Shire of Waroona Local Planning Strategy. The proposed lot size of 40.4ha is contrary to the required a minimum lot size of 80ha under the Local Planning Strategy.**
- b) As the application is not in accordance with the Local Planning Strategy, it would be contrary to proper and orderly planning to approve such an application without sufficient justification as required in WAPC Development Control Policy 1.1.**

CARRIED 5/1

**For the Motion: Cr Wright, Cr Germain, Cr Mason, Cr Dew, and Cr Scott
Against the Motion: Cr Salerian**

Cr Wright declared a financial interest in this matter as he had an application affected by this policy later in the agenda, and left the meeting at 4.21pm.

9.2.3 PROPOSED TOWN PLANNING POLICY 25: OUTBUILDINGS	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	N/A.
Landowner:	N/A
Date of Report: 20 January 2011	File No.: TPS 7 General, 111/1
Previous Reference:	OCM 11/10/2011
Statutory/Policy Implications:	Planning and Development Act 2005 Building Code of Australia 2011 Building Regulations 1989 Shire of Waroona Town Planning Scheme No.7 1996. Residential Design Codes of WA 2010. Local Planning Strategy 2009 Planning Policy 8 - Moyanup Heights and Lake Moyanup Estate Planning Policy 12 – Brooklyn Rise Special Residential Zone Building Standards
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth.
Financial Implications:	Officer Time and Cost of advertising policy (Approximately \$700).
Voting Requirements	Simple majority

PROPOSAL

Council is requested to consider the preparation of a new draft Local Planning Policy that will guide the construction of outbuildings within the Shire of Waroona.

The objective of this policy is to achieve a balance between providing for the legitimate garaging, storage and other domestic needs of residents and to minimise the adverse impacts that outbuildings may have on the amenity, appearance and character of neighbourhoods and on neighbours.

The key planning issues relating to the further areas include the following:

- The relationship between lot size and outbuilding size (also taking into consideration floor area and height).
- Preservation of the amenity of the streetscape, neighbouring landowners and of the local area.
- The ability to approve outbuildings that vary from Town Planning Scheme provisions.
- Siting of outbuildings.



BACKGROUND

Domestic outbuildings are a necessary and desirable form of incidental development to dwellings. As lifestyle patterns and domestic storage needs have changed there is a trend toward the construction of larger outbuildings within the Shire. If not sensitively located and designed outbuildings can impact on the amenity of nearby residents, the streetscape, character and environmental attributes of the area.

In recent years, outbuildings have been progressively increasing in area and height. At the same time, there has been a trend towards smaller residential lots. This has resulted in greater visual impacts from outbuildings, a reduction in usable yard space and increased pressure for uses at an inappropriate scale in residential and rural living areas.

Previous Council Resolutions:

At its Ordinary Meeting of 25 October 2011, Council resolved as follows:

“That Council resolves, with respect to the proposed Outbuildings Policy, to endorse the development of a Draft Policy to be considered at a future Council meeting.”

FINANCIAL IMPLICATIONS

The proposed draft policy is expected to attract newspaper advertising costs of approximately \$350.00. The staff cost in relation to the preparation of the policy has been budgeted. The adoption of the policy will require advertisement in a local newspaper as well (estimated at \$350.00).

STATUTORY IMPLICATIONS

Building Code of Australia 2011

“Outbuildings” - are enclosed non-habitable Class 10a buildings, under the Building Code of Australia (including any amendments), that are detached from a dwelling and which are not used for commercial or industrial purposes (Class 7 and Class 8).

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

Under the TPS an “outbuilding” (land use) falls within the same classification as a “single house” in the zoning table. The definition of an outbuilding is as follows:

“means an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.”

An outbuilding is a discretionary use in Urban 1 Town Centre zone and the Urban 3 Service Commercial zone. It is not permitted as a land use in the Urban 7 Industrial zone. It is a permitted use in all other zones.

Clause 6.1.2 (c)(i) of the Scheme states except as otherwise provided in the Scheme the following development does not require the planning approval of Council:



'The erection of a single house including outbuildings except where the proposal requires the exercise of a discretion under the Scheme including the residential Design Codes.'

Clause 6.11.1 of the TPS states that unless otherwise approved by Council, the size and height of outbuildings shall comply with the provisions of Table 3.

TABLE 3 TPS		
Zone	Maximum Total Area of Outbuildings (m²)	Maximum Roof Height Above Natural Ground Level (m)
URBAN ZONES		
Urban 2 – Community and Civic	100	4.2
Urban 4 – Residential	100	4.2
Urban 5 – Special Residential	100	4.2
Urban 6 - Rural Living	200	5.0
Urban 8 – Hamel	100	4.2
Urban 9 – Preston Beach	100	4.2
RURAL ZONES (LOTS LESS THAN 2HA IN SIZE)	200	5.0

Clause 6.11.2 states that no restriction on size is placed on outbuildings within the Rural zones for lots of 2ha and above.

Clause 6.11.3 states that unless otherwise approved by Council, no outbuilding in the Urban 4 Residential, Urban 5 Special Residential, Urban 8 Hamel or Urban 9 – Preston Beach Zone shall be erected within the front building setback.

In terms of Clause 2.4 of the TPS, once a Draft Town Planning Scheme Policy has been developed, Council needs to resolve to adopt the draft policy and then advertise the policy for a minimum period of 21 days. All submissions to the draft policy need to be considered by Council and then Council can resolve to adopt the policy, amend it or not proceed with the policy.

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

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

Council's planning will need to reflect the complexities of the urban growth of the Shire, the needs of rural settlements and the highly sensitive and variety of environmental settings within which this is taking place.

Strategic Planning Implications

Residential Design Codes

Clause 6.2.3 of the codes deals with the setback of garages and carports so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.

Clause 6.2.7 of the codes states buildings should be designed to enhance existing streetscape.

Clause 6.2.8 of the codes deals with the extent of frontage and building façade occupied by garages and the need to maintain a desired streetscape not dominated by garage doors.

Clause 6.10 of the codes deals with incidental development requirements. It is the objective of the R Codes to ensure that outbuildings do not detract from the streetscape or the amenity of the development or that of adjoining residents.

Planning Policy 8 - Moyanup Heights and Lake Moyanup Estate and Planning Policy 12 – Brooklyn Rise Special Residential Zone Building Standards

The objectives of these Policies are to maintain the bushland setting, promote a high standard of building development which utilises materials and colours which will not detract from the visual appeal of the bushland environment and will complement the existing standard of development.

The size, height and location of outbuildings are to comply with provision 6.11.1 and Table 3 - Outbuildings, of the Scheme. In summary these requirements are:

- 100m² maximum floor area of outbuilding per lot;
- 4.2m maximum roof height above natural ground level; and
- No shed may be constructed within the front building setback.

No outbuilding exterior wall may be constructed of zincalume, vivid white or off white (Colorbond) colour.

The use of some second-hand materials may be considered by Council where such material is not the primary material and the condition and appearance of such material appears new or is demonstrated to meet the objectives and intent of the Policy.

COMMUNITY CONSULTATION

In terms of Clause 2.4.1 of the TPS a Draft Planning Policy is to be advertised for two consecutive weeks in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

Internal Referrals

The draft policy will be referred to internal Departments, prior to being referred to Council for final adoption. Preliminary advice has been received from Building Services regarding the draft policy in relation to the Building Code of Australia.

OFFICER'S COMMENTS

Some of the issues that are associated with outbuildings are as follows:

- Adverse impacts on the visual character of streets and neighbourhoods through the construction of large and/or high outbuildings.
- The use of undesirable building materials and colour schemes.
- The relationship between lot size and outbuilding size.
- The siting of outbuildings on lots.

A number of recent development applications for oversized outbuildings, that are not compliant with the TPS, have highlighted the necessity for a Town Planning Policy addressing the issue. This is especially apparent in the Urban 5 - Special Residential zone and the Urban 6 - Rural Living Zone where a large variety of lot sizes can be found.

For this reason a case can be made for variations from the TPS standards for outbuildings once a number of factors are considered. However the criteria used, when deviating from the standards of the TPS, should be structured so that the outbuildings do not detract from the essential functions of private open space, the visual amenity of neighbours and the streetscape. The proposed policy will provide these standards and offer Council a mechanism in which to approve outbuildings that that comply with the provisions of the policy but do not meet provisions such as Table 3 of the TPS.

For these outbuildings to comply with the policy and be approved certain requirements including but not limited to the following must be met.

- The development shall not result in adverse impact on adjoining properties.
- Floor area and height restriction are to be complied with.
- The outbuilding/s being suitably screened by existing vegetation or can be adequately screened by additional landscaping with appropriate planning condition/s.
- The outbuilding/s being constructed of materials consistent with the character of the area and where necessary a condition can be imposed requiring the use of non-reflective building materials.

Further to this the policy proposes to restrict the maximum floor area and ridge height on Urban Zoned lots less than 800m². (This inconsistency with the provisions listed in Table 3 of the TPS is proposed to be amended as part of the TPS review). This requirement will ensure that the minimum open space requirements stipulated in the Residential Design Codes are maintained. If an applicant wishes to deviate from the maximum standards that are outlined in the draft Policy, a Planning Consent will be required in accordance with Clause 6.1.2 (c) (i).

In conclusion the proposed policy will seek to ensure that outbuildings are constructed to a high quality and design, are suitably sized for their location, appropriately sited and used so they do not adversely impact on the amenity of the surrounding area.

It is therefore recommended that Council adopt the draft policy on outbuildings for advertising.

COUNCIL RESOLUTION

OCM12/2/005

MOVED: Cr Mason

SECONDED: Cr Germain

That pursuant to Clause 2.4 of the Shire of Waroona Town Planning Scheme No.7, Council resolves to:

- 1. Prepare a Draft Outbuildings Policy as set out in Appendix 9.2.3A.**
- 2. Advertise the Draft Policy in accordance with the requirements of Clause 2.4.1 of Town Planning Scheme No.7.**
- 3. Consider all submissions received as a result of advertising.**

CARRIED 5/0

Cr Wright returned to the meeting, the time being 4.31pm.

9.2.4. 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: 31 January 2011	File No: TP1458
Previous Reference:	TP1402
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 Waroona North Structure Plan (2007) Town Planning Policy 1.0 Community Consultation Town Planning Policy 6.0 Advertising Signs Draft Town Planning Policy 24.0 Third Party Advertising Signs
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, site plan, elevations and photo montage at **APPENDIX 9.2.4A**.

The double sided sign with an overall height of 4.8m 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 2m from the South Western Highway and 220m from Wealand Road.

The applicants have indicated that the sign will advertise road safety messages from the Office of Road Safety on one side face during road safety campaigns with ancillary advertising displayed during 'off – peak ' periods.

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 Forest Highway.

Previous Council Resolution

Council refused an almost identical application for an identical sign on the subject lot in May 2011 (TP1402 / OCM11/05/054) for the following reasons:



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.'

The applicant applied for a review of Council's decision on the application to the State Administrative Tribunal (SAT) and after a number of meetings and a mediation session the applicant decided to withdraw the application from SAT proceedings.

The details of the refused application compared to the current proposal are provided below:

	Width (m)	Height (m)	Sign Face Area (m ²)	Clearance from ground (m)	Distance from Intersection (m)
TP1402	12.6	3.3	41.58	1.5	132
TP1458	12.6	3.3	41.58	2	220

The key differences between the two proposals are that the current sign is proposed to be located 88m further away from the Wealand Road intersection and it is also 0.5m lower than the previous proposal.

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.

Also see Previous Council Resolution.

STATUTORY IMPLICATIONS

Peel Region Scheme (PRS) 2003

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

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

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

Clause 18 of the PRS provides a requirement to obtain planning approval if the development is on reserved land or the development is of a kind or class specified in a resolution made by the Western Australian Planning Commission under Clause 21 of the PRS.

Clause 21 resolution relates to development in the Rural zone (under the PRS and states in Schedule 1 to the PRS text as follows:-

‘Schedule 1: Development on zoned land requiring planning approval

- (6) ‘Development in the rural zone, other than for a poultry farm, which in the opinion of the WAPC or the local government may not be consistent with the purpose of the rural zone as stated in clause 12(e) of the PRS’.

Town Planning Scheme No. 7 (TPS) (1996)

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

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 objectives 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 TPS deals with the Control of Advertisements. Clause 7.2.3.1 of the TPS 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 TPS and with particular reference to the character and amenity of the locality within which it is to be displayed.

Clause 8.2.3 of the TPS states that where Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out.

- a) Notice of the proposed development to be served on the owners and occupiers of the land within an area likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within 21 days.
- c) A sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days.

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

WAPC Development Control Policy 1.2 - General Principles

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.

Regard is to be given 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 PRS 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 (LPS) (1999)

Under the LPS 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.

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 1.6 km from the boundary of the Waroona North Structure Plan.

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.

Shire of Waroona Draft Town Planning Policy 24.0 – Third Party Advertising Signage Adjacent to Primary Regional Roads.

At its Ordinary Meeting on 28 June 2011, Council resolved to advertise a draft policy relating to third party advertising signage adjacent to Primary Regional Roads.

It is the purpose of this policy to provide a framework for the location and design of third party advertising signs along primary regional roads. The intent is to carefully control signage in these locations in order to ensure driver safety, protect visual landscape quality and amenity and avoid the proliferation of signs.

Some of the relevant provisions of this policy are as follows:

- Signs are to be restricted to locations adjacent the Forrest Highway only.
- No Third Party Advertising will be permitted along the South Western Highway and Old Coast Road.
- Where possible signs are to be co-located near other infrastructure such as bridges, mobile phone towers or high voltage electrical lines in order to minimise the impact on the skyline and the general landscape.



- Signs must be located and designed so that they do not dominate or protrude above the skyline.
- Signs must be located and designed so that they do not obscure or compromise significant viewsheds as seen from either the highway or from properties adjacent to the highway.

This policy has not been adopted by Council as yet.

Planning Policy 1.0 - Community Consultation

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected ratepayer aware of a development proposal and to allow them ample opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

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 9.2.4B**.

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 with particular reference to the character and amenity of the locality as highlighted in Clause 7.2.31 of the TPS. It can be reasonably determined that:

- 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.

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.

Peel Region Scheme

It is noted that the rural zone definition in the PRS makes specific reference to the provision of a 'distinctive rural landscape setting for the urban areas'. It can therefore be reasonably determined that the amenity and the character as well as the contrast of the rural zone from an urban zoned area is paramount in achieving this objective.

Although the applicant has indicated that the sign does not propose to serve as an entry statement to the town site of Waroona, it is undeniable that a sign of this magnitude located on such a prominent site on such a significant entry route does not assist in providing a distinctive rural landscape for the urban area i.e. the Waroona townsite.

Local Planning Strategy

The proposal is also not compliant with the provisions of the LPS for the Priority Agriculture precinct. The LPS aims to protect this precinct, which is capable of having irrigation infrastructure to allow for a range of diverse agricultural uses, from non-compatible development. Third party advertising signage is not in any way ancillary to the agricultural uses therefore it can reasonably be determined that the proposed billboard is a non-compatible land use. Further to this advertising signage is not listed as a primary or a discretionary land uses within the priority agriculture sub precinct.

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.

The proposed sign is approximately 1.6 km from the boundary of the Waroona North Structure Plan 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.

Town Planning Policy 6.0 Advertising Signage

When considering the objectives of the PRS, TPS and LPS 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 it can therefore be reasonably determined that the proposal is not consistent with Section 6.2.1 (d) of Policy 6.0 as it would be unsuitable in the locality. Further to this a sign of this scale in such a prominent location that presently offers a distinctive rural landscape setting, is considered to be injurious to the amenity and the natural beauty of the area.

In a previous approval for a sign on the Forrest Highway, officers at the time were of the view that the proposal will have a minor effect 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 contrasts 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.

Shire of Waroona Draft Town Planning Policy 24.0 – Third Party Advertising Signage Adjacent to Primary Regional Roads.

Council's decision to adopt draft policy 24.0 for advertising was undertaken on the basis that this policy would assist the Shire in dealing with applications for third party advertising.

It is the purpose of this policy to provide a framework for the location and design of third party advertising signs along primary regional roads. The intent is to carefully control signage in these locations in order to ensure driver safety, protect visual landscape quality and amenity and avoid the proliferation of signs.

The current proposal directly contravenes the adopted draft policy in a number of instances. The policy restricts the location of signs adjacent the Forrest Highway only and specifically prohibits the signage along the South Western Highway. Further to this there has been no effort to co-locate the proposed sign near other infrastructure. Finally not only would the proposed billboard dominate and protrude above the skyline but it will also obscure and compromise the significant viewsheds as seen from either the highway.

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 display 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. There is no guarantee from the applicant that a message of road safety will be displayed on one side at all times. It is very plausible that a situation will arise displaying a third party advertising billboard 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 Forrest 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 only pertinent precedent that is available is the identical application that was previously refused by Council and withdrawn from SAT proceedings, however 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 does not specifically address the placement of Hoardings on land zoned Rural. Once a precedent has been set and until such a time as draft Planning Policy 24.0 is adopted, 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 Peel Region 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**OCM12/2/006****MOVED: Cr Germain****SECONDED: Cr Wright**

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. Does not comply with the objective of the Peel Region Scheme for the Rural Zone.**
- 3. Is not consistent with the objective of the Local Planning Strategy for the Primary Agriculture Sub Precinct.**
- 4. 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.**
 - In accordance with section 6.2.1 (d) the proposal is unsuitable to the location where it is proposed.**
- 5. Is located in such a prominent location that it would not serve as an appropriate entry statement to the town of Waroona.**
- 6. Has no link, as a land use, to the land on which it is proposed to be located.**
- 7. Would set a precedent for similar proposals along the South Western Highway.**
- 8. Would expose the Shire of Waroona to the issue of proliferation of advertising signage along the South Western Highway.**

CARRIED 5/1

**For the Motion: Cr Wright, Cr Germain, Cr Mason, Cr Dew, and Cr Scott
Against the Motion: Cr Salerian**



Cr Wright declared a financial and proximity interest in Item 9.2.5 as the applicant, and left the meeting at 4.45pm.

9.2.5 LOT 6 (NO.101) PATERSON ROAD, WAROONA - APPLICATION FOR PLANNING CONSENT FOR SHED.	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Robyn Joyce Wright
Landowner:	Craig Stephen Wright and Robyn Joyce Wright
Date of Report: 19 January 2011	File No: TP1467
Previous Reference:	N/A
Statutory/Policy Implications:	Shire of Waroona Town Planning Scheme No. 7 Residential Design Code Local Planning Strategy Planning Policy 1.0 - Community Consultation Draft Planning Policy - Outbuildings
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 shed 12m x 24m (288m²), 5m high on lot 6 Paterson Road, Waroona. See site location plan *at APPENDIX 9.2.5A*. The shed is proposed to be located in the northwest corner of the lot, 10m from both the northern and western boundaries. See site plan *at APPENDIX 9.2.5B*.

The proposed shed will be constructed of Colorbond. A colour scheme has not been submitted.

Background

The 7149m² lot is currently vacant. The topography of the lot is generally flat with vegetation screening to the southern (front) and northern eastern boundaries. Surrounding lots in the area are used for rural residential / rural living purposes.

Previous Approvals

A search of Council records indicates that the subject lot was subdivided from the mother lot on 19 August 2005.

Statutory Implications

Town Planning Scheme No. 7 (1996)

The subject lot is located within the 'Urban 6 – Rural Living' zone under the Shire of Waroona Town Planning Scheme No. 7 (TPS).



A shed (which falls under the definition of a 'Single House'), is classified as a "P" (permitted) use within the land use table of the Town Planning Scheme.

The proposed development is not specifically exempted under Section 6.1.2 of the TPS, as it requires the exercising of discretion under Section 6.11.

Clause 6.11.1 of the TPS states that outbuildings within the Urban 6 – Rural Living zone shall be restricted to 200m² and 5m in height.

Clause 4.10.2 of the TPS states that the provisions of the R2 density code shall apply to development within the Rural Living zone.

Clause 6.13 of the TPS outlines the criteria for the consideration of applications which do not comply with the development standards of the Scheme. These criteria can be described as the maintaining of proper and orderly planning practices, the amenity of the area, the future development of the locality and the intent of the scheme provision(s) being departed from.

Clause 8.2.3 of the TPS states that where Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out.

- a) Notice of the proposed development to be served on the owners and occupiers of the land within an area likely to be affected by the granting of Planning consent stating that submissions may be made to the Council within 21 days.

Strategic Planning Implications

Residential Design Codes

The R-codes serves as a guiding document that aims to ensure appropriate standards of amenity for all dwellings within residential areas. Although the Urban 6 zone, in which the proposed shed is to be located, does not have an R Coding, the TPS stipulates that the provisions of the R Codes pertaining to the R2 Code shall apply.

Clause 6.3 of the R Codes deals with boundary setbacks. Here the objective is to ensure adequate provision of direct sun and ventilation for all buildings and to ameliorate the impacts of interference with privacy and overshadowing on adjoining properties.

Clause 6.7 deals with building height requirements. It is the objective of the Codes to ensure that the height of buildings is consistent with the desired scale in any given locality.

Local Planning Strategy (LPS)

The subject lot is located within the Waroona Townsite Precinct of the LPS. Lot 6 is designated for Future Urban Expansion.

There are no land use classifications or development standards specified for the Future Urban Expansion zone under the LPS.



Waroona North Structure Plan

Lot 701 is located within the Future Townsite Expansion area under the structure plan. The plan states that more detailed planning needs to be undertaken prior to the urban development of this area.

Planning Policy 1.0 Community Consultation

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected ratepayer aware of a development proposal and to allow them ample opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

The minimum extent of neighbourhood referrals shall be to the owners of each property abutting the subject development site and any property located, fronting a common road, directly opposite the subject site.

In accordance with Policy 1.0 and section 8.2.2 of the TPS, the application for the proposed shed was advertised to adjoining landowners for a period of 21 days. Letters were sent to surrounding landowners to make them aware of the application. Within this timeframe two (2) submissions were received. See Schedule of Submission **at APPENDIX 9.2.5C.**

Draft Planning Policy - Outbuildings

This policy seeks to ensure that outbuildings are constructed to a high quality and design, are suitably sized for their context, appropriately located and used so they do not adversely impact on the surrounding area.

Objectives of this policy are:

- To ensure that the siting, design and scale of outbuildings are site responsive and respect the character of an area.
- To encourage the use of outbuilding materials and colours that compliments the landscape and amenity of the surrounding areas.
- To provide a process for approving outbuildings that do not comply with the provisions of the town planning scheme.

On Urban Zoned lots larger than 5,000m² the maximum floor area 300m² with a maximum ridge height is 5.0m.

In the Urban 6 zone outbuilding are to be constructed of colours and materials that are complementary to and compatible with the existing or proposed dwelling or in keeping with the amenity of the area.

Internal Referral

Upon referral to Building Services, the Building Surveyor stated that there were no concerns with the proposal. The shed is to comply with the Building Code of Australia 2011.

Officer Assessment

The shed is to be set back in accordance with the requirements of the R2 density code as required by Section 4.10.2 of the Scheme and demonstrated in the table below.

Setback	Required	Proposed	Comments
Front	20m	50m	Compliant
Rear	10m	10m	Compliant
Side	10m	10m	Compliant

In order to consider the variation to Clause 6.11.1 of Town Planning Scheme No.7 1996 (TPS), in relation to the 200m² maximum floor area of the proposed shed, the proposal must comply with the requirements of Clause 6.13.

In relation to proper and orderly planning, it should be noted that the property is not located in the current Waroona Townsite area. The lot in question is 7,149m² in area and has a typical “Rural Living” character. Although the proposed shed will exceed the permissible outbuilding area by 88m², this is considered to be acceptable given the context of the lot location in the “Urban 6- Rural Living” zone, the size of the lot and the separation from neighbouring residences.

The purpose of Clause 6.11.1 is to maintain the character and intent of the zones listed in table 3. The objective of the Urban 6 – Rural Living zone is to provide for the creation of small rural lots adjoining the Waroona townsite, and permit uses appropriate to the zones location. The use of the lot for residential purposes is considered to be in accordance with this objective and the proposed shed is incidental to this use. Given this, the proposal is considered to be in accordance with the requirements of Clause 6.13 of the Scheme.

Further to this the draft Planning Policy relating to Outbuildings provides a process to approved planning consent for outbuildings that do not comply with the TPS. The proposed shed is compliant with provisions of the draft policy.

The proposed shed was advertised to the adjoining landowners with no objections received. Two submissions were received stating no objection to the proposal. See Schedule of Submissions **at APPENDIX 9.2.5C**.

In September 2011 Council approved another 288m² shed on a 7,746m² Urban 6 zoned lot on Bradford Street. Similar rationale was provided for approving this oversized shed in that the lot was not located within the town site, the scale of the lot and the proposal being consistent with the intent of the zone. This precedent is relevant to the current proposal as the circumstances are almost identical. Further to this Council approved a 628m² shed on Lot 109 Paterson Road on 6 March 2008.

The colours and materials of the proposed shed are important considerations. As long as an appropriate colour scheme is utilised the proposed Colorbond finish will not be highly reflective and is considered appropriate for the locality. A condition has been



added ensuring the colours and materials used are in keeping with the amenity of the area generally.

Stormwater disposal is also a relevant consideration. A condition has been added to ensure all water runoff from the proposed shed is disposed of on site or connected to a Council stormwater legal point of discharge in accordance with Statement of Planning Policy 2.1.

In approving an oversized shed Council may be concerned about setting a precedent however each planning application must be assessed upon its own merits and this application is consistent with the Draft Outbuildings Policy. In the context of the site the scale of the proposed shed is deemed acceptable and is not likely to detrimentally affect the amenity of the area. 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**OCM12/2/007****MOVED: Cr Scott****SECONDED: Cr Mason**

That Council, with respect to the application for planning consent for a shed at Lot 6 (No. 101) Paterson Road, Waroona, approve the application subject to the following conditions:

- 1. The shed 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 the Manager Planning Services.**
- 2. All stormwater and drainage run-off to be contained on site to the specification and satisfaction of the Director Technical Services, 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 this 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 shed 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 natural environment.**
- c. Under the Shire of Waroona Town Planning Scheme No. 7 (1996), the subject lot is zoned 'Urban 6 – Rural Living' and the shed hereby approved is to be used for ancillary purposes to the Urban 6 – Rural Living' zoning.**

CARRIED 5/0

Cr Wright returned to the meeting, the time being 4.49 pm.



9.2.6 LOT 20, NO. 26, MCFARLANE ROAD, HAMEL - APPLICATION FOR PLANNING CONSENT FOR RELOCATED DWELLING	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Dallas Rae Wood Harris
Landowner:	Gavin Wade Harris and Dallas Rae Wood Harris
Date of Report: 31 January 2012	File No: TP1468
Previous Reference:	None
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme 1996 Shire of Waroona Town Planning Scheme No. 7 Local Planning Strategy 2009 Local Planning Policy 9 – Relocated Dwellings
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 3 – Protect and Conserve Agricultural Lands and Rural Land Uses
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

An application has been received for the installation of a single storey Relocated Dwelling on Lot 20 (No. 26) McFarlane Road, Hamel. The proposed dwelling is to be located 15m west of the McFarlane Road reserve and 30m south of Gulliver Road.

The proposed dwelling is a three bedroom, one bathroom dwelling with a floor area of 79m². The dwelling is constructed of insulated sandwich panel and is clad in green Colorbond. The dwelling consists of a 3m x 12m relocatable unit and a 3.6m x 12m solid annexe attachment.

The submitted site, layout, elevation plans and photographs are at **APPENDIX.9.2.6A**.

BACKGROUND

The subject lot is currently used for horticultural purposes and contains an existing shed. The lot is cleared and levelled in order to facilitate its use. Screening vegetation has been established along the McFarlane Road frontage and a shed is constructed to the north of the proposed dwelling location.

The dwelling / park home is currently located in a caravan park in Picton and used as a dwelling. The park home is considered to be in good condition. An inspection of the dwelling has been carried out by Cotan Pty Ltd, an engineering consultant who has certified the structural adequacy of the dwelling.

STATUTORY IMPLICATIONS

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

The proposed development is to be located on land zoned Rural 2 – Irrigated Agriculture under the Shire of Waroona Town Planning Scheme No. 7.

A Single House is listed as a P use in the Rural 2 zone.

Clause 6.12 states that a maximum building height of 9m applies to all development in the Rural 2 – Irrigated Agriculture zone.

Peel Region Scheme

The subject lot is zoned Rural under the Peel Region Scheme. The objective of the Rural zone under the Peel Region Scheme is 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.

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

The Shire has identified the need to preserve prime agricultural land for farming practices.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS)

The subject land is located within the Town Precinct under the LPS and identified as Rural Smallholdings. The objective of the Rural Smallholdings classification of the LPS in the Town precinct is to consolidate the existing lots that offer hobby farming and lifestyle opportunities.

A Single House is a Primary use under the Rural Smallholdings classification. As there is no approved building envelope on the lot the required setbacks are 20m from road reserves and 10m from all other boundaries under the Local Planning Strategy.

Standard septic systems are only permitted within the Rural Smallholding zone where a minimum setback of 100m to any watercourse is maintained.

Local Planning Policy 9 – Relocated Dwellings

Local Planning Policy 9 states the following as acceptable development:

- All relocated dwellings must contain at least one bedroom separate from the other rooms of the dwelling, a lounge/dining area, a kitchen and a separate toilet, bathroom and laundry facility;
- The design, scale, standard and appearance of the proposed building is compatible with the type of dwellings that exist in the locality in which it is to be located;



- The condition and appearance of the roof and wall clad materials are to be in as new condition, or are proposed to be painted or rendered to bring up to the standard of a new dwelling;
- The dwelling's visual appearance is to be enhanced by the addition of verandas (if required) or through screening and/or landscaping;
- The dwelling is to be located (set back) on the site so as to minimise the visual impact from public areas and neighbouring properties;
- The dwelling does not contain asbestos.

Local Planning Policy 9 states that Council will not approve relocated dwelling within the boundaries of any gazetted townsite.

COMMUNITY CONSULTATION

Public consultation has been undertaken in the form of notification of surrounding landowners. A period of 21 days was allowed for submissions to be made regarding the proposal. No submissions were received during the community consultation period.

INTERNAL REFERRAL

Comments from the Shire's Consulting Engineer stated that there are no concerns with the proposal and the unconstructed section of McFarlane Road is not planned for upgrading in the foreseeable future.

The Shire's Building Surveyor has stated that an application for Building Licence has been submitted for the proposal. No concerns were raised in the comments received.

The Shire's Environmental Health Officer has stated that a separate application for the installation of a septic system will be required for the dwelling. No application has been received to date.

OFFICER'S COMMENTS

Local Planning Policy 9 – Relocated Dwellings

The placement of a Relocated Dwelling requires assessment under Local Planning Policy 9 – Relocated Dwellings. An assessment against the relevant criteria of Local Planning Policy 9 is as follows:

All relocated dwellings must contain at least one bedroom separate from the other rooms of the dwelling, a lounge/dining area, a kitchen and a separate toilet, bathroom and laundry facility;

The submitted floor plan shows the dwelling having 3 bedrooms separated from the other areas of the dwelling. A lounge, kitchen and combined bathroom and laundry are all provided in separate rooms.

The design, scale, standard and appearance of the proposed building are compatible with the type of dwellings that exist in the locality in which it is to be located;



The dwelling is considered to be consistent with the existing dwellings in the locality in terms of floor area, height and design.

The condition and appearance of the roof and wall clad materials are to be in as new condition, or are proposed to be painted or rendered to bring up to the standard of a new dwelling;

The dwelling is in good condition with external finishes to a high standard.

The dwelling's visual appearance is to be enhanced by the addition of verandas (if required) or through screening and/or landscaping;

Screening is provided by the existing shed on the lot and there is established vegetation screening along the McFarlane Road reserve. Given the good condition of the dwelling, verandahs are not considered necessary.

The dwelling is to be located (set back) on the site so as to minimise the visual impact from public areas and neighbouring properties;

The dwelling will be largely screened from Gulliver Road by the existing shed on site. The green external finish of the dwelling will also assist in reducing its impact on the amenity of the area.

The dwelling does not contain asbestos.

The dwelling is of insulated panel and Colorbond construction and does not contain asbestos.

Council will not approve relocated dwelling within the boundaries of any gazetted townsite.

The proposed dwelling will be located outside the Hamel Townsite area.

Setbacks

The dwelling is proposed to be located 15m from the boundary fronting the McFarlane Road reserve. While this section of McFarlane Road is not constructed the Shire of Waroona Local Planning Strategy requires a 20m setback from road reserves for lots within the Rural Smallholdings classification. The 5m reduced setback is considered to have a minimal impact on the amenity of the area as the adjacent road is unconstructed.

The dwelling is not proposed within 100m of any watercourse.

Conclusion

Given that no submissions were received during the consultation period, the conclusion can be drawn that the neighbours do not oppose the location of the dwelling on the application site. The dwelling meets the policy design criteria and will be largely screened from the constructed road frontage, therefore the impact on the amenity of the area is considered to be minimal.

A Single House is a P use in the Rural 2 – Irrigated Agriculture zone and is therefore considered to be consistent with the objectives of the zone, Town Planning Scheme No. 7 and the Local Planning Strategy.

As the application is considered to be consistent with the objectives of the zone and will have a minimal impact on amenity, it is recommended that Council approve the application, subject to relevant conditions.

COUNCIL RESOLUTION

OCM12/2/008

MOVED: Cr Germain

SECONDED: Cr Mason

That in relation to the proposed Relocated Dwelling at Lot 20 (No.26) McFarlane Road, Hamel, Council resolves to approve the application subject to the following conditions;

- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plans dated unless otherwise required or agreed in writing by the Manager Planning Services.**
- 2. All stormwater and drainage runoff from the relocated dwelling shall be contained on site to the satisfaction and specification 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. 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 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. An application for an effluent disposal system is required to be submitted with the Building Licence application.**

CARRIED 6/0



9.2.7 PLANNING PROJECTS FUNDING – TOWN PLANNING BUDGET	
Reporting Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil.
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services / Nil.
Proponent:	Shire of Waroona
Landowner:	N/A.
Date of Report: 3 February 2012	File No.: TPS7 General.
Previous Reference:	N.A.
Statutory/Policy Implications:	Local Government Act 1995. Planning and Development Act 2005. Planning and Development Regulations 2009. Financial Management Regulations 1996. Shire of Waroona Local Planning Policies. Policy 3.3 Purchase of Budget Items.
Strategic Implications:	Shire of Waroona Strategic Plan 2005 -2025. <ul style="list-style-type: none"> • Land Use Planning. • Leadership and Governance. Shire of Waroona Local Planning Strategy 2009.
Financial Implications:	\$30,000 from Development Applications income utilised to fund Planning Policy Review expenditure.
Voting Requirements	Absolute majority.

PROPOSAL

The review of all local Planning Policies is required to ensure that these policies remain relevant and consistent with current legislation and State Policies.

It is proposed to amend Council's adopted budget for the 2011/2012 financial year by utilising \$30,000.00 unbudgeted income in the Development Applications account to fund up to \$30,000.00 in expenditure towards the review of the Local Planning Policies and other town planning projects requiring the services of consultants.

BACKGROUND

The last comprehensive review of the Local Planning Policies occurred in 2005. Given the age of some Local Planning Policies, it is imperative to ensure that there are no inconsistencies with the current Town Planning Scheme, new planning legislation, the Model Scheme Text, State Planning Policies and other relevant planning guidelines.

Specialist consultants are already contracted by Planning Services in projects such as the Preston Beach Townsite Strategy. Other projects may however also require the assistance of specialists to assist staff to finalise a growing list of planning projects.

COMMUNITY CONSULTATION

Although the content of this report does not require community consultation, the review of the Planning Policies will be publicly advertised for comments for a period of 21 days.



STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.2 stipulates the provisions for the preparation of an annual budget.

Section 4 (c) makes provision for fees and charges to be levied by Council.

Planning and Development Act 2005

Part 15, Division 2 of the Act makes provision for fees by Regulation.

Planning and Development Regulations 2009

Regulations 47 makes provision for Planning Services as set out in Schedule 2 of the Regulations and Regulation 48A makes provision for the imposition of fees by a Local Government for Development Assessment Panel applications notwithstanding that the Local Government will not itself determine the applications.

Financial Management Regulations 1996

The Financial Management Regulations 1996 prescribes the accounting practises to be followed by Local Government in relation to its budget.

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

Clause 2.4.1 of the TPS states that a Town Planning Scheme Policy shall become operative only after Council:

- (a) Resolved to adopt a Draft Town Planning Scheme Policy and advertised the policy for a minimum period of 21 days.
- (b) Reviewed the policy in the light of submissions received and adopt the final policy with or without amendment.
- (c) Advertised the details of the adopted final policy.

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Plan

Objective 1 - prepare for Growth: The Shire and the Community will see new land releases and housing development and will need accommodation for the aged, health care, education and recreation opportunities, police services.

Strategic Priorities – Financial viability. Acknowledgement that the Shire cannot resource all the needs of the community on its own.

Shire of Waroona Local Planning Strategy (2009)

The Local Planning Strategy guides development throughout the shire with guiding principles and strategies for each land use area as well as detailed objectives, development criteria and considerations for a range of precincts and sub-precincts.



Policy 3.3 Purchase of Budget Items

Procurement with a value of \$20,000 - \$49,999 requires two written quotations.
Procurement with a value of \$50,000 - \$99,999 requires three written quotations or state-wide call for quotations.

OFFICER'S COMMENTS

Given the resource and cost implications of a complete review of the Local Planning Policies, a period of seven years has passed since the last comprehensive review.

In order to ensure that Council's Local Planning Policies remain up to date and relevant, it is necessary to make a commitment to ensure that these Policies remain consistent with the Shire of Waroona Town Planning Scheme No.7, the Planning and Development Act 2005 and other relevant legislation, the Model Scheme Text, State Planning Policies, Planning Bulletins and guidelines.

In addition to normal statutory planning work, Planning Services staff are currently undertaking approximately 21 planning projects. Among these projects are:

- The review of the Local Planning Policies.
- The review of the Town Planning Scheme.
- The review of the Municipal Heritage Inventory.
- The Preston Beach Townsite Strategy.

Planning Services staff are not currently able to resource the full range of planning projects in the Department's portfolio. This can however be managed with some contracting in of services from Planning Consultants as is the case with the Preston Beach Townsite Strategy, the review of the Town Planning Scheme and to some extent the review of the Municipal Heritage Inventory.

As a result of unbudgeted revenue for a number of larger Development Applications such as the Stirling Trunk Main duplication and a number of Harvey Water pipeline applications, the current revenue from Development Applications exceeded the budget for Development Applications by \$30,000 after six months of the budget period. It would make financial and strategic sense to allocate this additional revenue to the funding of strategic planning projects.

Conclusion

It is recommended that Council authorise unbudgeted income and expenditure as follows:

- Increase Development Applications Income in Account 2253 by \$30,000.00 (from \$25,000.00 to \$55,000.00).
- Authorise Expenditure of \$30,000.00 in Account 2392 (Planning Consultancy).

COUNCIL RESOLUTION

OCM12/2/009

MOVED: Cr Scott

SECONDED: Cr Wright

That in relation to the Town Planning budget for the 2011/2012 financial year, Council resolves to amend adopted budget to engage the services of an external consultant to review all Shire of Waroona Local Planning Policies, as follows:

- 1. Authorise the increase of Development Applications Income in Account 2253 from \$25,000.00 to \$55,000.00.**
- 2. Authorise unbudgeted expenditure of \$30,000.00 in Account 2392 (Planning Consultancy).**

CARRIED 6/0

Cr Dew declared a proximity interest in Item 9.2.8 as he was an adjoining landowner to the site of the proposed application, and left the meeting the time being 4.55pm.

Cr Scott assumed the Chair, the time being 4.55pm.

9.2.8 LOT 356, NO. 28, BEACHCAST CLOSE, PRESTON BEACH - APPLICATION FOR PLANNING CONSENT FOR INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Aurecon Pty Ltd
Landowner:	Water Corporation
Date of Report: 1 February 2012	File No: TP1459
Previous Reference:	OCM11/12/147
Statutory/Policy Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme No. 7 Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation Local Planning Policy 19 – Telecommunications Infrastructure State Planning Policy 5.2 – Telecommunications Infrastructure
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth Objective 2 – Conserve Our Pristine Environment Local Planning Strategy
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

An application has been received for the installation of telecommunication (mobile phone) infrastructure on Lot 356 Beachcast Close. The application seeks to install a 15m monopole mast, with a maximum diameter of 0.7m, and associated infrastructure. The associated infrastructure is to be housed in a building 3.2m x 2.2m (7m²) and 3m high.

The monopole is to be manufactured from galvanised steel (grey) while the ground level equipment shelter building will be constructed from Pale Eucalypt Colorbond.

The proposed lease area to contain the infrastructure is located in the northern corner of the lot.

The submitted site, layout and elevation plans are at **APPENDIX.9.2.8A**.

BACKGROUND

The subject site is an existing Water Corporation storage site. The site is significantly elevated above the surrounding area. The subject lot has been levelled and cleared as part of its use as a water tank site.

Vegetation screening exists to the south. To the north vegetation screening is minimal.



Previous Reports

OCM11/12/147 – the application was considered at the December 2011 Ordinary Council Meeting where the following resolutions were made:

1. That in relation to the proposed installation of Telecommunications Infrastructure (mobile phone tower and base station) at Lot 356 (No. 28) Beachcast Close, Preston Beach and pursuant to clause 4.2.5 (b) of Town Planning Scheme No. 7, Council resolves to :
 - a) Determine that, the proposed use may be consistent with the objectives of the Urban 9 – Preston Beach zone as stated in section 4.13.1 of Town Planning Scheme No. 7.
 - b) Advertise the application following the “SA” procedures in accordance with Clause 8.2 of Town Planning Scheme No. 7.

STATUTORY IMPLICATIONS

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

The proposed development is to be located on land zoned Urban 9 – Preston Beach under the Shire of Waroona Town Planning Scheme No. 7.

Clause 6.1.1 states that any development on land zoned or reserved under Town Planning Scheme No. 7 shall require approval unless specifically exempt under clause 6.1.2 of the Scheme.

Given that Telstra is not a Public Authority as defined under the Planning and Development Act 2005, the proposed infrastructure cannot be considered to be a Public Utility as defined under Town Planning Scheme No. 7. As the use is not specifically mentioned in the Zoning Table, it was determined via OCM11/12/147 that under Clause 4.2.5 the use may be consistent with the objectives of the zone and therefore Council may approve the use subject to public consultation in accordance with Clause 8.2.

Clause 6.12 states that a maximum building height of 7.5m applies to the Urban 9 - Preston Beach zone but excludes mast, aerials and other similar structures.

Clause 8.2 sets out the requirements for the public consultation process for the varying categories of use classification.

State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2)

State Planning Policy 5.2 sets out guiding principles for the selecting of locations for telecommunications infrastructure and provides guidance on matters to be considered by Local Governments when assessing application for new infrastructure. Provisions relating to the application for Lot 356 (No.28) Beachcast Close, Preston Beach include the following:



5.1 Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure

Telecommunications infrastructure should be located, sited and designed in accordance with the following Guiding Principles:

- *Telecommunications facilities should be located and designed to meet the communication needs of the community.*
- *Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.*
- *Telecommunications facilities should be designed and sited to minimise adverse impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.*
- *Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation.*
- *Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.*
- *Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.*
- *The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area.*
- *Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.*
- *Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.*

5.2 Matters to be Considered when Determining Planning Applications

Before determining an application for telecommunications infrastructure the Western Australian Planning Commission and/or local government should consider and have regard to the:

- *Extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State;*



- *Need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region;*
- *Effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements;*
- *Effect of the proposal on any place of cultural heritage significance on or near the land;*
- *Extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts;*
- *Degree to which the proposal is co-ordinated with other services;*
- *Extent to which the proposal fulfils the requirements of Section 5.3 of this Policy; and*
- *Extent to which the proposal adheres to the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure set out in Section 5.1 of this Policy.*

5.3 Information Required to be Submitted when Lodging a Planning Application

This section of SPP 5.2 lists the information to be submitted with the application.

Local Planning Policy 1 – Community Consultation

The application has been advertised in accordance with requirements for a use designated 'SA' with a local impact as required by Local Planning Policy 1 and Clause 8.2 of Town Planning Scheme No. 7. Local Planning Policy 1 requires the following advertising methods to be undertaken:

- Notification letter to landowners in the surrounding area.
- A sign on site providing notification of the application.
- Notice of the application placed in a newspaper circulating in the Scheme area.
- A 21 day period being provided for comments relating to the application to be received.

Local Planning Policy 19 – Telecommunications Infrastructure

Local Planning Policy 19 is largely derived from State Planning Policy 5.2 – *Telecommunications Infrastructure*. Guidance is provided in relation to appropriate sites and general matters to be considered in the assessment of application for new infrastructure.

The policy provisions of Local planning Policy 19 match those provided by State Planning Policy 5.2 – Telecommunications Infrastructure as listed above.

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

The Shire of Waroona is faced with challenges including a relatively small community required to fund large scale infrastructure. The Shire has identified the need to preserve the amenity derived from areas of pristine environment.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS)

The subject land is located within the Coastal Precinct under the LPS and identified as Residential. The objective of the residential classification of the LPS in the Coastal precinct is to provide for the enhancement of the Preston Beach townsite.

COMMUNITY CONSULTATION

In accordance with the requirements of Local Planning Policy 1 – Community Consultation and Clause 8.2 of Town Planning Scheme No. 7 the following public consultation has been undertaken:

- Notification letter to landowners in the surrounding area.
- A sign on site providing notification of the application.
- Notice of the application placed in a newspaper circulating in the Scheme area.
- A 21 day period being provided for comments relating to the application to be received.

A summary of the submissions received and officer comments in relation to them is at ***APPENDIX 9.2.8B***.

INTERNAL REFERRAL

Upon referral to Building Services, the Building Surveyor stated that there were no concerns with the proposal. A Building Licence will be required to be submitted to, and approved by the Shire of Waroona prior to construction.

Comment from the Director Technical Services stated that there are no concerns with the proposal.

OFFICER'S COMMENTS

The development and use of land for private infrastructure provision is not deemed to be consistent with any of the defined uses under Schedule 1 of Town Planning Scheme No. 7. As such the application has been considered in accordance with Clause 4.2.5 of the Scheme.

The application is required to be considered in accordance with the provisions of Local Planning Policy 19 – Telecommunications Infrastructure and State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2). An assessment of the application against the matters to be considered listed in SPP5.2 is as follows:



Extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State;

The enhanced mobile and wireless data services will enhance the communication capabilities of the community and provide greater opportunities to businesses operating in the area, particularly those involving businesses or home businesses.

Need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region.

The proposed infrastructure will bring the standard of communications in Preston Beach more into line with the standard provided in the region.

Effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements.

No vegetation clearing is proposed as the subject site is already cleared.

Effect of the proposal on any place of cultural heritage significance on or near the land;

No properties in the vicinity are listed on the Municipal Heritage Inventory. The applicant also needs to adhere to the provisions of the Aboriginal Heritage Act 1972 during construction.

Extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts.

Given the existing water infrastructure and aerial mast on the site, the proposal is not considered to greatly detract from the existing amenity of the site. The use of vegetation screening, particularly to the northern boundary will reduce the visual impact of the lot as a whole.

Degree to which the proposal is co-ordinated with other services.

Co-location with existing water infrastructure on site provides a coordinated approach to infrastructure location and ensures a long term tenancy arrangement.

Extent to which the proposal fulfils the requirements of Section 5.3 of this Policy.

Satisfactory information (Information Required to be Submitted when Lodging a Planning Application) has been provided with the application to fulfil the requirements of section 5.3 of SPP 5.2.

Extent to which the proposal adheres to the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure set out in Section 5.1 of this Policy.

In general terms the proposed location is considered to be appropriate for the proposed infrastructure. The proposed location being an existing infrastructure site reduces the impact of the proposal and makes use of coordinated land use planning. Use of landscaping can reduce the impact of the proposal on the visual amenity.

Given this, the application is deemed to be in accordance with the Guiding Principles as stated in section 5.1 of SPP 5.2.

Concerns have been raised during the community consultation period regarding a source of radiation being located within the townsite and adjacent to the town's water supply. Radiation levels and potential exposure are governed by the Australian Radiation Protection and Nuclear Safety Agency. As stated in the report supplied with the application, the levels of radiation generated will be less than 2% of the maximum permissible levels.

The provision of telecommunications infrastructure is not considered to compromise the natural environment, as the proposed mast and base station will be located on a cleared portion of the subject lot.

In terms of potential impact on the amenity due to the visual intrusion that may be caused by the proposed installations, it is noted that the monopole type mast is proposed to be located adjoining the water tank on the site, which to some extent already affects the amenity from Panorama Drive. The proposed tower will extend approximately 10m above the water tank which is approximately 5m in height. A future panel antenna may increase the height of the tower to approximately 17m. It is also noted that there is an existing mast of approximately 10m on the site.

The colour scheme of the base station will be of muted tones (pale eucalypt) to blend in with its surrounds. The monopole will be galvanised and is expected to fade over time. Unlike lattice towers, monopoles are not considered to be very prominent. The existing infrastructure on the lot and telecommunications facilities are consistent with urban infrastructure such as electrical power lines, light poles and water tanks found in the location. The impact of the application on the amenity of the area is not considered to be significant, however concerns have been raised during the community consultation period regarding visual amenity.

Given the above assessment, the proposal is considered to be generally consistent with the objectives of the zone and SPP 5.2. For this reason the application is recommended for approval.

COUNCIL RESOLUTION**OCM12/2/010****MOVED: Cr Germain****SECONDED: Cr Scott**

That in relation to the proposed installation of Telecommunications Infrastructure (mobile phone tower and base station) at Lot 356 (No. 28) Beachcast Close, Preston Beach, Council resolves to approve the application subject to the following conditions:

- a) The development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plans received on the 23rd of November 2011 (drawing No. W106672, Sheets 1 and 3), unless otherwise required or agreed in writing by the Manager Planning Services.**
- b) The shed (equipment shelter) shall be suitably screened using vegetation planting so as to limit the impact on the surrounding area. Details of screening shall be submitted to the satisfaction of the Manager Planning Services prior to the issue of a Building Licence. The development shall thereafter be implemented and maintained in accordance with the approved details to the satisfaction of the Manager Planning Services.**
- c) 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.**

LOST 1/4**For the Motion: Cr Germain****Against the Motion: Cr Mason, Cr Salerian, Cr Scott, Cr Wright**

Cr Dew returned to the meeting, the time being 5.16 pm and resumed the Chair.



9.2.9 LOT 102 BRISTOL ROAD, WAROONA - APPLICATION FOR PLANNING CONSENT FOR A CARAVAN STORAGE AREA.	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Gordon Clarence Kearle and Kerry Anne Bigelow
Landowner:	Gordon Clarence Kearle and Kerry Anne Bigelow
Date of Report: 3 February 2012	File No: TP1469
Previous Reference:	N/A
Statutory/Policy Implications:	Caravan and Camping Grounds Act 1995 Caravan and Camping Grounds Regulations 1997 Peel Region Scheme 2007 Shire of Waroona Town Planning Scheme No. 7 Local Planning Strategy Planning Policy 1.0 - Community Consultation Local Planning Policy 24.0 - Landscaping
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 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 143.24m x 1.42.24m (20,232m²) caravan storage area on Lot 102 Bristol Road, Waroona. See location plan **at APPENDIX 9.2.9A**. The storage area is proposed to be located to the South of the lot, 95m from Monaco Road and 35m from the rear boundary. See site plan **at APPENDIX 9.2.9B**.

The purpose of the facility is the storage of caravans only. The applicant has indicated that the storage area will accommodate a maximum of 200 caravans.

The applicant intends to implement landscaping along the periphery of the storage area. See landscaping plan attached **at APPENDIX 9.2.9C**.

The area in which the caravans are proposed to be parked will be left grassed in order to complement the supplementary peripheral landscaping.

Access to the storage area will be from a new limestone road off Monaco Road. The proposed new access road will be lined with native trees.

Based on a survey undertaken by the applicant, at a capacity of 200 caravans, 300 movements are predicted per year.

BACKGROUND

There are two sheds located on the 18.068Ha lot. The topography of the lot is generally flat. Small sections of mature native vegetation are present on the lot. Surrounding lots in the area are used for rural / rural living purposes.

Previous Approvals

A search of Council records indicates Building Licenses for two sheds have been issued on the lot.

STATUTORY IMPLICATIONS

Caravan and Camping Grounds Act 1995

Clause 5 (1) of this Act defines a Caravan Park as “an area of land on which caravans, or caravans and camps, are situated for habitation”.

Peel Region Scheme (2007)

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 provide 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 (TPS).

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 4.2.5 of the TPS states that ‘if a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be

determined as falling within the type, class or genus of activity of any other use category' this shall be treated as a use not listed.

The TPS defines a caravan park as:

'an area of land specifically set aside for the parking of caravans, erection of camps or tents but excludes park homes.'

A caravan park is defined as an 'AA' use in the Rural 1 General Farming zone. This means that it is at Councils discretion permit the use.

The TPS defines a Transport Depot as:

'Land and buildings used for the open storage or garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.'

Clause 8.2.3 of the TPS states that where Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out.

- a) Notice of the proposed development to be served on the owners and occupiers of the land within an area likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within 21 days.

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

Objective 3 – Protect and conserve agricultural lands and rural land uses.

The Shire of Waroona is committed to the sustainable management of the expected land use change in rural areas and is conscious of the need to achieve a balance between the pressures of development and the maintenance of existing farming practices and priority agricultural areas.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS)

Under the Local Planning Strategy Lot 102 Bristol Road is located within the General Agriculture sub-precinct of the Agricultural precinct. In this sub-precinct it is Council's objective to provide for the continued use of the area for a range of agricultural pursuits and low key tourist establishments.

A Caravan Storage Area, Transport Depot or a Caravan Park are not listed as primary or discretionary uses within the general agriculture sub precinct.

Planning Policy 1.0 Community Consultation

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected ratepayer aware of a development proposal and to allow them ample opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

The minimum extent of neighbourhood referrals shall be to the owners of each property abutting the subject development site and any property located, fronting a common road, directly opposite the subject site.

In accordance with Policy 1.0 and section 8.2.2 of the TPS, the application for the proposed storage area was advertised to adjoining landowners for a period of 21 days. Letters were sent to surrounding landowners to make them aware of the application. Within this timeframe one (1) submission was received. (See Schedule of Submission **at APPENDIX 9.2.9D**)

Further to this a telephone enquiry was received from an adjoining landowner questioning the appropriateness of the storage area within the rural zone.

Planning Policy 23.0 - Landscaping

Objectives

- I. Provide guidelines for effective landscaping for a range of purposes including - screening.
- II. To provide minimum standards for maintenance of landscaping requirements.

General principles

- All landscaping required as a condition of approval is required to be maintained for the life of the approval. Moribund trees and shrubs must be replaced as soon as practical.
- Council supports use of endemic native species where appropriate.
- In relation to industrial developments, screening is a particular requirement and Council will require extensive use of screening plants.

Internal Referral

Upon referral to the Shires Technical Directorate the Shire's Consulting Engineer stated that an application for a crossover must be applied for prior to construction of a new access road. A typical cross-section of the access road is to be submitted for approval by the Director of Technical Services.

The Consulting Engineer also noted that should a hardstand area be required for the storage area, the design must be submitted for approval the Director of Technical Services.

Finally the Consulting Engineer noted that any drainage issues must be identified and approval for appropriate treatment must be sought from the Director of Technical Services.

Upon referral to the Environmental Health Officer (EHO) / Building Services, the EHO / Building Surveyor stated that there were no concerns with the proposal from a Building Services perspective. It was noted that if any ablution provisions were required a septic system must be installed.

OFFICER ASSESSMENT

Town Planning Scheme (TPS)

The primary issue to consider is the definition of the caravan storage use in terms of the TPS. It is noted that the TPS definition of a caravan park specifically makes a provision for the parking of caravans. It can be reasonably assumed that this is how the storage area will be operated i.e. caravans will be parked here for storage. So in accordance with clause 4.2.5 of the TPS the proposed use, a caravan storage area, may be reasonably be determined as falling within the type, class or genus of the caravan park use category.

Alternatively, the use could be defined though the definition of a storage depot. Although this definition is not matched completely, the actual use is relatively consistent with the storage of vehicles as described by this definition.

This proposal could only be treated as a caravan park based on the TPS's specific wording of the caravan park definition. Although the proposed use can technically be tied to the tourist caravan park use category by definition, it is essentially a commercial / industrial use. In reality the applicant's intended use of the lot is for commercial storage of caravans, not a caravan park as covered by the Caravan and Camping Grounds Act.

If the applicant wished to commercially store other vehicles such as trucks or boats at the scale proposed on the lot, the intent of the use would be commercial or industrial, but it could not be dealt with as a caravan park under the TPS. The storage yard would be dealt with as a use not listed and assessed as a commercial / industrial use against the objectives of the Rural 1 Zone. For this reason it is pertinent that the proposed storage area should be dealt with in a similar manner – the ultimate intended use and not just the wording in a definition.

The objective of the Rural 1 – General Farming Zone is to preserve the rural character of the District's farming lands and to ensure that they continue to contribute materially to the District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally. Within the Rural zone a caravan park represents a changing land use practice that may have the ability contribute to the districts economy. A caravan park is a tourist use that would complement the objectives of the rural zone.

Assessing the proposed storage area through the prism of a commercial land use however, the same argument cannot be applied. Within the TPS the only permissible or discretionary commercial land uses acceptable in the Rural 1 Zone are those that are ancillary to rural or residential land use. For example a Garden Centre, Commercial Horse Keeping, Milk Depot, Nursery and Stable are all permissible or discretionary commercial land uses acceptable in the Rural 1 zone and are ancillary to

rural uses. In contrast to this a Transport Depot, which is similar in nature to the proposed storage area, is not an acceptable use within the Rural 1 Zone. It can therefore be determined that the proposed storage area is not consistent with the objectives of the Rural 1 Zone and it is therefore an inappropriate land use in this locality.

Local Planning Strategy (LPS)

The proposed storage area is not consistent with Council's objective to provide for the continued use of the area for a range of agricultural pursuits and low key tourist establishments in the General Agriculture sub-precinct.

The proposed caravan storage area is similar to acceptable land uses designated for the Industrial and Town Precincts of the LPS. The proposed storage area is a commercial / industrial use that is therefore not consistent with the agricultural classification of the lot under the LPS.

Schedule of Submissions

One objection was received from an adjoining landowner. Some of the grounds of objection raised in the submission are as follows.

- The appropriateness of the proposal in the Rural 1 - General Farming zone.
- The fact that storage is more consistent with an industrial zoning.
- The endorsement of such an application would seem to be inconsistent with the objectives of the planning scheme.
- As landowners holding the opinion that the proposal will have a negative impact on the rural and agricultural environment of the area;
- The TPS definition of a Caravan Park is not consistent with the intent of the proposed land use.
- A 5 acre area for the storage of caravans no matter how well it may be landscaped is a totally inappropriate use of land in this area.

In general all of the above concerns highlighted by the adjoining landowner are also concerns of the Planning Department. See Schedule of Submissions including responses **at APPENDIX 9.2.9D.**

Conclusion

Examining the objectives of both the TPS and the LPS it can clearly be determined that the proposed caravan storage area is not consistent with the outlined objectives. It is a commercial / industrial use that is not desirable or appropriate in the proposed location and for this reason it is recommended for refusal.

COUNCIL RESOLUTION

OCM12/2/011

MOVED: Cr Wright

SECONDED: Cr Mason

That Council, with respect to the application for Planning Consent for a Caravan Storage Area at Lot 102 Bristol Road, Waroona, refuse the application as the proposal:

- 1. Does not comply with the objectives of the Town Planning Scheme for the Rural Zone.**
- 2. Is not consistent with the Local Planning Strategy in the following ways:**
 - It is not consistent with the objectives of the General Agriculture sub- precinct.**
 - A Caravan Storage Area is not listed as a primary or a discretionary use in the General Agriculture sub precinct.**

CARRIED 4/2

**For the Motion: Cr Wright, Cr Mason, Cr Germain & Cr Dew
Against the Motion: Cr Scott & Cr Salerian**

9.2.10 TENDER 2011/006 BULLER RD REFUSE DISPOSAL SITE LIQUID WASTE STABILISATION PONDS	
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: 6 February 2012	File No: 77/3
Previous Reference:	Waste Advisory Committee 16/6/2008 Waste Advisory Committee 26/8/2009 OCM 11/06/062 OCM11/08/091 OCM11/11/138
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	Shire of Waroona Forward Capital Works Plan 2010-2011-2014-2015
Financial Implications:	In budget
Voting Requirements	Simple Majority

Proposal

To accept the Tender from ME & MF Jenkins of \$212,695.00 for construction of waste ponds at the Buller Road landfill site.

Background

In 2007 the Council's Waste Management Advisory Committee engaged IW projects to design new waste ponds at the Buller Road Landfill site due to the current ponds being beyond their economic life. In 2009 the Shire was granted a four year works approval from the Department of Environment and Conservation to construct the ponds.

In August 2011 the project was put to State wide public tender however the prices exceeded budgeted funds and no tenders were accepted. A desktop study was undertaken to see if the project could be undertaken by Shire staff and plant however the Shire lacked key resources to undertake this work. Council subsequently resolved to reallocate Royalties for Regions funding allocated to the gym centre extension and allocated additional funding to this project.

Community Consultation

Nil.

Officer's Comments

In December 2011 the project was again tendered out and at the close the following tenders were received.

Jenkins	\$212,695.00
Yarnell	\$288,555.95
Road Co.	\$353,642.10



WBHO \$366,013.35
Wagerup \$398,841.00

A tender evaluation of price and qualitative criteria was carried out by IW Projects and is attached (**Attachment 9.2.10**).

COUNCIL RESOLUTION

OCM12/2/012

MOVED: Cr Scott

SECONDED: Cr Germain

That Council accepts the tender (Tender No. 2011/006) from ME & MF Jenkins of \$212,695 for construction of waste treatment ponds at the Buller Road Refuse Site.

CARRIED 6/0

Cr Scott and Cr Mason declared an interest affecting impartiality as they were both members of the Waroona Golf Club.

9.2.11 WAROONA GOLF CLUB – APPLICATION TO CLEAR NATIVE VEGETATION	
Reporting Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil.
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services / Nil.
Proponent:	Waroona Golf Club Inc.
Landowner:	N/A.
Date of Report: 8 February 2012	File No.: 66/1, 88/1.
Previous Reference:	N.A.
Statutory/Policy Implications:	Environmental Protection Act 1986. Shire of Waroona Local Government Property Local Law 2001. Shire of Waroona Town Planning Scheme No.7 1996. Policy 7.1 Control and Management of Council Property.
Strategic Implications:	Shire of Waroona Strategic Plan 2005 -2025. • Land Use Planning. Shire of Waroona Local Planning Strategy 2009.
Financial Implications:	N.A.
Voting Requirements	Simple majority.

PROPOSAL

The Waroona Golf Club proposes to clear approximately 1. ha of native vegetation along the northern fairways of the golf course at Lot 1 Hill Street Waroona (Portion of Murray Location 254 – Lot 1 on Diagram 28439). A plan indicating the areas subject to the clearing application is at **Appendix 9.2.11A** Supporting documentation is attached at **Appendix 9.2.11B**.

The method of clearing will be through mechanical slashing and involves primarily the slashing of (love) grass along the front of the tree line next to fairways. The removal of dead diseased and dangerous trees on the golf course is also proposed as well as the trimming of tree limbs overhanging fairways.

BACKGROUND

The Waroona Golf Club's use of the Waroona Golf Club is subject to a lease dated 23 February 2006 (registered 2 March 2006).

The lease is subject to a number of conditions including:

- “2.3 Not to alter the character or interfere with the present state of the premises further than may be necessary for laying out and maintaining the same as a proper golf links and club house without the written consent of the lessor.
- 2.4. To maintain and keep at the Lessee's own expense the said golf links and clubhouse without the written consent of the lessor.” and



3. As soon as reasonably practicable after the commencement of the term, and throughout the term and any renewal extension thereof the Lessee shall:
- 3.1 Prepare a forward Planning Management Plan (“the Plan”) within the meaning of and in accordance with Council decision No. OCM04/147 of its September 2004 Ordinary meeting of the Council.
- 3.2 At reasonable times during the term and any extension or renewal thereof to maintain, develop and improve the Plan and appropriate strategies and for that purpose to consult with the Lessor’s responsible officers.”

The golf course “rough” areas between the fairways that are the subject of the clearing permit are in general vegetated with grass, grass trees and trees. The vegetation between the fairways has also been known to contain kangaroo paws.

There are obvious signs of kangaroo presence on the golf course, as well as birdlife. With the larger eucalypt, tuart and jarrah trees along the fairways it is expected that the area is a habitat for a broader range of species, however an environmental study has not been undertaken. See **Appendix 9.2.11C** for photos showing typical vegetation in these areas.

The northern pocket of the golf course appears to have more vegetation in the “rough areas” (particularly in understorey) compared to the “rough” areas between the fairways in the southern portion of the golf course.

COMMUNITY CONSULTATION

The Waroona Golf Club has applied direct to the Department of Environment and Conservation (DEC) for approval to clear land, and the DEC has referred the application to the Council for comment. Comments are required back to DEC by 22 February 2011.

The application was to be referred to the Recreation Advisory Committee, however, a meeting was unable to be convened by the due date for responses to DEC.

Internal Referral

The proposal was referred to the Works Manager who indicated that the Works Department will be able to provide general guidance and supervision to the clearing activities if required.

STATUTORY IMPLICATIONS

Environmental Protection Act 1986

The application is lodged in terms of S51E of the Environmental Protection Act 1986, which makes provisions for the lodging of a clearing permit in relation to Native Vegetation.

Section 51 C of the Act stipulates that clearing of native vegetation (including understorey) is prohibited, unless a clearing permit has been granted.



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

The property in question is reserved for Recreation (Golf Course) in terms of the TPS.

The use of a golf course and the maintenance / clearing of vegetation on the land are considered to be consistent with the reservation of the land as required in terms of Clause 3.2.1 of the TPS.

Shire of Waroona Local Government Property Local Law 2001

The local law regulates determinations in respect of local government property, the application of permits, behaviour on local government property, entry to facilities, fees for entry and enforcement of offences.

STRATEGIC IMPLICATIONS**Shire of Waroona Strategic Plan**

Objective 2 – Conserve our pristine environment: Key areas of environmental sensitivity are the growth and development of coastal areas and lakelands; sites of valuable remnant vegetation, significant water catchment areas; visual landscape areas, buffer zones around the Wagerup Refinery, expansion of existing permanent population settlements and increasing visitor numbers.

The Shire recognises that it has an inalienable duty to future generations to protect fragile places amidst problems of pollution encroachment – through intensive land use practices and urbanisation - a lack of uniform coastal restrictions applicable to the whole coast; insufficient Dieback controls; lack of reticulated water and sewerage; removal of limestone and thirsty pine plantations.

Shire of Waroona Local Planning Strategy (2009)

The Waroona Golf Course is located in the Town Centre precinct of the Local Planning Strategy. The objective of this precinct is to provide for a wide range of commercial, community and civic uses within a pedestrian friendly and attractive environment.

Policy 7.1 Control and Management of Council Property.

Clause a) of the Policy relates to the Waroona Recreation and Aquatic Centre and Memorial Hall.

Clause b) of the Policy states:

“Council may lease Hire, or Agree to the use of other Council property. Use of all Council Property will be governed by Councils Local Government Property Local Law and any other Policies and Procedures regarding its use.

Council may negotiate an arrangement between a particular user group, for that group to be responsible for certain areas of maintenance or replacement of equipment pertaining to the use of their particular area”.

OFFICER'S COMMENTS

The area shown on Map CPS 4291/1 (**Appendix 9.2.11A**) indicates the area that is subject to the clearing permit. Within the context of the rest of the golf course, particularly the southern portion, the vegetation in the northern pocket appears to be more significant than the rest of the course.

The actual area subject to clearing is however not extensive (compared to the remaining vegetation). The initial concern that arises is that a large number of mature trees and grass trees may potentially be affected if the application is approved without restrictions.

On the one hand the golf course has a responsibility to maintain the property in terms of its leave and ensure that fuel loads do not build up to the extent that it creates a significant fire risk to surrounding properties in the area.

General slashing and maintenance will also assist with the general maintenance of the course as required under the lease agreement with the Shire and is not of significant concern.

Conclusion

It is recommended that Council agrees to the clearing of the golf course subject to conditions specifically restricting the extent of clearing.

COUNCIL RESOLUTION

OCM12/2/013

MOVED: Cr Wright

SECONDED: Cr Scott

That in relation to the application from the Waroona Golf Club Inc. to clear native vegetation in the northern section of the Waroona Golf Course, Council resolves that:

- 1. The area to be cleared shall be restricted to the area indicated on Map CPS 4291/1.**
- 2. The clearing permitted is to be restricted to:**
 - a) Slashing of grass between fairways up to tree lines next to the fairways and between trees where grass trees and other native vegetation are not affected.**
 - b) The removal of dead, diseased or dangerous trees.**
 - c) Trimming of tree limbs overhanging fairways.**
- 3. No mature trees, grass trees or kangaroo paws (other than the vegetation mentioned in 3 above) shall be removed or cleared without the consent of the Chief Executive Officer.**
- 4. The Department of Environment and Conservation be advised accordingly.**

CARRIED 6/0

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: 06/02/2012	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****OCM12/2/014****MOVED: Cr Wright****SECONDED: Cr Germain****That Vouchers numbered:**

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal Trust Cheques	Cheques 6733 – 6790 13530 – 137000 EFT 13701 & 13771	\$51,877.51 \$3,825.00
Electronic Transfers Municipal Fund	EFT 13530 - 13903 Direct Debit 12903.1	\$780,961.92
Direct Wages	14/12/11 – 26/1/12 inclusive	\$287,345.80
GRAND TOTAL:		<u>\$1,124,010.23</u>

and attached at Appendix 9.3.1 be endorsed.**CARRIED 6/0**

9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2011 TO 31 DECEMBER 2011 & 1 JULY 2011 TO 31 JANUARY 2012	
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: 8/2/12	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 9.3.2A & 9.3.2B**COUNCIL RESOLUTION****OCM12/2/015****MOVED: Cr Mason****SECONDED: Cr Wright**

That the Monthly Statements of Financial Activity for the period 1 July 2011 to 31 December 2011 & 1 July 2011 to 31 January 2012 Appendix 9.3.2A & 9.3.2B be received and noted.

CARRIED 6/0

9.3.3 BUDGET REVIEW FOR THE PERIOD 1ST JULY 2011 TO 31ST JANUARY 2012	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/ Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 06.02.2012	File No.: 1/7
Previous Reference:	2011/2012 Adopted Budget
Statutory/Policy Implications:	See below
Strategic Implications:	N/A
Financial Implications:	See below
Voting Requirements	Absolute Majority

Policy Implications

This report considers the Council Policy in relation to material variances which states that “The materiality factor for highlighting variances (budget to actual) shall be 10% with a minimum of \$20,000.

Proposal

Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year. The review is to be submitted to Council within 30 days for determination.

The review of an annual budget for a financial year must –

- (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- (b) consider the local government’s financial position as at the date of the review and
- (c) review the outcomes for the end of that financial year that are forecast in the budget.

Within 30 days after a council has made a determination, a copy of the review and council’s determination is to be submitted to the Department.

Included with the agenda at **APPENDIX 9.3.3** is a detailed financial information report (including predicted financial position as at 30th June 2012) pertaining to the 2011/12 budget. The report covers the 7 months period to 31st January 2012, by which this review is based.

1. Operating Income

General Purpose Funding

Interim rating income of \$12,360 has been received to period end.

Royalties for Regions funding of \$530,568 has been received.



All General Purpose income is expected to meet or slightly exceed budget predictions.

Governance

Administration Centre Extension: A Reserve account transfer following completion of the Admin Centre extensions (\$182,000) is yet to be made.

Alcoa operating payment of \$100,000 is due in February.

Law Order Public Safety

Staff costs associated with ranging activity are likely to be in excess of budget predominantly due to beach inspections. This includes expenses associated with Volunteer Rangers. The annual contribution from the owners of Footprints Resort (\$10,860) is yet to be received.

Housing

Internal transfer of rental subsidy for Doctors residence is yet to be made (\$13,520).

Community Amenities

Household Refuse – Income from tipping fees at the Buller Road Refuse Site is likely to be well in excess of budget at year end. These additional funds should be held in the Refuse Site Reserve Account for subsequent major and/or capital works.

Sewerage – Income from domestic effluent approvals is below budget at period review. With less building activity than that predicted there will be a corresponding drop in income from building licences.

Town Planning

Additional funds to complete the Council's review of its Town Planning Scheme (TPS7) will be required. It is proposed that an external consultant be engaged for the task.

The required funds are expected to be allocated from surplus income associated with a large development application.

A separate report for this approval (up to \$30,000) will be submitted for Council consideration by the Manager Planning Services.

Recreation & Culture

Other Culture

Government grants of \$10,000 associated with completion of the Hamel Wetland Precinct are yet to be received.

Recreation & Aquatic Centre

Income from Alcoa (\$100,000) being annual operating subsidy and grant funds (\$15,089) associated with the installation of solar heating are yet to be received.

Transport

Government Grants of \$358,000 associated with 2011/12 Road Construction Program are outstanding. The amount will be progressively claimed over the next 3 months during and nearing completion of the construction program.

Economic Services

Building – Income from building approvals is expected to be below budget predictions at year end.

Townsquare – Better Regions final grant claim of \$34,950 outstanding.

Sundry Debtor Control

No doubtful debts likely to impact the end of year position have been identified, however a “write off” of debts is subject to a separate report to the Council in May 2012.

2. Operating Expenditure

Governance

Local Government Election - Election expenses for conduct of the 2011 Local Government Elections (\$12,372) yet to be paid.

Resource Sharing Initiatives - Expenditure in 2011/12 is expected to be less than budget due to timelines with the introduction of the Asset Management Initiative. The focus has remained with Information Technology with the budgeted substantial upgrade nearing completion.

Community Strategic Plan - 50% of this payment (\$19,450) has been made.

Health

Mosquito Control – Funding requests from the Regional Scheme (CLAG) for additional fogging will be in excess of budget.

Community Amenities

Protection of the Environment – expenditure associated with dune stabilisation and signage upgrades expected in February/March.

Recreation & Culture

Recreation & Aquatic Centre – At the review period operating expenses are slightly in excess of budget. There will be a need to monitor operating

accounts at the Centre as it would appear that income levels also will be below budget estimates.

It is recommended that a thorough review of the operational accounts be conducted prior to the submission of budget estimates for 2012/13.

Transport

Operating Work's accounts associated with Town and Rural street maintenance are predicted to exceed budget estimates, however this will largely be associated with expenses as a result of the July 2011 storm.

This cost of \$84,700 is expected to be offset by insurance claims totalling \$55,000 however at the time of preparing this report the insurance claim is unresolved.

The works component of the Councils annual budget is divided into both "operating" and "construction" jobs. This enables a comparison and subsequent balance of the total works program.

Sale of Scrap – The Council's Works Manager is currently considering the sale of equipment and materials which are surplus to the Council's requirements. This action will produce income in excess of budget.

Insurance – Insurance premiums are less than budget due to over budget estimates by the Council's insurer from the recent revaluation of assets however there has been a slight overall increase from the previous financial year.

Other Property & Services

Internal allocations associated with the Works Program (public works overheads and plant operation costs) are under allocated at period end. These allocations are reviewed on an ongoing basis and adjustments made where necessary.

3. Capital

Land & Buildings

Administration Centre Extension and Re-roofing – The majority of construction work has been completed, however landscaping and internal fit out remains outstanding and will require consideration for inclusion in the 2012/13 budget.

Housing – (Doctors Residence) – Installation of paving, reticulation and wall oven not commenced.

Recreation Centre – proposed gymnasium extension deferred and funds (\$100,000) reallocated to the construction of sewerage ponds.

Note – This amount consists of \$70,000 Royalties for Regions funding and \$30,000 own resources.



Plant & Equipment

Expenditure on the Council's Plant Replacement Program is a timing issue and is not expected to exceed budget estimates at year end. The replacement of a major item of plant (Komatsu Front End Loader) is expected to take place in March.

Furniture & Equipment

Expenditure on Furniture & Equipment Assets is a timing issue in relation to budget progress and is expected to be within budget at year end.

Infrastructure Assets – Roads

Expenditure on the 2011/12 Road Construction Program is less for the forecast period than originally predicted.

There are however not expected to be any projects that will not be complete by year end and it appears likely that total expenditure will be slightly less than budget.

Infrastructure Assets – Other

Buller Road Refuse Site – Construction of Sewerage Ponds – Tenders for this project are currently being evaluated however it is expected that works will be completed by year end.

Total project budget has been amended to \$250,000 as a result of budget amendment (OCM11/11/138).

The following table indicates the status of capital projects as at 31st January 2012.

COA	PROJECT	ASSET TYPE	BUDGET	ACTUAL TO 31/1/12	COMMENTS
0504	Construct Rear Office Carpark	Infrastructure - Other	62,786	35,385	In progress
0514	Purchase electric whiteboard & coffee machine	Furniture & Equipment	3,900	2,987	Whiteboard purchased only
0554	Purchase 2x Laptops, Virtual Security System Internet/Email, Synergysoft upgrade, Furniture for MFS	Furniture & Equipment	15,100	10,503	Incomplete
0524	Re-roof existing Admin Building, Complete Admin Centre Extensions	Buildings	229,180	226,874	Almost complete
0574	Changeover CEO & DCEO vehicles	Plant & Equipment	81,000	43,296	CEO vehicle only
0754	Complete electrical works - Southern Estuary Road Fire Tank	Infrastructure - Other	5,000	2,550	Complete
0724	Complete construction - Preston Beach Fire Shed	Infrastructure - Other	78,000	18,980	Incomplete
0764	Install 2 concrete water tanks - Lake Clifton	Infrastructure - Other	54,520	49,742	Complete

0914	Changeover Ranger vehicle	Plant & Equipment	31,000	30,245	Complete
3434	ESL Payment - Furniture to Lake Clifton & Preston Beach Fire Brigades	Plant & Equipment	9,528	0	Not commenced
0934	Upgrade CCTV	Furniture & Equipment	25,000	0	Not commenced
1704	Install paving, reticulation & turf, Replace wall oven	Buildings	17,885	0	Not commenced
1514	Construction of sewerage ponds - Buller Rd Refuse Site	Infrastructure - Other	150,000	0	Tender under consideration
2114	Install additional lighting - Preston Beach car park	Infrastructure - Other	8,000	0	Not commenced
2254	Changeover MPS vehicle	Plant & Equipment	29,000	28,471	Complete
3044	Install client statistics counter, Purchase pinup board	Furniture & Equipment	1,565	350	In progress
3124	Hamel Conservation Precinct	Infrastructure - Other	10,000	7,335	In progress
7104	Install air conditioning (unused squash court), Replace sprung floor, Extend gym	Buildings	185,500	88,127	In progress
7114	Group fitness gym, Purchase digital TV for gym, Nautilus freedom trainer	Furniture & Equipment	14,375	0	Not commenced
7154	Purchase storage reel for lane ropes, Replace solar hot water system	Plant & Equipment	54,900	55,509	Complete
3634	Drakesbrook Weir upgrade	Infrastructure - Other	72,530	56,777	Complete
3654	Install water tank anti-purge device - Centennial Park	Plant & Equipment	1,480	0	Not commenced
3184	Roads to Recovery	Infrastructure - Roads	185,893	33,461	In progress
2014	Elliott Street drainage, Logue St/Sundercombe Loop drainage basin fence	Infrastructure - Other	89,693	8,647	In progress
3724	Seal extension - Waroona Town Oval	Infrastructure - Other	34,926	18,219	Almost complete
3204	Road works total construction (full pgm \$1195841)	Infrastructure - Other	822,543	60,387	In progress
3524	Purchase workshop tools	Tools	3,100	668	In progress
3554	Changeover Manager Works & Services vehicle, garden utility, DTS vehicle, Komatsu front end loader, Minor plant purchase	Plant & Equipment	314,300	26,814	In progress - loader to be purchased in March
3574	Purchase display & office furniture	Furniture & Equipment	950	0	Not commenced
3584	Allowance for Townsite infrastructure	Infrastructure - Other	5,000	4,000	Incomplete
3594	Preston Beach townsite entry statement, Install caravan sullage point	Infrastructure - Other	22,000	2,050	Entry statement not commenced
4164	Changeover DCS & MEHBS vehicle	Plant & Equipment	57,500	54,658	Complete
			\$2,676,154	\$866,035	

4. Cash Position

Cash position at 31st January 2012

Municipal Fund - \$1,527,554
 (of which \$1,330,792 is invested)
 Reserve Accounts - \$1,548,737

5. Summary

Analysis of the overall financial position for the review period has not identified any areas of concern in relation to the adopted budget which have not been previously identified.

There are however a number of areas addressed in this report which will be monitored for the remainder of the financial year, particularly that of the Capital Works budget.

It is proposed to hold a meeting of the Finance and Audit Committee prior to the March Ordinary meeting. The Committee will consider progress with the 11/12 budget and meet with the Council auditor.

6. Budget Amendments 2011/12

The following amendments to the 2011/12 budget have been approved by the Council to date:

- Receive grant funding of \$163,000 to municipal account 2723 and subsequent Reserve account allocation Football Oval Lights (OCM11/09/108).
- Reallocate \$100,000 from account 7104 to account 1514 for construction of liquid waste facility (OCM11/11/138).
 * Royalties for Regions component - \$70,000.
- Include the amount of \$466,475 in additional income from Royalties for Regions (CLGF) and include the following expenditure.
 - Construction of Cemetery Niche Wall \$105,000
 - Recreation Centre & Gymnasium expansion \$250,000
 - Preston Beach change rooms refurbishment \$70,000
 - Library/Admin Centre Car park/Landscaping \$41,475
 (OCM11/12/161)
- Additional capital expenditure A/C 0924 \$1,287
 Additional income (\$1,287) being transfer from Volunteer Ranger Reserve Account (OCM11/12/160)
- Additional expenditure A/C 2502 \$20,000
 Additional income A/C 2103 \$20,000
 (OCM11/12/155) Bandicoot Brook Restoration Grant
- Additional expenditure A/C2192 \$40,000
 Additional expenditure A/C2333 \$40,000
 (OCM11/12/154) Preston Beach Townsite Strategy

COUNCIL RESOLUTION

OCM12/2/016

MOVED: Cr Wright

SECONDED: Cr Salerian

That the 2011/12 adopted budget review for the period 1st July 2011 to 31st January 2012 be received.

CARRIED BY ABOLSUTE MAJORITY 6/0

9.3.4 RATES DEBT COLLECTION – SALE OF LAND 3YRS UNPAID	
Reporting Officer / Officer's Interest:	Kirsty Ferraro – Senior Rates Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	MW Schmidt & MA Pitman
Property:	6 Hesse Street, Waroona
Date of Report: 12.01.2012	File No.: A1211
Previous Reference:	N/A
Statutory/Policy Implications:	Section 6.64 – Local Government Act 1995
Strategic Implications:	See heading below
Financial Implications:	See heading below
Voting Requirements	Simple Majority

Proposal

Council is requested to consider the sale by public auction of No 6 Lot 81 Hesse Street, Waroona (C/T 1206/952) as a result of unpaid rates for 3 or more years under Section 6.64 of the *Local Government Act 1995*.

Background

The property located at 6 Hesse Street Waroona has outstanding rates of \$6,857.15 (as at 12.01.2012) including collection costs for 3 or more years.

Statutory/Policy Implications

Section 6.64 of the Local Government Act 1995 provides that, if any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and proceed to sell the land. Section 6.68 (1) of the Local Government Act 1995 prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under 6.56 of the Local Government Act 1995.

In order to take possession of the property and proceed with its sale, Council must cause notice requiring the payment of rates under Schedule 6.3 of the Local Government Act 1995. Such notice is also to be served on any party with an interest in the land. This includes the mortgagee and is to be posted on the Shires official notice board for a period of not less than 35 days. If at the expiration of three months from the date of issue of this notice the rates remain unpaid, the Shire of Waroona may proceed with selling the land by public auction, with such auction to occur not more than 12 months from the date of the notice.

If the matter takes this course and the property is sold by public auction, under Clause 5 of the Schedule 6.3 of the Local Government Act 1995, the outstanding rates, any additional legal expenses and the cost of the sale or incidental to the sale of the property can be recovered by the Shire. Any residual amount from the sale of the properties is to be held by the Shire in the event of the owners or associated parties making a claim. If after 12 months the amount has not been claimed, the residual funds are to be paid to the Supreme Court under Section 99 of the Trustees Act.



The Shire of Waroona's Policy 3.18 "Recovery of Debts" applies to this item. The actions undertaken by the administration are consistent with the requirements of the policy.

Financial Implications

There will be positive financial implications for Council as all outstanding rates and service charges will be able to be recovered from the proceeds of the sales together with any additional costs associated with further legal action plus the costs of sale of the property or incidental to the sale of the property.

Current outstanding debt is \$6,857.15.

Recovery Procedure

- Step 1 - Notify owners and interested parties in writing of Council's intention to sell the land in order to recover rates under Section 6.64 of the Local Government Act. Allow 10 days for a response.
- Step 2 - Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner's address shown on the Certificate of Title. The owner is given 3 months in which to pay and avoid his land being sold. *Section 6.68 (3) Schedule 6.3.1 (1)(a)*
- Step 3 - Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property.
Schedule 6.3.1 (1) (b)
- Step 4 - A copy of the Notice Requiring Payment (Form 4) be displayed on Council's official noticeboard for a minimum of 35 days ensuring that the notice be duly stamped with the date first displayed and the date removed – showing signature of authorised person plus witness.
(Schedule 6.3.1 (1)(c)
- Step 5 - Serve a copy of Form 2 to the owners (*Section 6.64 (2) Reg 72*) and also attached a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.
Section 6.64 (2) Reg 73
- Step 6 - Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice Requiring Payment (Form 4) for the public auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse.
Schedule 6.3.7
- Step 7 - Issue a statewide public notice (*usually issued in the West Australian – Form 5*).
- Step 8 - Register at Landgate a Memorial of the Statewide public notice.
Schedule 6.3.2 (3)
- Step 9 - Organise the auction (*note schedule 6.3.3*).

Step 10 - Attend the auction.

Step 11 - If sold at auction, arrangement settlement (*schedule 6.3.4 & 6.3.5*).

Should payment be received in full (including legal charges) during this time, proceedings will cease.

Officers Comments

The sale of any property to recover unpaid rates and service charges is not the preferred course of action normally pursued as other legal proceedings have generally proven to be successful. However, all other legal options attempted to recover unpaid rates on this property have been exhausted and this remains the Council's only option to recover rates.

On the 1st February an admission of claim was received by Austral Mercantile from the debtor requesting to pay \$100 per fortnight commencing early February. The admission of claim was rejected based on the size of the debt and the debtors past history in relation to payments by special arrangement. Austral Mercantile will respond to the debtor rejecting the claim on Councils behalf.

See Property Location at **APPENDIX 9.3.4**.

COUNCIL RESOLUTION

OCM12/2/017

MOVED: Cr Germain

SECONDED: Cr Mason

That the Council approve administrative action to recover unpaid rates and charges by the sale of the land in respect to property A1211 – 6 Hesse Street, Waroona – MW Schmidt & MA Pitman (C/T 1206/952) as a result of rates outstanding for three or more years under section 6.64 (1) (b) of the *Local Government Act 1995*.

CARRIED 6/0

9.3.5 APPOINTMENT OF AUDITOR	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/ Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report:	07.02.2012
	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	See below
Strategic Implications:	N/A
Financial Implications:	See below
Voting Requirements	Simple Majority

Proposal

The Council's present Auditor Mr Tim Partridge of AMD Chartered Accountants (AMD) has conducted the Shire of Waroona audit for several years. The proposal is to appoint Mr Partridge for a further 5 year period expiring 30th June 2016 ie, 2011/12, 2012/13, 2013/14, 2014/15 and 2015/2016 financial years.

Background

AMD has provided excellent service in the past and has proved a valuable resource for Council staff. They have developed a thorough understanding of the Councils policies and procedures and have established good rapport with Council staff.

This has been of significant benefit to both parties especially when dealing with legislative changes which may impact the accounting function.

Statutory/Policy Implications

The Council is required pursuant to the Local Government Act 1995 and the Local Government Audit Regulations to appoint an Auditor.

In addition the Council must assist the Auditor to undertake an audit of its accounts and annual financial statements and to consider reports received from the Auditor.

Community Consultation

No community consultation was required or considered necessary on this matter.

Financial Implications

AMD have submitted the following proposed fees:

Year ending 30 June 2012	-	\$9,700 (ex GST)
Year ending 30 June 2013	-	\$9,950
Year ending 30 June 2014	-	\$10,400
Year ending 30 June 2015	-	\$10,900
Year ending 30 June 2016	-	\$11,300

Officers Comments

The fees submitted by AMD are considered to be very reasonable and represent only a small increase of \$400 over the 2010/11 financial year (\$9,300).

This is reflective of the excellent standard of the accounts that are presented for audit.

In addition AMD currently audit another 12 Local Governments in the South West.

Continuity of service is therefore a major factor in seeking reappointment of the Auditor.

It should be noted that extra audits associated with grant acquittals and non-compliance issues will be at extra charge.

COUNCIL RESOLUTION**OCM12/2/018****MOVED: Cr Scott****SECONDED: Cr Germain**

That the Council appoint Mr Tim Partridge of AMD Chartered Accountants (Bunbury) to conduct the Council's audit function for the period 2011/12 – 2015/16 inclusive based on the following fee structure:

Year ending 30 June 2012	-	\$9,700 (ex GST)
Year ending 30 June 2013	-	\$9,950
Year ending 30 June 2014	-	\$10,400
Year ending 30 June 2015	-	\$10,900
Year ending 30 June 2016	-	\$11,300

CARRIED 6/0

9.4 CHIEF EXECUTIVE OFFICER**9.4.1 CONFIDENTIAL ITEM PROVIDED UNDER SEPARATE COVER (SEE 10.1)****10. CONFIDENTIAL REPORTS****COUNCIL RESOLUTION****OCM12/2/019****MOVED: Cr Germain****SECONDED: Cr Scott**

That the meeting be closed to members of the public, the time being 5.55 pm.

CARRIED 6/0

Mr Tilbrook declared a financial interest in item 10.1 as it directly related to vehicle usage by himself as an employee.

10.1 DEPUTY CHIEF EXECUTIVE OFFICER – VEHICLE USAGE

10.1 DEPUTY CHIEF EXECUTIVE OFFICER – VEHICLE USAGE	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 7 February 2012	File No.: P102
Previous Reference:	Nil
Statutory/Policy Implications:	Council Policy on private vehicle usage by Senior Staff is determined by each individual Officer's Employment Contract
Strategic Implications:	Nil
Financial Implications:	Council Officer to be responsible for all fuel costs thus reducing the Fringe Benefits Tax liability of both the Officer and the Council
Voting Requirements	Simple Majority

COUNCIL RESOLUTION**OCM12/2/020****MOVED: Cr Scott****SECONDED: Cr Wright**

That the Council approve the Deputy Chief Executive Officer (DCEO) use of the Council vehicle 101WR outside the State of Western Australia for the period 8 April 2012 to 12 May 2012 with all fuel costs for that period being the responsibility of the Officer.

CARRIED 6/0

COUNCIL RESOLUTION

OCM12/2/021

MOVED: Cr Germain

SECONDED: Cr Salerian

That the meeting proceed in public, the time being 5.56 pm.

CARRIED 6/0

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

Nil.

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

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil.

There being no further business the Chairperson closed the meeting the time being 6.18 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 27 MARCH 2012 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

