



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 22 MAY 2012
(Held at the Waroona Shire – Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Deputy 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 John Salerian | Councillor |
| Cr Christine Germain | Councillor |
| Cr Craig Wright | Councillor |
| Cr Trish Witney | Councillor |
| Cr John Mason | Councillor |
| Mr Ian Curley | Chief Executive Officer |
| Mr Laurie Tilbrook | Deputy Chief Executive Officer |
| Mr Louis Fouché | Manager Planning Services |
| Mr Grayson Hindmarsh | Manager Environmental Health & Building Services |
| Mr Steve Cleaver | Director Community & Planning Services |
| Mrs Sue Cicolari | Executive Support Officer |

APOLOGIES

There were no members of the public present at the commencement of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Lina Look Councillor

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4.1 PUBLIC QUESTION TIME

Nil.

4.2 PUBLIC STATEMENTS

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Dew declared an interest affecting impartiality in Item 9.2.2 as he was a member of the Preston Beach Voluntary Rangers.

Cr Wright declared a financial interest in item 9.4.1 as a close associate of an employee of a landowner adjacent to the subject site.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.



8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 24 APRIL 2012

COUNCIL RESOLUTION

OCM12/5/058

MOVED: Cr Wright

SECONDED: Cr Mason

That the Minutes of the Ordinary Council Meeting held 24 April 2012 be confirmed as being a true and correct record of proceedings.

CARRIED 7/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.

9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

| 9.2.1 PROPOSED TOWN PLANNING POLICY 25: OUTBUILDINGS | |
|--|---|
| Reporting Officer / Officer's Interest: | Greg Delahunty – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Manager Planning Services / Nil |
| Proponent: | N/A. |
| Landowner: | N/A |
| Date of Report: 10 May 2012 | File No.: TPS 7 General, 111/1 |
| Previous Reference: | OCM 11/10/2011 |
| Statutory/Policy Implications: | Planning and Development Act 2005 Building Code of Australia 2011 Building Regulations 1989 Shire of Waroona Town Planning Scheme No.7, 1996. Residential Design Codes of WA 2010. Local Planning Strategy 2009 Planning Policy 8 - Moyanup Heights and Lake Moyanup Estate Planning Policy 12 – Brooklyn Rise Special Residential Zone Building Standards |
| Strategic Implications: | Shire of Waroona Community Strategic Plan (2012) Strategy 1: Manage the Shire of Waroona's future growth. |
| Financial Implications: | Officer Time and Cost of advertising policy (Approximately \$1050). |
| Voting Requirements | Absolute majority. |

PROPOSAL

Council is requested to adopt a new Local Planning Policy that will guide the construction of outbuildings within the Shire of Waroona. **See Appendix 9.2.1A.**

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

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

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



BACKGROUND

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

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

PREVIOUS COUNCIL RESOLUTIONS:

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

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

At its Ordinary Meeting on 28 June 2011, Council resolved as follows:

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

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

FINANCIAL IMPLICATIONS

The total costs of advertising the policy in a local newspaper at draft (\$700.00) and adoption stages (\$350.00) is approximately \$1050.00. Staff cost in relation to the preparation of the policy has been budgeted.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and Section 162 specifies that where required in a planning scheme, development is not to commence without approval of a development application.

Building Code of Australia 2011

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

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

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

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

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

Clause 6.1.2 (c)(i) of the Scheme states except as otherwise provided in the Scheme the following development does not require the planning approval of Council:
‘The erection of a single house including outbuildings except where the proposal requires the exercise of a discretion under the Scheme including the residential Design Codes.’

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

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

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

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

Clause 2.4 provides for the preparation of Town Planning Scheme Policies relating to parts or all of the scheme.

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



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

STRATEGIC PLANNING IMPLICATIONS

Residential Design Codes

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

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

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

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

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

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

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

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

The current policies stipulate that no outbuilding exterior wall may be constructed of Zinalume, vivid white or off white (Colorbond) colour.

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

Note: In relation to the Moyanup Heights and Lake Moyanup Estate Policy the use of Zinalume material will be permitted in the final Outbuildings Policy where the impact on the visual amenity of adjoining properties and the streetscape will not be significant. The Outbuildings Policy will also take precedence over the Moyanup Heights and Lake Moyanup Estate Policy where there are inconsistencies in policy provisions).

COMMUNITY CONSULTATION

The Draft Planning Policy was advertised for two consecutive weeks (14 and 21 February 2012) in a local newspaper (Harvey-Waroona Reporter), allowing a minimum of 21 days for submissions. In terms of Clause 2.4.1 of the TPS Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

The draft policy was also referred to the City of Mandurah and the Shires of Harvey and Murray. No submissions were received during the advertising period.

Internal Referrals

The draft policy was referred to internal departments during its formulation. Advice was received from Building Services regarding the policy in relation to the Building Code of Australia.

OFFICER'S COMMENTS

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

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

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

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

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

- The development shall not result in adverse impact on adjoining properties.
- Floor area and height restriction are to be complied with.
- The outbuilding/s being suitably screened by existing vegetation or can be adequately screened by additional landscaping with appropriate planning condition/s.

- The outbuilding/s being constructed of materials consistent with the character of the area and where necessary a condition can be imposed requiring the use of non-reflective building materials.

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

Conclusion

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

It is therefore recommended that Council adopt the Draft Outbuildings Policy and that it be publicly advertised accordingly.

COUNCIL RESOLUTION

OCM12/5/059

MOVED: Cr Scott

SECONDED: Cr Wright

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

- 1. Adopt the Outbuildings Policy as set out in Appendix 9.2.1A.**
- 2. Publicly advertise the adopted Policy in accordance with the requirements of Clause 2.4.1 (c) of Town Planning Scheme No.7 of 1996.**

CARRIED BY ABSOLUTE MAJORITY 7/0



Cr Dew declared an interesting affecting impartiality of Item 9.2.2 as he was a member of the Preston Beach Voluntary Rangers.

| 9.2.2 PURCHASE OF ALL TERRAIN VEHICLE FOR PRESTON BEACH | |
|--|---|
| Reporting Officer / Officer's Interest: | Grayson Hindmarsh, Manager of Health and Building Services / Nil |
| Responsible Officer / Officer's Interest | Steve Cleaver, Director Community and Planning Services / Nil |
| Proponent: | Shire of Waroona |
| Landowner: | Shire of Waroona |
| Date of Report: 11 May 2012 | File No.: 125/1 |
| Previous Reference: | Ordinary Council Meeting 19 April 2012 |
| Statutory/Policy Implications: | Local Government Act 1995 |
| Strategic Implications: | Improved ranger services |
| Financial Implications: | Local Government Act 1995 Purchasing policy 3.3, 3.4 Funds in Reserve |
| Voting Requirements | Absolute majority |

PROPOSAL

To amend the 2011/2012 budget for the procurement of an ATV (All Terrain Vehicle) and ratify the purchase of a suitable ATV vehicle by formal resolution.

BACKGROUND

Council resolved at the 19 April 2012 Ordinary Council Meeting to postpone the decision on the procurement of the ATV vehicle. Council deliberation is pending provision of further information by Council Officers as requested.

COMMUNITY CONSULTATION

Shire Ranger and Volunteer Rangers

OFFICER'S COMMENTS

The following price list was included in the April 2012 agenda and considered by Council at the April Ordinary Council meeting-

| Supplier | Name | Price (ex GST) | Comments |
|------------------|--------------------------|----------------|---|
| De Rosas | Rustler 120 (diesel) | \$17400 | Local price policy applies Utility vehicle |
| Beacon Equipment | John Deere Gator XUV855D | \$17210 | WALGA preferred supplier. All-Terrain vehicle |
| McIntosh and Son | Rustler 115 (petrol) | \$15000 | Utility vehicle |
| Polaris | Polaris RZ800S | \$20450 | All-terrain Vehicle |
| | | | |

Council officers have recently consulted with the volunteer rangers and inspected alternative vehicles. An additional quote was sourced from a Polaris dealer in Mandurah for two variants of the same make as follows-

| Vehicle & displacement | Price inc GST | Comments |
|-----------------------------------|----------------------|---|
| Polaris RZR 570 EFI | \$14,987 | This price includes many optional extras on this model (see appendix) |
| ATV Sportsman 850 EPS | \$16,690 | Very few extras included |

Councillors should note that with exception of the Polaris RZR 570 EFI, some extra costs will be envisaged pertaining to procuring safety equipment that is included in the quotation for the Polaris RZR 570 EFI. See detailed quotes of the abovementioned vehicles in the **APPENDIX 9.2.2**.

The Polaris RZR 570 EFI has a smaller engine displacement, however possesses a superior ground clearance and deemed adequate for the purpose of transporting the volunteer rangers in beach terrain. Further, this vehicle has a superior agility in the beach environment when compared with the other makes or variant. The alternative makes are inferred to be more suited to less challenging terrain such as farm work and golf courses. The bigger ATV sportsman 850 EPS is suited to professional competition and may pose safety concerns.

FINANCIAL IMPLICATIONS

The Preston Volunteer Rangers reserve currently has a balance of \$27,447 following the purchases of the current 4wd utility vehicle and a quad bike. A trade in value of \$3,600 was offered on the Polaris quad bike. Due to its low residual value it was therefore recommended that this not be accepted and the asset remain in Councils possession. This quad bike would be better utilised based at the Works depot. Activities such as weed spraying and movement of garden materials would suit the needs of the depot crew.

Competitive quotes were called via the WALGA preferred suppliers list, and also from a local supplier.

POLICY IMPLICATIONS

Policy 3.4 allows for a 10% price preference for local purchases.

CONCLUSION

Council Officers recommend the purchase of the Polaris RZR 570 EFI based on efficiency in the environment that is required, price and inclusion of safety features in the price.

COUNCIL RESOLUTION

OCM12/05/060

MOVED: Cr Witney

SECONDED: Cr Salerian

That the committee recommends to Council that the 2011/2012 budget be amended as follows:

- 1. That expenditure \$14,987 be authorised for the purchase of a Polaris RZR 570 EFI all-terrain vehicle from Polaris Power Centre Mandurah.**
- 2. That \$14,987 is transferred from the Preston Volunteer Ranger's reserve to a/c 0965 for this expenditure.**

CARRIED BY ABSOLUTE MAJORITY 7/0

| 9.2.3 MURRAY MOTORCYCLE CLUB – PROPOSAL TO LOCATE CLUB IN LAKE CLIFTON | |
|---|--|
| Reporting Officer / Officer's Interest: | Louis Fouché – Manager Planning Services / Nil. |
| Responsible Officer / Officer's Interest: | Director Community and Planning Services – Steve Cleaver / Nil. |
| Proponent: | Murray Motorcycle Club. |
| Landowner: | Conservation Commission of WA (care of Department of Environment and Conservation). |
| Date of Report: 8 February 2012 | File No.: 126/10, 121/1. |
| Previous Reference: | N.A. |
| Statutory/Policy Implications: | Environmental Protection Act 1986. Peel Region Scheme 2003. Shire of Waroona Town Planning Scheme No.7 1996. State Trail Bike Strategy (Back on Track). |
| Strategic Implications: | Shire of Waroona Community Strategic Plan 2012. Shire of Waroona Local Planning Strategy 2009. Lake Clifton Herron Structure Plan. |
| Financial Implications: | N.A. |
| Voting Requirements | Simple majority. |

PROPOSAL

Correspondence has been received from Mr Murray Cowper MLA (member for Murray- Wellington) representing the Murray Motorcycle Club, seeking support for the allocation of land to the club in order to establish a home for its members. Mr Cowper proposes that State owned land in Lake Clifton abutting the Forest Highway (Lot 301 – 304 on Deposited Plan 51479, vested with the Department of Environment and Conservation) be allocated to the club. A plan indicating the land proposed by Mr Cowper is at **Appendix 9.2.3A**. Supporting documentation is at **Appendix 9.2.3B** of the agenda.

BACKGROUND

The Shire has been approached by clubs or other interested parties on different occasions in the past in order to establish motorcycle or trail bike tracks in the Shire.

In September 2001, the Shire was approached by a local Motocross Steering Committee requesting assistance with the planning issues involved in establishing a motocross track. Informal approaches to the then Department of Environment and Conservation and Alcoa were made at the time, however due to unfavourable responses, Council records do not show any successful progress on the matter.

The then Department of Planning and Infrastructure approached the Shire in November 2003 in order to change the vesting of Reserve 12408 and 23172 from 'Camping' to 2004 'Recreation and Conservation'. At the Ordinary Council Meeting of 27 April 2004, Council resolved to support the request and also to establish a working group to investigate the viability of a motocross track on the reserves.



The proposal site is currently used for forestry purposes and has recently been cropped. A ridgeline is located to the rear (west) of the indicated club area and a small dam is located to the front (east) of the site towards the Forrest Highway.

COMMUNITY CONSULTATION

Consultation with the local community including the Lake Clifton Herron Progress Association will be necessary if the proposal is to be considered further.

INTERNAL REFERRAL

Initial discussions with the Consulting Director Technical Services indicate that access from the Forrest Highway will require approval from Main Roads WA. Access to the State Forest is possible via tracks / roads connecting to the Old Coast Road including Coronation Road.

The Director Community and Planning Services indicated that noise modelling may be required in order to determine the impact of the motorcycle activities on noise sensitive locations (i.e. residences). The potential for impact on Council resources such as Ranger Services should also be considered.

The Environmental Health officer made the following comments:

'Whilst there are no houses near the proposed area, there is great potential for noise sensitive premises to be allowed to be established on the Old Coast Road, Lake Clifton that could be affected by the proposed activities in the future.

It is suggested that Noise modelling be undertaken using various scenarios including very still wind conditions, strong easterly winds and full cropping of the state forest and the effects on the rural areas that could become rural small holdings and lifestyle rural residential blocks.

The proposal did not include specific details including the following:

1. The extent of the designated riding area.
2. Layout of the access track and parking.
3. Methods proposed to control casual riding within the state forest outside the designated area.
4. The requirements for effective silencers on the motorcycles to be used off road in the designated area - particularly on two-stroke motorcycles.
5. Dust suppression within the designated area, for the access tracks & parking areas.
6. The proposed level of use of the area. (Use of site on a casual basis, all year round, only for formal activities, every weekend or only a few times every year?)

These details will influence the control of noise from the area and in suppressing dust emissions from the activities of the area users and people attracted to the area by the activity'.

EXTERNAL REFERRAL

Should the proposal be further entertained, referral to Main Roads Western Australia, the Department of Environment and Conservation, the Department of Sport and Recreation, the Department of Regional Development and Lands. Councils in the Peel region (City of Mandurah, Shire of Murray and Shire of Boddington) can also be contacted for comment. The matter has already been raised at the Peel Regional Leaders Forum.

STATUTORY IMPLICATIONS

Environmental Protection Act 1986

The Environmental Protection Noise Regulations are a “prescribed standard” under sections 51, 62 (4), 65, 74 (3) and clause 22 of Schedule 4 of the Act. Noise emissions which exceed the prescribed standard can be regarded as “pollution” and “unreasonable noise” under Section 3 of the Act.

Environmental Protection Noise Regulations

Schedule 1, Part C of the Regulations identify the following noise-sensitive premises:

- “1. *Premises occupied solely or mainly for residential or accommodation purposes.*
2. *Rural premises.*
3. *Premises used for the purpose of —*
 - (a) *a caravan park or camping ground;*
 - (b) *a hospital having accommodation for less than 150 in-patients;*
 - (c) *a sanatorium, home or institution for care of persons, a rehabilitation centre, home or institution for persons requiring medical or rehabilitative treatment;*
 - (d) *education — school, college, university, technical institute, academy or other educational centre, lecture hall or other premises used for the purpose of instruction;*
 - (e) *public worship;*
 - (f) *a tavern, hotel, club premises, reception lodge or other premises which provides accommodation for the public;*
 - (g) *aged care;*
 - (h) *child care;*
 - (i) *a prison or detention centre.*
4. *Any other premises not referred to in Part A or Part B of this Schedule.”*

It must be noted that the decibel scale is a logarithmic exponential scale in which every single decibel increase indicates a ten times increase in the amount of noise measured and that these levels are measured at the location receiving the noise.

Regulation 18 gives authority to the CEO (of the Department of Environment & Conservation) to allow for certain activities as special events if the noise likely to be emitted cannot comply with the noise level standards set out in the ‘Regulations’.

Peel Region Scheme 2003 (PRS)

The land is reserved as State Forests in terms of the PRS.



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

The property in question is reserved as State Forest in terms of the TPS.

In terms of Cause 6.1.2(a) of the TPS, the use of a Reserve vested in a Public Authority for a purpose for which the land is reserved or may be lawfully used by a Public Authority, is exempt from planning approval of Council. Other development requires the planning approval of Council.

A Planning Consent may be therefore required for the motorcycle club or the vesting of the land may require amendment.

STRATEGIC IMPLICATIONS**State Trail Bike Strategy (Back on Track)**

The main objectives of the Strategy are to:

- Develop a systems approach, rather than a series of disconnected strategies
- Align the interests of all stakeholders.
- Reduce the levels of community concern and complaint.
- Reduce the incidence of environmental impact attributable to Off Road Vehicle (ORV) use.
- Reduce injuries attributable to ORV use.
- Foster behaviour change amongst trail bike riders.
- Maximise economic, health and social benefits attributable to ORV use
- Provide for long term sustainability.

Key Focus Area (KFA) 2 of the Strategy is Trails Planning, which states that designated trails and venues must be planned, developed and maintained to attract trail bike riders and to ensure minimal environment and community impact.

Key Focus Area 3 is Managing for Sustainability which includes the planning of noise reduction via buffers and placement when designing ORV areas and trail systems.

Given future development in the Lake Clifton precinct, the location of the proposal appears to be inconsistent with KFA 2 and 3 of the State Trail Bike Strategy.

Shire of Waroona Community Strategic Plan 2012

Strategy 1 in the Strategic Plan is to Manage the Shire of Waroona's future growth. Two key elements are:

- The management of moderate growth in the Shire of Waroona to protect the community's lifestyle; and.
- Building on existing plans for growth.

The proximity of future Rural Smallholdings in close proximity to the State Forest and proposed trail bike club appears to be at odds with the strategy and objectives above.

Shire of Waroona Local Planning Strategy (2009)

The land in question is indicated as State Forest in the Lake Clifton Precinct of the Local Planning Strategy. The precinct includes Rural Residential properties east of the Old Coast Road, Rural Smallholdings west of Old Coast Road, State Forest and the Yalgorup National Park.

The State Forest abuts land earmarked for Rural Smallholdings lots of 5ha minimum to the west. The reserve land appears to be as close as 200m at its western boundary from future Rural Smallholdings although the proposal site appears to be located approximately 1.5km from these lots. (An accurate plan of the proposal has not been received at this stage).

The Strategy also indicates 2 ha Rural Residential lots south of Old Bunbury Road which will eventually be located approximately 1km north of the reserve and 2km north of the proposal site.

OFFICER'S COMMENTS

The Peel Region could benefit from legal trail bike tracks managed by a trail bike club. The challenge is finding a suitable location where the proposed club will not result in the loss of amenity of residents in proximity to the trails or club due to noise and other related club activities or events. The reality is that illegal trail bike riding does occur in the region and a trail bike club may assist in encouraging trail bike riders to join and ride in approved areas.

The fact that the proposed location of the trail club could be in close proximity to existing and future Rural Smallholdings in Lake Clifton in accordance with the Local Planning Strategy is cause for concern. Noise, dust, traffic and other amenity complaints can be anticipated where trail bike activities are located near residents. This is also not consistent with Key Focus Areas 2 and 3 in the State Trail Bike Strategy, which endeavours to achieve well planned facilities that are also sustainable.

The ridgeline to the west of the site may assist in reducing noise impacts to the rear of the site. The surrounding forest may further reduce noise and visual impacts on the immediate locality, however the loss of trees through cropping results in the loss of that buffer. Prevailing winds may also change noise and dust impacts. Referring to the advice from the Environmental Health Officer, it is evident that further information would be required from the proponents to determine the impact of the motorcycle club on the environment in terms of noise and dust.

It is also not clear whether the relevant State Government Agencies such as the Department of Planning, Main Roads Western Australia, the Department of Environment and Conservation, the Department of Sport and Recreation, the Department of Regional Development and Lands support this proposal.

It is further considered appropriate to liaise with other Peel Local Governments to ensure a consultative approach to locating a site for trail bikes in the region.

Conclusion

It is recommended that a working group be established consisting of representatives from relevant State Government Departments and Peel Local Governments in order to determine a suitable location for a trail bike club in the region. The working group can use relevant strategy, planning and environmental criteria to identify sites in the region that may be suitable for the development of a motorcycle club / bike trails. A similar approach has been used with the Peel Caravan Park Sector Support Group in reviewing the location of Caravan Parks in the Peel Region.

COUNCIL RESOLUTION

OCM12/05/061

MOVED: Cr Wright

SECONDED: Scott

That in relation to the proposal from the Murray Motorcycle Club to locate a club in the Lake Clifton area, Council resolves to:

- 1. Advise the club that Lot 301-304, vested with the Department of Environment and Conservation, is not a preferred site for the purpose of establishing a motorcycle club and that further detailed information, including, but not limited to, noise modelling and dust suppression on the site and detailed information about the organisation, including, but not limited to, level of use of the site, extent of riding area and access to emergency (medical) services would be required to provide a full assessment of the site.**
- 2. Support the establishment of a trail bike club in an appropriate location within the Peel Region where the objectives of relevant State and Local Government Strategies, Policies and Statutory Requirements are met.**

CARRIED 7/0

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

| 9.3.1 ACCOUNTS FOR PAYMENT | |
|--|--|
| Reporting Officer / Officer's Interest: | Joe Dineley – Senior Finance Officer / Nil |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner: | N/A |
| Date of Report: 13/05/2012 | File No.: 1/3 |
| Previous Reference: | N/A |
| Statutory/Policy Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| Voting Requirements | Simple Majority |

APPENDIX 9.3.1**COUNCIL RESOLUTION****OCM12/05/062****MOVED: Cr Witney****SECONDED: Cr Mason****That Vouchers numbered:**

| <u>ACCOUNT</u> | <u>CHEQUE NOS.</u> | <u>TOTAL \$</u> |
|--|---------------------------------------|----------------------------|
| Municipal | Cheques 6845 - 6866 | \$17,213.02 |
| Trust (Cheque/EFTs) | EFT 14207 (cancelled) - 14208 | \$1,835.15 |
| Electronic Transfers Municipal Fund | EFT 14209 – 14355 | \$470,939.93 |
| Direct Wages | 4/4/2012 – 18/4/2012 inclusive | \$148,019.00 |
| GRAND TOTAL: | | <u>\$638,007.10</u> |

and attached at Appendix 9.3.1 be endorsed.**CARRIED 7/0**

| | |
|--|--|
| 9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2011 TO 30 APRIL 2012 | |
| Reporting Officer / Officer's Interest: | Tamara Olsson – Manager Financial Services / Nil |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner: | N/A |
| Date of Report: 15/05/2012 | File No.: 1/1 |
| Previous Reference: | N/A |
| Statutory/Policy Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| Voting Requirements | Simple Majority |

APPENDIX 9.3.2**COUNCIL RESOLUTION****OCM12/05/063****MOVED: Cr Witney****SECONDED: Cr Germain**

That the Monthly Statements of Financial Activity for the period 1 July 2011 to 30 April 2012 Appendix 9.3.2 be received and noted.

CARRIED 7/0

| 9.3.3 AMENDMENTS TO 2011/12 ADOPTED BUDGET | |
|---|--|
| Reporting Officer / Officer's Interest: | Tamara Olsson – Manager Financial Services / Nil. |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner: | N/A. |
| Date of Report: 14 May 2012 | File No.: 1/7 |
| Previous Reference: | N.A. |
| Statutory/Policy Implications: | Local Government Act 1965 |
| Strategic Implications: | N.A. |
| Financial Implications: | 2011/12 Budget |
| Voting Requirements | Absolute Majority |

PROPOSAL

Council is requested to consider the amendments to the 2011/12 adopted budget listed below. In order to correctly reflect in the budget several accounts which have been reviewed as an ongoing process of monitoring the budget.

BACKGROUND

As part of the budget process, Local Governments are required to closely monitor the budget figures.

Part of this monitoring process requires that any significant increase or decrease in budget figures is reported for Council's information in a monthly "variance" report.

When staff are undertaking budgeted projects they must refer to the adopted budget figure and then view the variance list to note any changes to as the variance list is information only and does not alter the actual budget.

It is proposed that, rather than providing the monthly variance report which is information only, that the actual budget be amended. This will assist staff in ensuring that the figures listed in the budget are as up to date as possible.

Differences between budget and the actual result can fall into two broad categories, Timing Differences and Permanent Variations. A timing difference occurs when the budget contains an allocation which is now unlikely to occur within the budget year. There is still an expectation that the project will be undertaken but just not within the current financial year. Projects with a timing difference still need to be re-budgeted for in the next year and are usually funded from an opening funding surplus. Timing differences have the potential to impact on both income and expenditure allocations particularly for grant funded projects. A permanent variation will result in a one off change in allocation of resources and impact on the expected net funding position at the end of the financial year.

| Account | Explanation | Expected Impact on Cash | Variance Permanent | Variance Timing (Carryover) |
|----------------|--|--------------------------------|---------------------------|------------------------------------|
| 115140 | Sewerage Ponds to be increased in cost due to unforeseen works for site preparation. | (20,000) | (20,000) | |
| 118330 | Amend Tipping fees budget to correctly reflect the amount received. | 45,000 | 45,000 | |
| 119930 | Amend budgeted fees, to correctly reflect the closure of the facility whilst the Sewerage Ponds are constructed. | (25,485) | (25,485) | |
| 132040 | Blackspot Project Funding Variation - Coronation Road - Expenditure over budgeted. | 61,316 | 61,316 | |
| 132250 | Blackspot Project Funding Variation - Coronation Road - the project was overbudgeted, (refer above) we need to decrease the projected amount of funding by Blackspot. | (40,000) | (40,000) | |
| 126620 | Correction to OCM 12/3/029 Figures have varied due to full disclosure of grant conditions of the KidSport program through the Department of Sport and Recreation. The balance is to carried forward to the 2012/13 financial year. This is a timing variance over several financial years, not a permanent variance. | 2,000 | | 2,000 |
| 127330 | Correction to OCM 12/3/029 Figures have varied due to full disclosure of grant conditions of the KidSport program through the Department of Sport and Recreation. The balance is to carried forward to the 2012/13 financial year. This is a timing variance over several financial years, not a permanent variance. | (4,000) | | (4,000) |
| 152130 | Correction to OCM 12/3/029 Figures have varied due to full disclosure of grant conditions of the KidSport program through the Department of Sport and Recreation. The balance is to carried forward to the 2012/13 financial year. This is a timing variance over several financial years, not a permanent variance. | (5,000) | | (5,000) |
| 127230 | Correction to OCM 11/09/108 Figures have varied due to full disclosure of grant conditions of the Football Club grant to be supplied in Milestones. Waroona Town Oval Lighting, the balance is to carried forward to the 2012/13 financial year | (143,000) | | (143,000) |
| 137240 | Associated expenditure for Waroona Town Oval Lighting Grant - Lighting Design and planning. | (20,000) | | (20,000) |
| 128650 | Correction to OCM 11/09/108 Figures have varied due to full disclosure of grant conditions of the Football Club grant to be supplied in Milestones. | 163,000 | | 163,000 |
| | Impact on Closing Fund Surplus (Deficit) | 13,831 | 20,831 | (7,000) |

OFFICER'S COMMENTS

The budget has been reviewed to continue to deliver on other strategies adopted by the Council. The closing funds remain in surplus as a result with a slight increase of \$13,831.

COUNCIL RESOLUTION**OCM12/05/064****MOVED: Cr Mason****SECONDED: Cr Salerian**

That the 2011/2012 adopted budget be amended as follows:

- **Increase expense from Account 115140 from \$220,000 to \$240,000 - Sewerage Ponds**
- **Increase income to Account 118330 from \$76,00 to \$121,000 – Tipping Fees**
- **Decrease income from Account 119930 from \$29,000 to \$3,515 – Septic Eff (Disposal) Fees**
- **Decrease expense from Account 126620 from \$7,000 to \$5,000 – Kidsports Grant Expenditure**
- **Decrease income from Account 127330 from \$20,000 to \$16,000 – Kidsports Grant – DSR**
- **Decrease income from Account 152130 from \$20,500 to \$15,500 to Contributions Kidsports Grant**
- **Decrease income from Account 127230 from \$163,100 to \$20,100 – Football Club Oval Lights**
- **Decrease expense from Account 128650 from \$163,000 to \$nil – Transfer to Reserve Football Oval Lights**
- **Increase expense from Account 137240 from \$nil to \$20,000 – Football Club Oval Lights**
- **Decrease expense from Account 132040 (RC64) from \$181,316 to \$120,825 – Blackspot Coronation Road**
- **Decrease income from Account 132250 from \$120,000 to \$80,000 – Blackspot Funding Coronation Road**

CARRIED BY ABSOLUTE MAJORITY 7/0

9.4 CHIEF EXECUTIVE OFFICER

Cr Wright declared a financial interest in item 9.4.1 as a close associate of an employee of a landowner adjacent to the subject site and vacated the Chamber at 4.23pm.

| 9.4.1 SOUTH WEST HIGHWAY FOOTPATH | |
|---|---|
| Reporting Officer / Officer's Interest: | Ian Curley, Chief Executive Officer / Nil |
| Responsible Officer / Officer's Interest: | Ian Curley, Chief Executive Officer / Nil |
| Landowner: | Shire of Waroona |
| Date of Report: 15.05.2012 | File No: 97/1 |
| Previous Reference: | N/A |
| Statutory/Policy Implications: | Nil |
| Strategic Implications: | Improvement to Waroona CBD |
| Financial Implications: | \$24,800 |
| Voting Requirements | Simple Majority |

PROPOSAL

To consider continuing the Waroona town centre footpath renewal by repaving in front of Lots 76 & 77 South West Highway.

BACKGROUND

The previous Waroona town centre paving project was funded predominately by a \$1m State Government grant (Pinjarra-Brunswick Sustainability Fund) with additional funds from a Federal Government grant. These funds are now fully expended. Since this project finished the commercial properties at Lots 76 (St Vinnies) & 77 (Old Garden Centre) have both, at times been vacant and paving in other areas of the town have been focussed on. Both lots are now in the process of being fully occupied and the new owner of Lot 77 has requested Council consider extending the footpath project to this end of town. Undertaking this work would finish the paving project on the south end of town.

The owner of lot 76 has since written requesting the following from Council– *“I have received information that the Shire plans to pave the footpath outside the shop to the corner of Palmerstone Street and South Western Highway. I understand that the Shire does not intent to pave to the shop frontage. I also understand that streets in the CBD of town were all fully paved to the shop frontage and the cost for this paving was met by the Shire. I would therefore expect a similar practice to apply to paving done outside our family premises.”*

This premises of Lot 76 has a concrete verandah inside the property line at the front and its removal and replacement with paving is not included in the current pricing. There is no structural reason to remove the verandah outside Lot 76.

In December 2011 Council approved a Business Incentive grant of \$2,000 grant to St Vinnies (the proposed tenant at the time of Lot 76) for the purpose of internal shop fit-out, rent and signage.

In relation to some of the original paving some work was done on private properties where the height of the path was altered eg. Outside “Krakajaks” café or were minor in-fill work was desired to complete the look of the area eg outside Taylor’s IGA where street seats are located. Other areas eg, the concrete verandahs outside the Bendigo Bank and next door real estate agency were not replaced. This work was also by Government grants and future work will be funded from Council’s own funds.

COMMUNITY CONSULTATION

Part of the community endorsed town centre upgrade project initiated in 2003.

OFFICER'S COMMENTS

Council has previously given verbal support to this work being undertaken. Pavers were previously purchased and are in stock at the Shire Depot and 3 quotes for laying have been obtained as follows –

- C & BJs Brickpaving, Waroona \$34,250
- Zig Zag Maintenance, Waroona \$24,800
- Alan Tormey Paving, non-local \$23,650

The quote from Zig Zag Maintenance under Council’s Local Purchase Policy No 3.4 is the most advantageous quote.

Additional costs, estimated at \$5,000, will be involved with traffic management and raising the height of utility pits.

COUNCIL RESOLUTION

OCM12/05/065

MOVED: Cr Germain

SECONDED: Cr Scott

That Council refer the paving of footpath on the South West Highway in front of Lots 76 & 77 for consideration for funding in the 2012/2013 budget and that the work be limited to Council property only.

CARRIED 6/0

Cr Wright returned to the meeting, the time being 4.28 pm.

| | |
|---|---|
| 9.4.2 COUNCIL DELEGATES | |
| Reporting Officer / Officer's Interest: | Ian Curley, Chief Executive Officer / Nil |
| Responsible Officer / Officer's Interest: | Ian Curley, Chief Executive Officer / Nil |
| Proponent: | a) Harvey River Land Conservation District Committee b) Harvey River Restoration Taskforce Community Panel |
| Date of Report: 15.05.2012 | File No: 137/1 |
| Previous Reference: | OCM 11/10/114 |
| Statutory/Policy Implications: | Appointment to a) if by the Commissioner of Soil and Land Conservation |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| Voting Requirements | Absolute Majority |

PROPOSAL

Council to reconsider appointing Councillor delegates to the Harvey River Land Conservation District Committee and the Harvey River Restoration Taskforce Community Panel

BACKGROUND

In October 2011 Council re-appointed delegates to a variety of local and regional committees, however, no Councillor accepted the position on either of the above committees and the appointments are currently listed as vacant. Both groups have requested Council reconsider nominating a delegate.

The HRLCDC meets bi-monthly at Yarloop and the HRRTCP meets bi-monthly at the Waroona Landcare Centre.

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

The HRRT has close links with the Council through the work done with the Landcare staff at the Landcare centre in South West Highway.

The HRLCDC wrote – *“Failure to nominate a representative will force the Committee to operate with a vacancy and affect its quorum. This may have significant implications for Landcare projects in the Waroona area. The nominee does not have to be a Councillor or employee of the Shire of Waroona, but can be any person that your local government wishes to represent it at LCDC meetings.”*

Whilst it is desired by many local and regional groups to have Councillors as delegates on their committee, there is no legal requirement for this to occur.

OFFICER RECOMMENDATION

That Council reconsiders nominating a Councillor delegate to the

- a) Harvey River Land Conservation District Council, and**
- b) Harvey River Restoration Taskforce Community Panel**

As there was no mover of the motion, the recommendation lapsed.

| 9.4.3 BUSINESS INCENTIVE GRANT APPLICATION | |
|---|---|
| Reporting Officer / Officer's Interest: | Ian Curley, Chief Executive Officer / Nil Maree Ellis, Community Development Officer / Nil |
| Responsible Officer / Officer's Interest | Ian Curley, Chief Executive Officer / Nil |
| Proponent: | Templeman Twells Web Design |
| Landowner: | N/A |
| Date of Report: 15 05 12 | File No.: 98/1 |
| Previous Reference: | OCM10/10/165 |
| Statutory/Policy Implications: | Nil |
| Strategic Implications: | Nil |
| Financial Implications: | Current budget – nil 2012/2013 budget - \$2,000 |
| Voting Requirements | Absolute Majority |

PROPOSAL

Council is asked to approve a Business Incentive Grant application for Two thousand dollars (\$2,000) from Templeman Twells Design who are opening a shop in previously vacant premises at shop 1 & 2 / 22 Fouracre St, Waroona. The grant is to be used to assist with rent and other setup costs. See site plans at **APPENDIX 9.4.3**.

BACKGROUND

The Shire of Waroona established a New Business Incentive Grant Fund in November 2010 to provide small amounts (individual amounts of up to \$2000) of discretionary funds to new or existing commercial business proprietors in the Waroona Central Business District (CBD) to assist with the costs of opening a new business or expansion of an existing business. These funds are designed to encourage new and current business proprietors to make use of existing empty business premises in the Waroona CBD.

The new office space will allow the business to offer website design and development in a commercial setting and will incorporate a client area and conference room. The business intends to offer information evenings to up-skill and inform the local community on changing technology and to offer website development training to local youth. The new premises will also allow them to expand their business and provide employment opportunities.

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

The business is deemed to be eligible under the criteria set out in the Guidelines and application form.

COUNCIL RESOLUTION

OCM12/05/066

MOVED: Cr Scott

SECONDED: Cr Salerian

That an amount of two thousand dollars (\$2,000) be granted to Templeman Twells Web Design to assist with the establishment of a retail outlet at shop 1 & 2 / 22 Fouracre Street, Waroona from the Business Enhancement grants acc. 7782. The grant is to be funded from the 2012/13 budget after the 1st July.

CARRIED BY ABSOLUTE MAJORITY 7/0

10. CONFIDENTIAL REPORTS

| | |
|---|---|
| 10.1 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW / DEPUTY CHIEF EXECUTIVE OFFICER/DIRECTOR CORPORATE SERVICES – CONTRACT RENEWAL | |
| Committee: | Senior Staff Appointment, Remuneration and Performance Review Committee |
| Date of Report: 22 05 12 | File No.: |
| Previous Reference: | N/A |
| Statutory/Policy Implications: | Local Government Act 1995 requirement for annual employee review. Local Government Administration Regulation 18D |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| Voting Requirements | Simple Majority |

COUNCIL RESOLUTION**OCM12/05/067****MOVED: Cr Scott****SECONDED: Cr Germain**

1. That Council record that a positive performance review was undertaken of the Chief Executive Officer for 2011/2012 and that the performance review be accepted, without modification.
2. That the employment contract for the Deputy Chief Executive Officer/Director Corporate Services be endorsed for a further 5 year term from 1 July 2012.

CARRIED 7/0

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

Nil.

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

12.1 ELECTED MEMBERS

| | |
|--|---|
| 12.1.1 CROSS WALK ON SOUTH WEST HIGHWAY | |
| Reporting Officer / Officer's Interest: | Patrick Steinbacher / Nil |
| Responsible Officer / Officer's Interest | Ian Curley, Chief Executive Officer / Nil |
| File No.: | 131/4 |
| Previous Reference | |
| Statutory/Policy Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| Voting Requirements | Simple Majority |

COUNCIL RESOLUTION

OCM12/05/068

MOVED: Cr Wright

SECONDED: Cr Scott

That the Acting Director Technical Services be requested to investigate with Main Roads WA the possibility of the installation of a cross walk or flashing light crossing on South West Highway adjacent to the National Australia Bank.

CARRIED 7/0

12.2 OFFICERS

Nil.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.05 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 26 JUNE 2012 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

