



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 27 AUGUST 2013
(Held at the Shire of Waroona Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

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

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

Cr Noel Dew	Shire President
Cr Larry Scott	Deputy Shire President
Cr Trish Witney	Councillor
Cr Christine Germain	Councillor
Cr Lina Look	Councillor
Cr John Mason	Councillor
Cr John Salerian	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO / Director Corporate Services
Mr Louis Fouché	Director Planning Services
Mr Steve Cleaver	Director Community Services
Mr Andrew Bruce	Director Technical Services
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Cr Craig Wright Councillor

There were no 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

Nil.

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 23 JULY 2013

COUNCIL RESOLUTION

OCM13/8/074

MOVED: Cr Germain

SECONDED: Cr Look

That the Minutes of the Ordinary Council Meeting held 23 July 2013 be confirmed as being a true and correct record of proceedings.

CARRIED 7/0

8.2 SPECIAL COUNCIL MEETING – 15 AUGUST 2013

COUNCIL RESOLUTION

OCM13/8/075

MOVED: Cr Scott

SECONDED: Cr Witney

That the Minutes of the Special Council Meeting held 15 August 2013 be confirmed as being a true and correct record of proceedings.

CARRIED 7/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.

9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 ASSET MANAGEMENT – DELISTING OF VARIOUS BUILDINGS	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services/ nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services/ nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 15 August 2013	File No.: 11/1
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act
Strategic Implications:	In document
Financial Implications:	Reduce asset management requirement to meet budget projections.
Asset Mgt. & LCC Implications:	In document
Workforce Implications:	nil
Voting Requirements	Simple majority
Linked To Strategic Objective Number (<i>Strategic Community Plan-SCP</i>): 1 - Manage Future Growth And 6 - Achieve Active Civic Leadership & Good Governance & Excellence In Management	

PROPOSAL

To delist from the building asset management plans' various Shire buildings in order to meet statutory ratios and budget projections.

BACKGROUND

The Shires asset management working group consisting of the Director Community Services, Manager Health and Building and the co-ordinator corporate planning met in August 2013 to identify various buildings that:

1. Have no value
2. Are no longer utilised
3. Maintained by user groups under lease
4. Would not need to be replaced if building suffered total failure.

These building are listed in **APPENDIX 9.2.1**.

FINANCIAL IMPLICATIONS

At Council's meeting of 25 June 2013 when the Buildings Asset Management Plan was considered, the then report stated:

"The current property portfolio of 91 buildings has a total estimated current value of \$34,162,000. Under 'standard' calculations for Renewal Maintenance requirements of 2% would entail Council being expected to expend some \$683,240 per year on Buildings, which is beyond Council's financial capacity. Closer critical analysis has revealed that there are 25 buildings which are maintained by community organisations, with a total current value of \$6,455,000, as well as a further 10 buildings which have been 'de-rated', as past assessments have indicated that Council has not, and is unlikely to, maintain such buildings. This latter group have a



total of current values of some \$1.615 Million. After deducting these 2 groups, the total current values amount to \$26.09 Million”.

It is not financially possible for Council to finance the 2 groups of buildings mentioned above. At best, Council will only be able to fund remedial works of the other buildings at a level of some \$522,000 per year. Therefore it is important that the “Lessee” Group be not counted as a Council obligation, and that the proposed “De-Listed/De-Rated” group also be treated as an obligation that will not be taken into account for financial calculations in the future.

STATUTORY IMPLICATIONS

Local government Act 1995

STRATEGIC IMPLICATIONS

This item contributes towards achieving objective number 1 - Managing Future Growth, as well as 6 - Active Civic Leadership & Good Governance and Excellence in Management.

OFFICER'S COMMENTS

Whilst delisting from financial modelling is required in order to meet legislated ratios it should not be confused with physical removal of the building. This method is seen as a realistic solution in limiting the Shires financial liability that has come about by the provision of Shire own land for community clubs that build buildings on Shire land.

Due to the legal requirement that you cannot have a separate owner of a building to that of the land, Council has had a policy of issuing peppercorn leases in exchange for the Clubs and Community groups maintaining the building. The Shire also has the issue that some community groups occupy remnant buildings for very few hours per week and maybe happy to move to more suitable buildings should the opportunity arise. These buildings should also be de listed.

The Asset management working group will further consider service level agreement of the remaining buildings in order to further meet the required ratios.

APPENDICES ATTACHED

Appendix 9.2.1

COUNCIL RESOLUTION

OCM13/8/076

MOVED: Cr Witney

SECONDED: Cr Mason

That the buildings highlighted in Appendix 9.2.1 be de-listed from the Shires Asset Management Plans.

CARRIED 7/0



9.3 DIRECTOR PLANNING SERVICES

9.3.1 PROPOSED SUBDIVISION – LOT 51 ELLIOTT STREET, WAROONA	
Reporting Officer / Officer's Interest:	Greg Delahunty, Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché, Director Planning and Development Services / Nil
Proponent:	R.I.T. McEwan
Landowner:	Richard Hatton Butler
Date of Report: 8 August 2013	File No.: SD147586
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005 Town Planning Regulations 1967 Peel Region Scheme; Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment; State Planning Policy 2.5 - Agricultural and Rural Land Use Planning; Development Control Policy 1.1 - Subdivision of Land General Principles; Development Control Policy 3.4 - Subdivision of Rural Land; Shire of Waroona Town Planning Scheme No. 7; and Shire of Waroona Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Officer time (budgeted).
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
Voting Requirements	Simple Majority
Linked To Strategic Objective Number (SCP): 1 - Manage Future Growth	

PROPOSAL SUMMARY

Council is requested to reconsider a Western Australian Planning Commission referral regarding the subdivision of Lot 51 Elliott Street, Waroona. See site location plan at **APPENDIX 9.3.1A** and proposed plan of subdivision at **APPENDIX 9.3.1B**. The two (2) new lots proposed are identified as (Lot) 1 and 2.

This application proposes to divide the 10.2206 Ha parent lot into two smaller lots. Proposed Lot 1 is 7.48Ha in area and proposed Lot 2 is 2.7407Ha in area. The house, rainwater tank and outbuildings are to be retained on the proposed Lot 1.

A 10 metre wide battle axe access way is proposed to enable access, to proposed Lot 2, from Forrington Heights. Further to this there is also a 10m wide battle axe access way providing access from Forrington Heights to proposed lot 1.



BACKGROUND

Lot 51 (10.2206 Ha) contains an abundance of mature native vegetation. The topography of the lot slopes from East to West.

Access to lot 51 (and proposed lot 1) is obtained from Elliott Street. There is an existing house, rainwater tank and two sheds on Lot 51.

Lot 51 is surrounded by a number of Rural Residential lots varying from 2.3 Ha to 3.82 Ha.

Lot 51 comprises part of an approved Subdivision Guide Plan adopted by Council on 26 April 1994. See SGP at **APPENDIX 9.3.1C**. There are three (3) tree planting areas approved within Lot 51.

Previous Approvals

On 22 December 2005 Planning Consent was issued for an outbuilding (TP906)–.

– In December 2002 a 3 lot subdivision of Lot 44 Forrington Heights (now lot 51 Elliott Street.) was proposed (SD120916). Council recommended refusal of the application as the proposed subdivision contravened the approved Subdivision Guide Plan adopted on 26 April 1994. The WAPC refused the proposal as it was deemed to be inconsistent with WAPC DC Policy 3.4 Subdivision of Rural Land.

The applicant reduced the lot number to 2 and argued that Policy 3.4 was not applicable as the subdivision was concerned with rural residential land rather than rural land. Council and the WAPC supported the revised plan of subdivision and one new lot was created. (Lot 50, Forrington Heights).

Previous Council Reports

The application was referred to Council at its Ordinary Meeting of 23 July 2013 with a recommendation to refuse the application. At the meeting Council resolved as follows:

(OCM13/7/067)

‘That item 9.3.1 – Proposed Subdivision Lot 51 Elliott Street, Waroona, lie on the table for further consideration at the Ordinary Council meeting to be held on 27 August 2013.’

FINANCIAL IMPLICATIONS

Assessment of the application is accommodated in existing budgeted officer time.



STATUTORY IMPLICATIONS

Town Planning Regulations 1967

Regulation 12A deals with Local Planning Strategies

- 1) If a Scheme envisages the zoning or classification of land, the local government shall —
 - (a) prepare the Scheme Report under regulation 12 in the form of a Local Planning Strategy; and
 - (b) forward the Local Planning Strategy to the Commission.
- 2) Without limiting the operation of sub-regulation (1), a local government may —
 - (a) prepare a Local Planning Strategy in respect of a Scheme approved by the Minister for which a Local Planning Strategy has not been prepared at any time it thinks fit; and
 - (b) forward the Local Planning Strategy to the Commission.
- 3) A Local Planning Strategy shall —
 - (a) set out the long-term planning directions for the local government;
 - (b) apply State and regional planning policies; and
 - (c) provide the rationale for the zones and other provisions of the Scheme.

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.”

Town Planning Scheme No. 7 (TPS) 1996

The subject lot is located within the ‘Rural 6 – Rural Residential’ zone with a Rural Residential Code of R Res 3, under the Shire of Waroona Town Planning Scheme No. 7.

Clause 4.15 of the Scheme relates specifically to the ‘Rural 6’ zone, and the application for subdivision can be assessed using the relevant provisions of this clause.

Within the Rural 6 Zone Council’s objective is to select and appropriately zone areas wherein subdivision and development of small holdings will be permitted to provide for such uses as rural-residential and hobby farms, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.



Council's objectives will therefore be to:

- Recommend that subdivision in the Rural Residential zone should comply with the provisions of Clause 4.15 and the requirements set out against the particular localities within the zone in Schedule 2 and further, to require development within the zone to comply with the same;
- Give due consideration to the Peel Regional Plan and the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment.

Clause 4.15.11 of the TPS states where an application is made for subdivision within the Rural Residential Zone, Council recommend to the Commission that the subdivider be required to enter into an agreement with Council to ensure that prospective purchasers of the lots created are advised of the special provisions of the Scheme which relate to the use, development and management of the land.

R Res 3 Code (i) states that it is Council objectives are to provide for Rural Residential subdivision and development in close proximity to Waroona Townsite and to encourage retention and re-establishment of native vegetation, stream protection and unobtrusive development in harmony with the environment consistent with the need for reasonable protection against bushfires).

R Res 3 Code (iii) states that Lots 41-49 on the subdivision and development guideline plan adopted by Council on 11th April 1994 (incorporating minor modifications to the preliminary plan adopted by Council on 8th September 1992) are included in this zone and that plan in its entirety was adopted.

R Res 3 Code (v) states that Council shall recommend that any subdivision within the area should be in accordance with the aforementioned subdivision guideline plans and Council may require development of lots to be in accordance with the subdivision and development guideline plan.

Clause 7.4.2.6 sets out the information required to be submitted with a proposed structure plan.

Clause 7.4.2.14.1 states that the local government may vary a structure plan:

- a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- b) Otherwise, in accordance with the procedures set out in clause 7.4.2.6 onwards.

Clause 7.4.2.14.3 states that if local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

Council's diligent assessment of subdivision application is an integral part of managing future growth within the Shire.



STRATEGIC PLANNING IMPLICATIONS

WAPC Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment

The objectives of this Policy are to:

- Improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey coastal plain catchment.
- Ensure that changes to land use within the catchment to the Peel-Harvey estuarine system are controlled so as to avoid and minimise environmental damage.
- Balance environmental protection with the economic viability of the primary sector.
- Increase high water-using vegetation cover within the Peel-Harvey coastal plain catchment.
- Reflect the environmental objectives in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.
- Prevent land uses likely to result in excessive nutrient export into the drainage system.

Section 5.4 of this policy states that the retention and rehabilitation of existing remnant vegetation is to be encouraged.

State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

This Policy applies to all rural land in Western Australia. The policy focuses on the identification and appropriate zoning of highly productive agricultural land throughout the state.

Section 5.3.1 dealing with general Scheme provisions for rural settlement states that land identified in the local planning strategy as being suitable for closer settlement in rural areas should be zoned “Rural-Residential” for a residential use in a rural environment.

In areas zoned “Rural-Residential” town planning scheme provisions should provide for—

- a) the requirement for a subdivisional guide plan;
- b) the identification of clearing, land management controls and environmental repair requirements including the retention of areas of remnant vegetation or regeneration of degraded areas;

In areas zoned “Rural-Residential” the following town planning scheme provisions should apply in addition to those listed in 5.3.1

- (a) The lot size should range from 1 ha to 4 ha depending on local conditions.



Development Control Policy 1.1 - Subdivision of Land - General Principles (DCP 1.1)

This Policy sets out the general principles used by the WAPC in determining applications for the subdivision of land. The objectives of this Policy are:

- To ensure that the subdivision of land is consistent with Statement of Planning Policy No. 1 State Planning Framework (SPP No. 1) and relevant WAPC policies and plans.
- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- 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.
- To facilitate development which achieves appropriate community standards of health, safety and amenity.
- To ensure constructed vehicle access from the gazetted public road system to each new lot.
- To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.
- To secure public utility services to each new lot appropriate for intended use of the lot.

DCP 1.1 aims to achieve consistency with long-term planning goals. SPP No. 1 together with any applicable region scheme and the relevant local government town planning scheme, including any local planning strategy (pursuant to the Model Scheme Text as set out in the Town Planning Amendment Regulations 1999), provide the planning policy direction which guides the WAPC in determining subdivision applications.

3.2 Context and site analysis

3.2.1 Subdivision applications should be submitted with such detail as is necessary to enable the WAPC to make a determination on the application. Form 1A Application to Western Australian Planning Commission for Approval

3.3.4 The WAPC will have regard to any adopted structure plan and developer contribution arrangement when considering subdivision applications submitted within an area covered by the structure plan or developer contribution arrangement.

3.5 Lawful development

3.5.2 Lots which cannot be developed in accordance with relevant statutory requirements will not be approved. The WAPC will also ensure that, by creating a new lot, it does not render an existing lot or development upon that lot illegal in terms of statutory requirements. Such matters may include lot sizes, car parking, setbacks or the provision of services.

3.8 Suitability for development

3.8.1 The WAPC considers that all new lots should be physically capable of development for their intended purpose. Prospective purchasers of such lots



should be reasonably assured that the lot is suitable in physical terms for development, and that there is a degree of assurance that the lot will so remain.

Development Control Policy 3.4 - Subdivision of Rural Land

This policy sets out the principles which will be used by the WAPC in determining applications for the subdivision of rural land.

It is WAPC policy that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural smallholdings) and more intensive agricultural uses should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

When approving lots for rural-residential development (1-4 ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical or reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply.

Local Planning Strategy (LPS) 2009

The majority of the subject land is located within the Scarp and Darling Range Precinct under the LPS and identified as Rural Residential. The objective of the Rural Residential classification is to provide areas that will offer lifestyle blocks in close proximity to the Waroona Town Site, with good amenity and in locations where environmental impacts can be minimised.

A minimum lot size of 4 hectares is specified for the Rural Residential area.

A small portion of the land is located within the Town Precinct under the LPS and identified as Special Residential. The objective of the Special Residential classification is to provide adequate larger residential lots in proximity to Waroona in locations with good residential amenity and where the environmental impacts can be adequately managed.

A minimum lot size of 2,000m² is specified for the Special Residential area.

COMMUNITY CONSULTATION

As the Shire only provides comment to the WAPC on subdivision applications, community consultation is not required.

INTERNAL REFERRALS

The Director Technical Services stated that should the proposal be recommended for approval a number of conditions should be recommended. (See recommended conditions).

The Environmental Health Officer / Building Surveyor stated that, as the proposed lots are larger than 2,000m², there are no implications relating to the usage of septic tanks on the lots.

OFFICER'S COMMENTS

Town Planning Scheme No. 7 (TPS) 1996

Schedule II of the TPS specifically specifies that Subdivision must be in accordance with the approved SGP. As the proposed subdivision is not in accordance with the approved SGP, a variation to the SGP is required. Clause 7.4.2.14.1 of the TPS gives the ability to do this however the application does not seek this variation at this stage. It is therefore considered that the proposed subdivision is not consistent with the provisions of the TPS.

Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment

The proposed boundary between the two new lots will traverse the approved tree planting areas. The potential clearing of vegetation along the proposed boundary / fence line, contravenes section 5.4 of this policy.

State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

With regards to the appropriateness of this proposal within the rural context and setting, it is noted that the proposal:

- Is non-compliant with the approved SGP;
- Is non-compliant with the LPS; and
- Will potentially result in clearing of vegetation.

Development Control Policy 1.1 - Subdivision of Land - General Principles

The proposal is inconsistent with this policy in the following way:

- This application disregards the relevant local town planning scheme (*See TPS section in Officer Comments*); and
- The subdivision is inconsistent with orderly and proper planning.

Development Control Policy 3.4 - Subdivision of Rural Land

The proposal is inconsistent with this policy as the subdivision is not consistent with the LPS. Policy 3.4 states that subdivision of Rural Land should be properly planned through the preparation of regional and local planning strategies, as has occurred within the Shire. The fact that the proposal does not comply with Council's LPS results in non-compliance with DC Policy 3.4.

Local Planning Strategy (LPS) 2009

The majority of lot 51 Elliott Street is identified as Rural Residential under the LPS, with a minute section of it being located within the Special Residential section. Proposed lot 2, 2.7407 Ha, falls below the minimum lot size of 4 Ha required in the Rural Residential area under the LPS. Although it is noted that there are other lots of 2 Ha in the locality, these lots were created prior to the adoption of the LPS in 2009.



ADDITIONAL INFORMATION

The following information is provided in addition to that contained in the previous report to Council on 23 July 2013.

Statutory Process

If the landowner wishes to subdivide lot 51, in accordance with the submitted plans, the following steps are required:

1. The Local Planning Strategy must be amended in order to reduce the minimum lot size from 4 Ha to 2 Ha. (This process requires Council and WAPC endorsement in terms of Regulation 12 of the Town Planning Regulations 1967);
2. The approved Subdivision Guide Plan (SGP) / Structure Plan must be amended in terms of Clause 7.4.2.14 of the Town Planning Scheme in order to allow further subdivision within the SGP area. (This process requires Council and WAPC endorsement); and
3. After due process noted in 1 and 2 above has been followed, further subdivision can occur in accordance with the approved Local Planning Strategy and Structure Plan.

By proposing to subdivide lot 51 presently, vital steps of the statutory process outlined above are being omitted. In accordance with the TPS subdivision must be in accordance with the approved structure plan. Therefore, should the applicant wish to subdivide contrary to the structure plan, an amendment to the structure plan is required.

It is noted that the smaller sized lots were created prior to the adoption of Council's, WAPC endorsed, LPS. However, with the adoption of the LPS, Council has established a baseline by requiring a 4ha minimum lot size in the locality. The serves as Council's main strategic planning instrument guiding development within the Shire. It is from this strategic document that statutory documents and processes, such as the Town Planning Scheme and rezoning applications are derived. These Planning Instruments are duly advertised and adopted to inform the general public and guide orderly development.

Approving the proposed subdivision of lot 51 serves to undermine the integrity of the LPS, the TPS and due planning process. The proposed subdivision lot 51 is therefore considered to be premature as the correct statutory process for varying the structure plan has not been followed.

Impacts on matters such as bushfire management, loss of vegetation, traffic, drainage / erosion, land suitability and capability are therefore not comprehensively assessed for the location but are dealt with on an ad-hoc or piecemeal basis. Secondly, the applicant has not provided any technical reports regarding the site in support of the subdivision application. Within the specific location of the application, these matters are considered necessary to be dealt with.

Given the above, the application is not consistent with WAPC Development Control Policy 1.1.

Precedent



The main argument presented raised in support of the subdivision, is that of precedent. There are a number of similarly sized lots (approximately 2 ha) in the locality; however, these lots are components of existing structure plans adopted and endorsed by Council and the WACP. Unfortunately the precedent referred to occurred prior to the adoption of the LPS and is not relevant post the adoption of the LPS. This anomaly between existing lot sizes and LPS provisions occurs in various locations given a range of historic reasons such as a change in policy or rezoning / recoding of precincts.

Should this subdivision be approved, an undesirable precedent will be set indicating that departures from the LPS / Structure Plans may be appropriate. . This weakens the integrity of these approved documents. In similar situations, where applicants have sought a departure from the LPS / Structure Plans, officers have requested that applicants provide justification for the departure and undertake an amendment to the statutory or strategic document, prior to rezoning and/or subdividing. Departing from the provisions of the LPS / Structure Plan in this instance will be inconsistent with advice to and requirements of other applicants.

By recommending approval of this subdivision and not following the required statutory processes, an undesirable precedent may be set for other developments affected by similar restrictions. WAPC approval of this subdivision may potentially allow for the further intensification of lot 51. Should the subdivision be approved, on the argument of prevailing lot sizes, it can be reasonably argued that the further subdivision of proposed lot 1 (7.48 Ha) may be appropriate. In theory proposed lot 1 could be further subdivided into three (3) lots with each new lot being consistent in size with surrounding lots. This will further serve to undermine the adopted structure plan as well as Council's LPS.

Beyond the boundaries of lot 51 a number of lots in the area may have subdivision potential, should a 2Ha minimum lot precedent be set. Each of these subdivisions were approved with a SGP endorsed Council and the WAPC. All three were approved prior to the LPS being adopted with the latest one being the Leavy Road subdivision (SD130494 - 2006). Should the precedent of a 2Ha minimum lot size be set in this instance, the majority of these lots could potentially seek application to subdivide into two or three lots.

Recommended conditions

Should Council wish to recommend approval of the subdivision application, the following conditions and advice notes are recommended:

1. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - a) lots can accommodate their intended use; and
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
2. The land being filled, stabilised, drained and/or graded as required to ensure that:



- a) Lots can accommodate their intended development; and
 - b) Finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
3. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government.
 4. The access way to the rear lot, including truncations and vehicle manoeuvring areas being shown on the survey strata plan as common property.
 5. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.
 6. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.
 7. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.
 8. Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission.
 9. The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land.
 10. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Fire and Emergency Services Authority.
 11. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

‘The lot(s) is/are subject to a fire management plan.’

12. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works.
13. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.

Advice:

- A. In regard to Condition 10, it is recommended that the Department of Fire and Emergency Services serves as the clearing authority.
- B. In regard to Condition 11, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.

Conclusion

The proposed subdivision is inconsistent with the approved SGP and Schedule II RRes 3 provision (v) in the TPS, proposed lot 2 falls below the minimum lot area outlined in Council's LPS, and due diligence of proper and orderly planning has not been followed. For these reasons and those detailed in the report above, it is recommended that Council recommends refusal of the application to the WAPC for the reasons outlined below.

APPENDICES ATTACHED

- Appendix 9.3.1A
- Appendix 9.3.1B
- Appendix 9.3.1C

COUNCIL RESOLUTION

OCM13/8/077

MOVED: Cr Scott

SECONDED: Cr Mason

That Council, in respect to application SD148122 for the subdivision of Lot 51 Elliott Street, Waroona, respond to the Western Australian Planning Commission recommending refusal of the application, for the following reasons:

Condition:

- 1. The proposed subdivision is inconsistent with the approved Subdivision Guide Plan adopted by Council on 26 April 1994 and with Schedule II, RRes 3 provision (v) in the Shire of Waroona Town Planning Scheme No. 7 1996. .**
- 2. Proposed Lot 2 falls below the minimum lot area of 4 Hectares required in Council's Local Planning Strategy.**
- 3. The proposed subdivision is inconsistent with the Western Australian Planning Commissions' Development Control Policy 1.1 - Subdivision of Land - General Principles.**
- 4. Council is concerned with the potential loss of vegetation along the new boundary between the two proposed lots.**
- 5. Departure from the approved Structure Plan and the Local Planning Strategy will set an undesirable precedent.**

CARRIED 6/1

**For the Motion: Cr's Scott, Witney, Dew, Look, Mason, Germain
Against the Motion: Cr Salerian**

9.3.2 LOT 100 KNOX ROAD, LAKE CLIFTON – PROPOSED ADVERTISING SIGN	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning and Development Services / Nil
Proponent:	Pinnacle Planning
Landowner:	Merrick Tyler PTY LTD
Date of Report:	16 August 2013
	File No.: TP1558 and PRS 610-10-1
Previous Reference:	Nil
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 Main Roads Act 1930 Main Roads (Control of Advertising) Regulations 1996 Main Roads Western Australia Guide to Roadside Advertising Main Roads Western Australia Draft Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves Local Planning Strategy 2009 Town Planning Policy 1.0 Community Consultation Town Planning Policy 6.0 Advertising Signs Draft Town Planning Policy 24.0 Third Party Advertising Signs Adjacent to Primary Regional Roads.
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Nil
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	HR requirements provided by current staff.
Voting Requirements	Simple Majority
Linked To Strategic Objective Number (<i>Strategic Community Plan-SCP</i>):	
5 - Encourage A Dynamic Local Economy	

PROPOSAL

An application was received for a third party advertising sign (billboard/hoarding) at Lot 100 Knox Road, Lake Clifton. See site location plan at **APPENDIX 9.3.2A**. See site plan and elevations at **APPENDIX 9.3.2B**.

The double sided sign with an overall height of 15.5m and a width of 18.99m will have a sign face area of 104.44m² on each side and is proposed to be set back 10m from the Old Coast Road. The sign will be located to the South of the lot approximately 805m from the intersection of Old Coast Road and Forrest Highway.

As the proposal also requires approval under the Peel Region Scheme, the Western Australian Planning Commission (WAPC) has sought Council's comments on the proposed PRS development application.

The original site plan submitted showed the sign to be located 74m from the Southern boundary. On advice from Main Roads WA, the applicant amended the location of the sign.



BACKGROUND

The subject site, 13.68Ha, is located between the Old Coast Road and land reserved as Regional Open space under the PRS.

The site lies adjacent to the intersection of the Old coast Road and the Forrest Highway.

The lot is sparsely covered in mature native vegetation, with the area that the sign is proposed to be located being cleared. The topography of the lot is generally flat with the subject lot being elevated from the Old Coast Road.

Previous Council Decisions

Council, at its Ordinary Meeting held 11 January 2010, approved an almost identical sign (TP1240). . This sign is located 11km North of the proposed sign, adjacent to the Forrest Highway, on lot 29 Old Bunbury Road, Lake Clifton.

Council, at its Ordinary Meeting held 24 May 2011 and 28 February 2012 refused applications for a third party advertising sign on No. 33 Wealand Road, Waroona.

STATUTORY IMPLICATIONS

Planning and Development Act (2005)

The proposed works constitute development under the Planning and Development Act.

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

(2) ‘All development on land abutting a regional open space reservation’



A number of exceptions are listed however the proposed development does not fall into any of these categories

Main Roads Act 1930

33B (1) The Governor may, on the recommendation of the Commissioner, make regulations controlling and prohibiting the erection or construction of hoardings or other advertising structures, and to enforce the removal of hoardings and other advertising structures, on or in the vicinity of highways, main roads, and sections or part of a road subject to control of access, and for restricting, preventing or controlling the exhibition of advertisements and for the removal of advertisements on or in the vicinity of highways, main roads, and sections or part of a road subject to control of access where such hoardings or other advertising structures are considered to be hazardous to traffic safety or are aesthetically objectionable and in the case of such hoardings or other advertising structures erected on private property where the property owner refuses either to remove the sign or transfer it to another site acceptable to the Commissioner.

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

Rural zones are dealt with under clause 4.14 of the TPS.

Clause 4.14.1 states that 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 District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

- Council's objective will therefore be to permit land uses consistent with achieving this objective.

The subject lot is located within the 'Rural 3B –Coastal Highway' zone under the Shire of Waroona Town Planning Scheme No. 7 (TPS). Clause 4.14.8 relates specifically to the 'Rural 3B' zone, and the application for the shed can be assessed using the relevant provisions of this clause.

Clause 4.14.8 states that Council's objective will be to ensure continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road.

Clause 4.14.8 (b) specifies a building setback from the lot frontage of Old Coast road of 50 metres, and satisfactory landscaping within the setback area.

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.

8.2.2 Where an application is made for Planning Consent to commence or carry out development which involves an "AA" use, or for any other development which

require the Planning Consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

8.2.3 Where the 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 determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (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 from the date of publication of the notice referred to in paragraph (b) of this clause.

8.2.4 If notices have been given, after expiration of twenty-one days from the publication of the notice, the erection of the notice or the posting of the notice to the owners and occupiers, whichever is the latter, the Council shall consider and determine the application.

2.4.3 A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Consent, but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

Main Roads (Control of Advertising) Regulations 1996

Regulation 5

A person must not —

- (a) erect or construct, or cause to be erected or constructed, a hoarding or other advertising structure; or
- (b) exhibit, or cause to be exhibited, an advertisement,

on or in the vicinity of a highway or a main road without the Commissioner's approval to do so.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

It is an objective of the Shire of Waroona Community Strategic Plan to encourage a thriving, dynamic economy.



Strategic Planning Implications

Main Roads Guide to Roadside Advertising

Only certain types of advertising signs are allowed (subject to Local Government agreement). These are listed in the guidelines along with the number, size and location of the advertising sign. Four categories of signs have been identified. Categories 1, 2 and 3 apply to signs which are located within the boundaries of highways and main roads (i.e. the road reserve) and are defined as:

Category 1 - Large free standing signs (4.5 square metres and larger) and signs on overhead bridges.

Maximum Average Luminance of Advertising Device for lighting environment zone 3 at table D1 is 300 cd/m².

Main Roads Western Australia Draft Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves

The purpose of this document is to provide amended guidelines on the assessment and approval of applications to display roadside advertising within State road reserves and beyond the boundaries of, but visible from, State road reserves.

A static, illuminated sign must be 250m from the nearest intersection.

Advertising devices shall not be located at a longitudinal spacing of less than 1.2V (m) from any other permanent advertising sign, traffic control device or a major directional guide sign, or from an intersection, (where V is the 85th percentile speed in km/h).

Advertising devices shall not be positioned within a longitudinal spacing of less than 1.2V (m) from the start of a zone or a location where particular concentration is required such as at pedestrian crossings, railway crossings, critical areas of a road interchange, a sub-standard curve, etc. Assessment shall be undertaken subjectively.

Within two (2) kilometres of an information bay located on the same route, which provides for the display of business advertising.

Advertising devices shall not be positioned within driver sightline areas.

Local Planning Strategy (LPS) (1999)

The subject lot is located within the Lake Clifton precinct of the LPS. Lot 100 is designated Rural Smallholdings within the LPS. It is an objective of the LPS to consolidate the land between Lake Clifton and the Old Coast road to provide smallholding lots that offer agricultural, lifestyle and tourist opportunities.

The LPS specifies the following setbacks:

Road: 50m
Side/Rear: 10m



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.

Shire of Waroona Town Planning Policy 6.0 - Advertising Signage LPP6

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.

6.8.1 An illuminated sign shall –

- a) not have a light of such intensity as to cause annoyance to the public; and

Shire of Waroona Draft Town Planning Policy 24.0 – Third Party Advertising Signage Adjacent to Primary Regional Roads. LPP24

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.
- A maximum of four Third Party signs are to be located along the Forrest Highway. This number includes existing signs.
- Signs must be located at least one kilometre from any other third party sign in the Rural zone.
- 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 to be in general accordance with the Main Roads Western Australia Guide to Roadside Advertising.
- Signs are not to be located within an intersection exclusion area (as identified within the Main Roads Western Australia Guide to Roadside Advertising).
- No sign is to be located within 650m of a Main Roads directional sign.
- Signage applications will have to comply with the requirements of Main Roads Western Australia and other relevant Authorities.
- Signs are to be located between 2m and 5m from the highway reserve in order to:
 - Be within safe sightlines of motorists.
 - Be contained within the transport corridor.
 - Minimise visual impact on surrounding land.
- 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 view sheds as seen from either the highway or from properties adjacent to the highway.
- The location and positioning of signs are not to result in the removal of vegetation. Where absolutely necessary and where no alternative site can be found, the removal of vegetation is to be minimised and the vegetation removed is to be replaced on a suitable location on site.
- Access platforms, safety or lighting devices should be designed and constructed as an integrated part of the sign structure so that these devices do not visually dominate the design of the sign when viewed from the highway.
- Signs are to be designed, erected and maintained to the highest Advertising Industry Standards (i.e. Outdoor Media Association)
- Any sign illumination to be designed so that it does not result in overspill or glare to vehicles on the highway or buildings on land in close proximity to the sign.
- Any sign illumination is not to include flashing or moving lights.
- The sign face is to be designed in a clear, easily read manner that will not distract driver attention.
- Signs on the primary regional roads must serve a specific function such as providing a point of visual interest for regional travellers to aid with driver fatigue or to inform motorists of business or places of interest within the Shire.
- Sign messages should be focussed on community based messages targeted towards regional travellers, with ancillary display general third party material permissible.

This policy has not been adopted by Council as yet.



Referrals

As the Old Coast Road / Forest Highway is controlled by Main Roads Western Australia (MRWA) the proposal was forwarded to MRWA for comment.

See officer's comments and schedule of submission at **APPENDIX 9.3.2C**.

COMMUNITY CONSULTATION

In accordance with Clause 8.2 of the TPS and LPP1 the proposed sign was advertised. 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 advertising the proposal were also sent to adjoining landowners and a notice was placed in the Harvey-Waroona Reporter on 13 March 2013. During this period two (2) submissions were received. See schedule of submissions at **APPENDIX 9.3.2C**.

INTERNAL REFERRAL

Upon referral to the Shire's Building Department, the Shire's Manager of Environmental Health and Building Services (MEHBS) stated that a Building Permit was required for the proposed sign.

Upon referral to the Shire's Technical Services Directorate, the Shire's Manager of Works and Services stated that there were no further comments beyond those supplied by MRWA.

OFFICER'S COMMENTS

TPS

Clause 4.14.1 and clause 4.14.8 of the Town Planning Scheme lists the objectives for all rural zones and rural zone 3B. The proposed land use can be assessed against these objectives.

In essence 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 District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally. Further to this the protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road is paramount in Rural 3B.

The applications for the proposed sign(s) fronting the South Western Highway (TP1402 and TP1458), were refused on the basis that the amenity and the rural character of the area were unduly compromised. 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'. For the previous applications it was considered the prominent location at the entry to the Waroona townsite was an unsuitable location for a sign because of the potential impacts. This differs from the proposed location for this sign. The amenity of the area has already been affected with the construction of the four lane Forrest Highway. Further to this the location does not have a connection to any urban setting. For these reason it is considered that the rural character of the area will not be unduly compromised.



The proposed development will not detract from the district rural lands as its siting will not prevent the balance of the land from being utilised for rural purposes. The 41.25m² footprint of the proposed sign is a minor section of the 13.68Ha site. The remainder of the lot can be utilised for rural / residential purposes therefore the sustainable use of land will not be affected. The proposal will not prevent the conservation and wise use of natural resources including water, flora, fauna and minerals. Given the type of land use and the separation distance it is considered that the impact on the Yalgorup National Park is negligible.

In accordance with Clause 4.2.5 (a) and taking into consideration the objectives of the Scheme for all Rural Zones and the 'Rural 3B - Coastal Highway' Zone, it can be determined that the use is consistent with the objectives

LPP6

The proposed sign is not being erected on land zoned residential this accords with LPP 6. The size of the sign is not compliant with LPP 6 however draft LPP 24 was drafted in order to consider third party advertising signs that fall outside the parameters of LPP6. The Shire's Planning Department is currently undertaking an omnibus policy review and inconsistencies between LPP6 and draft LPP 24 will be resolved.

LPP 6 requires that the sign not be located closer than its own height, 15.5m, to the street. The amended site plan, submitted by the applicant, shows the sign at 10m from the street boundary. As MRWA has reviewed the amended site plan and stated that it had no objection to the proposal, it is considered appropriate to approve the sign with a 10m setback.

Draft LPP 24

The proposal complies with the draft policy in the following manner:

- The sign Signs is adjacent the Forrest Highway;
- Being the second sign along the Forrest Highway, the third party sign the threshold of four has not been reached;
- The sign is over one kilometre from the other third party sign in the Rural zone;
- The sign complies with the Main Roads Western Australia Guide to Roadside Advertising.
- The sign is outside the intersection exclusion area (as identified within the Main Roads Western Australia Guide to Roadside Advertising).
- No sign is to be located within 650m of a Main Roads directional sign.
- The sign will not compromise any significant view sheds;
- The location and positioning of signs are not to result in the removal of vegetation.

Further to this conditions and advice notes have been applied in order to ensure compliance with draft LPP 24:

- A condition has been added ensuring that the sign will be maintained to the highest Advertising Industry Standards;
- A condition has been added ensuring that the sign is illuminated in accordance with MRWA standards; and



- A condition has been added prohibiting the sign from flashing;
- An advice note has been applied advising the applicant that the sign will have to comply with the requirements of Main Roads Western Australia and other relevant Authorities.

External Referral

MRWA lifted their initial objection to the proposal after the applicant relocated the sign on the site. MRWA now has no objection to the proposal subject to a number of conditions being imposed. These conditions pertain to:

- Luminance;
- Maintenance of the sign; and
- Retention of vegetation.

Each of MRWA requirements have been added as a condition of approval.

Objections

Two objections were received on the proposal one from a member of the public and one from a Federal Member of Parliament representing the same submitter. Issues raised in the objection are as follows:

Road Safety / Driver Distraction

Main Roads WA has stated that it has no objection to the proposal as it complies with their standards for road side advertising. These standards including, but not limited to, luminance, distance from intersection and retention of vegetation.

Given Main Roads have removed its objection to the proposal, it is considered that the sign is suitable in its location, and will not pose any road safety issues.

MRWA guidelines state that for an illuminated sign, larger than 78m², a separation of 250m from the nearest intersection is required. The proposed sign will be located over 800m from the Old Coast road and Forrest highway intersection.

APPENDIX C of the MRWA guidelines specifically deals with Driver Distraction Potential. As MRWA have removed an objection to the proposal it is considered that potential for driver distraction is not an issue.

Visual Pollution / Amenity

A site inspection has confirmed that the sign will not compromise any significant view sheds. Further to this a condition has been added ensuring that illumination is in accordance with MRWA standards.

Disturbance to Flora and Fauna

The proposed location for the sign does not require the removal of any vegetation to facilitate the installation.



Conclusion

In accordance with Clause 4.2.5 (a) and taking into consideration the objectives of the Scheme for all Rural zones and the 'Rural 3B Coastal Highway' zone, it can be determined that the use is generally consistent with their objectives. The proposal is not considered to be incompatible with the objectives of the Rural Zones in that the rural setting will not be unacceptably compromised and the impact on the Yalgorup National Park will be nil.

Given that the proposal complies with MRWA guidelines, the TPS and draft LPP24 it is recommended that Council determines the proposed use to be consistent with the objectives of the Rural 3B zone, approve TP1558 and recommend approval of PRS 610-16-1 to the WAPC subject to the conditions and advice notes listed below.

APPENDICES ATTACHED

Appendix 9.3.2A

Appendix 9.3.2B

Appendix 9.3.2C

COUNCIL RESOLUTION

OCM13/8/078

MOVED: Cr Salerian

SECONDED: Cr Scott

That, in relation to the proposed Third Party advertising sign (hoarding) at Lot 100 Knox Road, Lake Clifton Council resolves to:

Approve the application and submitted plans for Shire of Waroona Town Planning Scheme application TP1558 and recommend approval to the Western Australian Planning Commission of Peel Region Scheme application 610-16-1 subject to the following conditions and advice notes:

- 1. The development shall occur in accordance with the approved plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Shire of Waroona.**
- 2. Any illumination or presentation of the sign hereby approved shall not be of a flashing nature;**
- 3. Colours of the sign hereby approved shall not be of a bright nature and are to be to the satisfaction of the Shire of Waroona;**
- 4. No vegetation shall be removed from the road reserve without the prior approval of Main Roads Western Australia;**
- 5. The sign shall be maintained in good order and appearance to the satisfaction of the Main Roads Western Australian and the Shire of Waroona.**

- 6. The advertising on the sign (sign face content) shall be to the satisfaction of the Shire of Waroona.**
- 7. The maximum average luminance for the sign shall not exceed the maximum average levels shown for lighting environment zone 3 at table D1 of the Main Roads Guide to management of Road side advertising.**
- 8. The development approved is to be substantially commenced within two (2) years 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 Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2013.**
- b. The applicant is advised that further approvals, including but not limited to, approval under the Main Roads Act 1930 and the Main Road (Control of Advertisement Regulations) 1996 is required prior to the installation of the sign.**

CARRIED 7/0

9.3.3 PROPOSED AMENDMENT 32 TO TOWN PLANNING SCHEME NO. 7 – OMNIBUS TEXT AMENDMENT	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouche' – Director Planning and Development Services / Nil
Proponent:	Shire of Waroona
Landowner:	Various
Date of Report: 9 August 2013	File No.: TPSA32
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005 Town Planning Regulations 1967 Shire of Waroona Local Planning Strategy 2009 Shire of Waroona Town Planning Scheme No. 7 Local Planning Policy 1 – Community Consultation
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Consultant fees (approximately \$10,000) and advertising costs (approximately \$1,500).
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
Voting Requirements	Absolute Majority
Linked To Strategic Objective Number (<i>Strategic Community Plan-SCP</i>): 1 - Manage Future Growth	

PROPOSAL

In relation to the Shire of Waroona Town Planning Scheme No.7 (TPS) Amendment 32 (A32) Council is requested to rescind the resolution OCM12/11/137 made 27 November 2012, consider the schedule of changes made to the amending documents for A32, and initiate the proposed amendment.

A32 proposes to amend the TPS to update the TPS in accordance with current legislative requirements and to improve the implementation of the Shire's planning objectives. Scheme Amendment No. 32, which only proposes change to the Scheme text, will act as an interim scheme review pending a future Local Planning Scheme No. 8.

No changes to the scheme maps are proposed through this omnibus amendment. Details of the proposed text changes are available at **APPENDIX 9.3.3A**. A copy of the full proposed scheme text as amended is at **APPENDIX 9.3.3B** (copy provided on disk). Further to this a schedule of changes made to the original amending documentation can be found at **APPENDIX 9.3.3C**.

The proposed omnibus scheme amendment seeks to address matters in the scheme text to:

- be increasingly consistent with the Model Scheme Text provisions;
- comply with and make reference to current relevant planning legislation, local laws, policy and agency names;



- incorporate and facilitate the objectives of the Shire of Waroona Local Planning Strategy 2009 including subdivision guidelines for rural zones;
- review and update definitions and the Zoning Table to ensure consistency;
- include empowerment and adoption process for structure plans;
- incorporate appropriate references and assessment functions of the Residential Design Codes;
- correct typographic and grammatical errors to ensure provisions achieve their intended objective;
- set out the aims of the Scheme;
- provide increased guidance for development and land use on sites which are reserved by the Scheme;
- update provisions for non-conforming uses;
- assist in addressing current and emerging planning issues including building design, relocated dwellings, minimum servicing standards, managing bush fire risk and parking of commercial vehicles;
- extend the range of matters that are to be considered by the local government in assessing applications;
- modify, delete and add a number of interpretations;
- provide greater assistance in any Rights of Review to the State Administrative Tribunal; and
- generally make the Scheme more contemporary, effective and overall efficient.

BACKGROUND

The current TPS was gazetted on 17 December 1996. The TPS has been amended various times with most amendments to the scheme maps. A number of sections of the TPS text have not been modified since 1997.

The TPS should be regularly reviewed to ensure it is up-to-date and an efficient means of pursuing community objectives regarding development and land use. The Western Australian Planning Commission (WAPC) requires that a scheme review be undertaken at least every 5 years.

Council initiated A32 in November last year however, on advice received from the Department of Planning, some changes to the amending documentation was required. These changes, ensuring greater consistency with the Model Scheme Text, allowing the Department of Planning to consider the consent to advertise the proposed amendment under delegation.

PREVIOUS COUNCIL RESOLUTION

At the Ordinary Meeting held 27 November 2012 Council resolved to:

1. Initiate the Amendment to Town Planning Scheme No. 7 in accordance with Appendix 9.3.3.
2. Refer the above Amendment to Town Planning Scheme No.7 to the Environmental Protection Authority (EPA) pursuant to section 81 of the Planning and Development Act 2005. Should the EPA advise that the amendment does not require assessment, advertise the amendment in accordance with the Town Planning Regulations 1967.
3. Authorise the Shire President and the Chief Executive Officer to execute the Amendment documents.
4. Forward a copy of the amendment to the Western Australian Planning Commission for information.

FINANCIAL IMPLICATIONS

Consulting fees for a Planning consultant budgeted at \$10 000. Advertising of the amendment is expected to cost Council approximately \$1,500.

STATUTORY IMPLICATIONS

Planning and Development Act 2005 (Act)

Section 75 (a) of the Act empowers Local Government to prepare an amendment to any Scheme within its municipality.

Section 81 of the Act requires that all scheme amendments are required to be referred to the Environmental Protection Authority prior to public consultation.

Section 84 of the Act requires that any scheme amendment be advertised for public comment.

Town Planning Regulations 1967 (Regulations)

Section 13-1 (a) of the Regulations requires that the local government resolves to adopt a proposed scheme or amendment where the appropriate documents have been prepared.

Section 15 of the Regulations requires that the local government advertise any proposed scheme or amendment for public comment.

Section 25-1 (fb) requires that an amendment to a scheme be advertised in a local newspaper and a period of 42 days be allowed for submissions to be received.

Appendix B of the Regulations is the Model Scheme Text (MST). The MST sets out the preferred format of Local Planning Schemes and provides clauses, definitions and development requirements that are considered appropriate as industry standard.



Shire of Waroona Local Planning Strategy 2009 (LPS)

The LPS provides guidance for the future use and development of land within the Shire. In order to achieve a legible and consistent planning framework the provisions of the TPS should be in accordance with the objectives of the LPS.

The LPS was adopted in 2009. The TPS has not been reviewed since the adoption of the LPS and as such there are a number of inconsistencies between the documents.

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

The TPS is the statutory basis for Council to control development within the shire. In order to ensure best practice outcomes are achieved for the Shire and its residents the TPS needs to be regularly reviewed and updated.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

Strategy 1 of the Community Strategic Plan is to manage future growth. In order to achieve the effective management of the Shire's future growth a cohesive planning framework is required.

COMMUNITY CONSULTATION

Community consultation is required under section 84 of the Act and shall be undertaken in accordance with the Regulations should the amendment be adopted for advertising purposes by Council. An advertisement will be placed in a locally circulated newspaper with a period of 42 days allowed for submissions to be received.

Officers will review all submissions received and refer a further report to Council for consideration of the submissions.

OFFICER'S COMMENTS

These modifications to the A32 are intended to increase the consistency between the Shire of Waroona TPS and the Model Scheme Text. The proposed modifications, as detailed in the attached schedule at **APPENDIX 9.3.3C**, are considered to create sufficient consistency with the MST to facilitate consent for advertising to be considered by the Department of Planning under delegated authority.

In order to ensure that Council is able to effectively perform its responsibilities under the Planning and Development Act, the TPS needs to be regularly reviewed and updated. The proposed amendment is not intended to impact on the development potential of lots and does not propose any changes to the zoning of lots within the shire.

Increased consistency with Model Scheme Text provisions



Amendment 32 proposes changes to the format of the TPS in order to make the TPS more consistent with the MST, which is appendix B to the Regulations. A greater level of consistency with the MST will reduce the anomalies with the TPS and bring it into line with the standard of document expected within the planning industry.

Comply with and make reference to current legislation, local laws, policy and agency names

Since the gazettal of the TPS a number of changes have occurred to legislation and policies. Numerous local planning policies and local laws have been created by Council which require reinforcement through updated scheme provisions. State legislative changes have also occurred with new requirements now applicable to planning matters. Agency titles have also been changed, creating referencing issues within the TPS. Amendment 32 proposes to update the TPS to ensure that all new legislative, policy and other requirements are addressed and agency names are up to date.

Incorporate and facilitate the objectives of the Shire of Waroona Local Planning Strategy 2009

The LPS was endorsed by the WAPC in 2009, as such the TPS has not yet been updated in accordance with the objectives and provisions of the LPS. In order to ensure a consistent and legible planning framework the TPS is required to be amended in order to be complementary to the LPS. The TPS will also provide a statutory head of power for the provisions of the LPS to be implemented, particularly in relation to lots size requirements and land use provisions.

Review and update definitions and the Zoning Table to ensure consistency

There are currently a number of discrepancies and anomalies in the zoning table and Schedule 1 of the TPS which have resulted from numerous ad-hoc amendments. Amendment 32 proposes to update the zoning table and definitions to provide a more coherent and comprehensive land use framework.

Include empowerment and adoption process for structure plans

Amendment 32 proposes to update structure plan provisions in accordance with the MST. The new provisions will provide greater guidance to applicants in preparing structure plans and greater efficiency in their processing by Council.

In addition to structure plan provisions, developer contributions provisions are proposed to be included as set out in the MST. These provisions will empower Council to require contributions from developers for things such as infrastructure and community facilities. These practices have become commonplace since the adoption of the TPS and are required to ensure that maximum community benefit is achieved through development.

Incorporate appropriate references and assessment functions of the Residential Design Codes



The Residential Design Codes (R Codes) are written and endorsed by the WAPC and are required to be implemented by local government. The WAPC regularly review and update the R Codes, as such a number of changes have been made that have not been accommodated by the TPS. Amendment 32 proposes to bring the TPS into line with the current version of the R Codes and therefore create a greater level of consistency across Council's planning framework.

Correct typographic and grammatical errors to ensure provisions achieve their intended objective

A number of typographic and grammatical errors have been identified within the TPS which reduce the effectiveness of its provisions. These are proposed to be corrected via Amendment 32.

Set out the aims of the TPS

The general objectives of the TPS are proposed to be updated so as to be more comprehensive and provide greater clarity as to the basis for its provisions.

Provide increased guidance for development and land use on sites which are reserved by the TPS

The current TPS provisions relating to reserved land are very limited. Amendment 32 proposes to update and expand these provisions to provide greater guidance as to the use and development of reserved land.

Update provisions for non-conforming uses

The non-conforming use provisions of the TPS are proposed to be updated in accordance with the MST provisions. This will give more comprehensive control of non-conforming uses and cover matters not currently addressed in the TPS.

Assist in addressing current and emerging planning issues including building design, relocated dwellings, minimum servicing standards, managing bush fire risk and parking of commercial vehicles

A number of recurring issues are proposed to be addressed through Amendment 32 including the above. These matters have caused a number of issues for Council since the gazettal of the TPS. In order to address these issues and provide a statutory basis for the implementation of Council's objectives new provisions are proposed. These new provisions will provide greater clarity and power in dealing with these and other recurring issues within the Shire.

Extend the range of matters that are to be considered by the local government in assessing applications

The matters to be considered when assessing and determining applications for planning consent are proposed to be expanded. This will provide a statutory basis for the consideration of a wider range of issues in the decision making process, ensuring that the best possible outcomes are achieved through the planning process. Matters proposed to be considered include, among others, relevant legislation, policy and advice from agencies, amenity, social issues, transport, utilities, impact on the natural environment and the aims and objectives of the TPS.

Modify, delete and add a number of interpretations

A number of interpretations (definitions) currently conflict with one another and provide areas of uncertainty when classifying a proposed use. In addition, the current interpretations do not cover a number of uses and have inaccurate references to legislation, policy and agencies. Amendment 32 proposes to add, delete and update interpretations where required to provide a clear and comprehensive list. A list of the interpretations proposed to be added, deleted and updated is included in **APPENDIX 9.3.3A**.

Provide greater assistance in any Rights of Review to the State Administrative Tribunal

Amendment 32 proposes new scheme provisions which give further guidance and information in relation to the process and requirements of an appeal to the State Administrative Tribunal. Given that an appeal to the State Administrative Tribunal is the formal process for the appeal against and review of determinations made under the TPS, it is appropriate for information relating to it to be included within the TPS.

Conclusion

Amendment 32 proposes to update the TPS in order to provide a coherent and comprehensive statutory mechanism for the implementation of Councils planning objectives. The updated TPS text will provide clarity for Council and the public in relation to the requirements of the TPS and assist in dealing with future development within the shire. Given that Amendment 32 proposes an improvement in the effectiveness and comprehensiveness of the TPS it is recommended that Council adopt the proposed amendment for advertising purposes.

APPENDICES ATTACHED OR PROVIDED ON CD

Appendix 9.3.3A

Appendix 9.3.3B (Copy provided on CD due to the size)

Appendix 9.3.3C

COUNCIL RESOLUTION

OCM13/8/079

MOVED: Cr Witney

SECONDED: Cr Mason

1. That the resolution number OCM12/11/137 of the November 2012 Ordinary Council Meeting be rescinded.
2. That, in relation to the proposed Amendment 32 to Town Planning Scheme No. 7 1996 and pursuant to Part 5 of the Planning and Development Act 2005, Council Resolves to:
 - A. Initiate the Amendment to Town Planning Scheme No. 7 in accordance with *Appendix 9.3.3A*.
 - B. Refer the above Amendment to Town Planning Scheme No.7 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment in accordance with the Town Planning Regulations 1967.
 - C. Authorise the Shire President and the Chief Executive Officer to execute the Amendment documents.
 - D. Forward a copy of the amendment to the Western Australian Planning Commission for information.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.3.4 DELEGATION OF POWERS AND DUTIES TO CHIEF EXECUTIVE OFFICER	
Reporting Officer / Officer's Interest:	Louis Fouché, Director Planning Services / Nil
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 23 August 2013	File No.: 52/1
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995 Planning and Development Regulations 2009 State Planning Policy 3.1 Residential Design Codes
Strategic Implications:	Strategic Community Plan 2012
Financial Implications:	Not costed. (See report).
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	HR requirements will be provided by current staff.
Voting Requirements	Absolute Majority
Linked To Strategic Objective Number (Strategic Community Plan-SCP):	
5 - Encourage A Dynamic Local Economy	
6 - Achieve Active Civic Leadership	

PROPOSAL

Council is requested to delegate to the CEO the power to approve development applications involving minor amendments or additions to development that has been lawfully established or approved by Council and applications meeting relevant objectives and design principles in the R-Codes.

BACKGROUND

Council has delegated to the CEO the power to approve development applications for uses listed "P", "AA" or "IP" in the Zoning Table of Town Planning Scheme No. 7 of 1996 with or without conditions, or in the case of refusals, with reasons.

The delegation is subject to the proposal being consistent with the Scheme and Council Policy (including the deemed to comply provisions of the R-Codes), or in the case of refusal, the proposal is inconsistent with the Scheme and Council Policy.

Exemptions to the delegation include the following land uses:

- Amusement facilities
- Garden Centre where it is an 'AA' use
- Hotel
- Motel
- Nursery
- Petrol Filling / Service Station
- Reception Centre where it is an 'AA' use
- Restaurant where it is an 'AA' use
- Restricted Premises
- Tavern
- Club premises
- Day Care Centre where it is an 'AA' use

- Educational Establishment where it is an 'AA' use
- Hospital
- Medical Centre
- Public Worship
- Veterinary Consulting Rooms / Veterinary Hospital
- Builders Storage Yard where it is an 'AA' use
- Depot
- Extractive Industry
- Sawmill
- Equestrian Activity in the 'Urban 6 – Rural Living' Zone
- Kennels / Cattery
- Produce Store where it is an 'AA' use
- Abattoir
- Piggery
- Poultry Farm
- Wayside stall
- Camping Area
- Caravan Park / Park Home Park
- Relocated houses
- Sea Containers / Dongas

FINANCIAL IMPLICATIONS

Although not specifically costed, the officer hours required to determine Planning Consent under delegation is generally substantially less than an application requiring the determination by Council given the requirements to produce a Council report. In many cases the application fee prescribed by Regulation would not cover the cost of Council's determination.

STATUTORY IMPLICATIONS

Local Government Act 1995 (LG Act)

In terms of Section 5.42 of the LG Act, Council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the LG Act or the Planning and Development Act 2005.

In terms of Section 5.44, a CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation.

Section 5.46 requires the CEO to keep a register of the delegations made under this Division to the CEO and to employees

Planning and Development Regulations 2009

Regulation 47 of the Planning and Development Regulations 2009 prescribes the maximum fee that a local government may impose for development applications.



STRATEGIC PLANNING IMPLICATIONS

State Planning Policy 3.1 Residential Design Codes (R-Codes)

Clause 2.1.4 of the R-Codes states:

All residential development is to comply with the requirements of the R-Codes. Approval under and in accordance with the R-Codes is required if the proposed residential development:

- (a) does not satisfy the deemed-to-comply provisions of Parts 5 and/or 6 of the R-Codes as appropriate; or
- (b) proposes to address a design principle of Parts 5 and/or 6 of the R-Codes which therefore requires the exercise of judgement by the decision-maker.

Clause 2. 5.1 of the R-Codes states:

Subject to clauses 2.5.2 and 2.5.3, the decision-maker is to exercise its judgement to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes.

The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).

STRATEGIC IMPLICATIONS

Of the 6 objectives outlined in Waroona's *Strategic Community Plan (SCP)*, this item contributes towards achieving objective numbers 5 and 6:

- 5. Encourage a Dynamic Local Economy
- 6. Achieve Active Civic Leadership

COMMUNITY CONSULTATION

Not required.

OFFICER'S COMMENTS

The actual cost of and time required to process, assess and determine a Planning Consent / Development Application would vary from application to application. The application fees for these applications are generally fixed in terms of the Planning and Development Regulations 2009.

In many instances the prescribed fee would not cover the Officer time and the cost of other overheads required to determine the application. The cost of Council determining an application is inevitably higher than officers determining an application under delegation given the additional administrative processes required to refer a report to Council. It is therefore necessary to be as efficient as possible in the determination process.

The current delegation to the CEO to determine development applications for uses listed "P", "AA" or "IP" in the Zoning Table of Town Planning Scheme is subject to certain exemptions, listing a number of uses not covered by the delegation.

Where a land use or development has been lawfully established or approved by Council in the past, the restrictions to the delegation implies that any further



development on the site of a similar nature would still require Council's determination rather than a delegated decision by an officer. An example would be the proposed construction of an annexe at a caravan park already approved by Council. Another example would be the construction of a carport or storeroom at any of the listed uses (i.e. club, restaurant or hotel).

The majority of planning applications triggered by the R-Codes are for minor matters such as not meeting the deemed-to-comply provisions in the Codes. (The bulk of applications received involve setback variations). Although a Planning Application is then required, the applicant can generally meet the relevant objectives and design principles provided in the R-Codes.

Conclusion

It should be noted that minor developments and additions generally do not change the nature of the use lawfully established or approved by Council, but are generally ancillary or incidental to the main use on the site.

Planning Applications that meet Scheme and Council Policy as well as the relevant objectives and design principles in the R-Codes should generally be approved.

In order to improve the efficiency in approving planning applications it is therefore recommended that the delegations requested be approved by Council.

COUNCIL RESOLUTION

OCM13/8/080

MOVED: Cr Witney

SECONDED: Cr Mason

That in terms of Section 5.42 of the Local Government Act 1995, Council delegate to the CEO the power to approve development applications with or without conditions for uses listed "P", "AA" or "IP" in the Zoning Table of Town Planning Scheme No. 7 of 1996, that are consistent with Scheme and Council Policy and:

- 1. Involve minor amendments or additions to development that has been lawfully established or approved by Council.**
- 2. Meet the relevant objectives and design principles provided in the Residential Design Codes.**

CARRIED BY ABSOLUTE MAJORITY 7/0



9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.4.1 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: 15/08/2013	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

APPENDICES ATTACHED

Appendix 9.4.1

<u>COUNCIL RESOLUTION</u>		
OCM13/8/081		
MOVED: Cr Germain		
SECONDED: Cr Salerian		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7401 - 7432	\$105,745.60
Trust (Cheque/EFTs)	EFT 16649	\$27,683.19
	Chq's 11018-11023	
Electronic Transfers Municipal Fund	EFT 16650 - 16771	\$644,103.12
Direct Wages	01/07/2013 – 31/07/2013 inclusive	\$174,731.80
GRAND TOTAL:		<u>\$952,263.71</u>
and attached at Appendix 9.4.1 be endorsed.		
CARRIED 7/0		



9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2013 TO 31 JULY 2013	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – 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: 21/8/2013	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

APPENDICES ATTACHED

Appendix 9.4.2

COUNCIL RESOLUTION**OCM13/8/082****MOVED: Cr Look****SECONDED: Cr Witney**

That the Monthly Statements of Financial Activity for the period 1 July 2013 to 31 July 2013 at Appendix 9.4.2 be received and noted.

CARRIED 7/0

The Shire President thanked Deputy CEO Laurie Tilbrook and his staff for their work in preparing the budget.

9.4.3 ADOPTION OF ASSET MANAGEMENT PLANS	
Reporting Officer / Officer's Interest:	John Crothers, Co-Ordinator Corporate Planning / Nil
Responsible Officers / Officers Interest:	Laurie Tilbrook, Deputy CEO/Director Corporate Services / Nil
Proponent:	Shire of Waroona
Date of Report: 16.08.2013	File No.: 11/1
Previous Reference:	Report 9.4.6 of 18 June 2013
Statutory/Policy Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
Voting Requirements	Simple Majority
Linked To Strategic Objective Number (SCP):	
6 - Achieve Active Civic Leadership & Good Governance & Excellence In Management	

PROPOSAL SUMMARY

The Council is requested to endorse Asset Management Plans for all asset classes. At its June 2013 Council adopted Asset Management Plans for “Buildings” and “Roads & Bridges”. Some minor adjustments are still needed for these.

This report relates to other major Asset Management Plans, being for – Drainage; Footpaths/Cycleways; Parks & Other Infrastructure. Detailed Plans are provided as Appendices to this report.

BACKGROUND/INITIAL COMMENTS

The development of Asset Management Plans for all infrastructure, is a requirement pursuant to the Integrated Planning and Reporting Framework. As Councillors would be aware this framework links asset management, long term financial planning and strategic planning to ensure the long term viability of the Council by providing informing strategies culminating in the Corporate Business Plan.

These Plans will be examined by Council’s Auditor, who is required to ‘form an opinion as to whether the asset consumption ratio and the asset renewal funding ratio included in the annual financial report are supported by verifiable information and reasonable assumptions’.

The planned expenditure for these assets over the next four years is as follows:

	4 Year Total	Annual Average
Drainage	686,745	171,619
Footpaths/Cycleways	213,000	53,250
Parks & Other Infrastructure	278,000	69,500

The proposed works programs and actual jobs will be determined once Council has approved the financial program. The works programs will be based on reports relating to:



- drainage undertaken by consulting engineers Thompson McRobert Liddelow in 2009
- Footpaths/Cycleways Network Plan developed in-house in late 2012
- Parks works to be determined following an assessment of needs across the Shire with priority given to replacing existing infrastructure nearing the end of their useful lives.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

These Plans are significant supporting and informing documents which provide substantial data for the compilation of the Community Business Plan, and the Long Term Financial Plan.

They relate to Strategic Community Plan area number 6 “Active Civic Leadership, Good Governance, & Excellence in Management”.

FINANCIAL IMPLICATIONS

Asset Management Plans outline the financial requirements to renew infrastructure over a long term period (10 – 20 years). Estimates of projected Assets purchases/replacements/renewals are to be included in the long term financial plan and the Corporate Business Plan (essentially a 4 year budget). In the event that a renewal requirement is unable to be funded, the Council should be mindful that strategies should be in place, to re-examine proposals for a subsequent year with a view to implement changes, to ensure that service levels are not compromised in future years.

It is not possible for Council to fully fund all the Asset Renewal needs at present, and steady progress towards reaching a desirable level by the 2022/23 year [the 10th year of the Long Term Financial Plan], is the current proposed strategy. Therefore large [20%+] increases in Rates can be avoided.

STATUTORY ISSUES/ IMPLICATIONS

Asset management is a core function of a Council and an essential component of the Integrated Planning & Reporting Framework as per The Local Government Act 1995 and associated regulations.

Financial Management Regulation No. 50 has been amended to cater for the new Ratios.

POLICY IMPLICATIONS

Councillors may recall that policies relating to the overall development and subsequent management of the plan have previously been adopted by the Council namely:

- Asset Management Policy – adopted 26 July 2011
- Asset Management Plans – Buildings and Roads – adopted 25 June 2013

COMMUNITY CONSULTATION

Not Applicable



OFFICER'S FINAL COMMENTS/CONCLUSIONS

The Asset Management Plans proposed for adoption are a culmination of approximately 20 months of research and data gathering. This work commenced in conjunction with the Shire of Murray, then drafted by the Council's inaugural Coordinator of Corporate Planning (CCP) and finally completed in conjunction with the Corporate Business Plan by the current CCP Mr John Crothers.

Adoption of these plans will assist in ensuring that assets are used, maintained, and improved, as efficiently as possible to support the Council's Community Strategic Plan, and to ensure compliance with statutory regulations, including assisting the assessment of future funding requirements and, most importantly, to secure the long term viability of the Council.

APPENDICES PROVIDED ON CD

Appendix 9.4.3A

Appendix 9.4.3B

Appendix 9.4.3C

COUNCIL RESOLUTION**OCM13/8/083****MOVED: Cr Mason****SECONDED: Cr Germain**

That the Council adopts Asset Management Plans for "Drainage", "Footpaths/Cycleways", and "Parks & Other Infrastructure" as provided in Appendices 9.4.3A to 9.4.3C.

CARRIED 7/0

9.5 CHIEF EXECUTIVE OFFICER
Nil.

10. CONFIDENTIAL REPORTS
Nil.

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

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

12.1 Acknowledge & Thank You to Staff – Buller Road Refuse Site Incident

The Chief Executive Officer wished to acknowledge the staff and convey his appreciation and thanks to those Staff members who assisted in the Buller Road Refuse Site incident response.

The Shire President noted that Mr Jeff Taylor, Waroona Police had also conveyed his appreciation and thanks to Shire staff for their assistance.

12.1 ELECTED MEMBERS
Nil.

12.2 OFFICERS
Nil.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.06 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 24 SEPTEMBER 2013 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

