



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 24 JULY 2012

(Held at the Waroona Shire – Council Chambers)

TABLE OF CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENTS.....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	3
4.1	PUBLIC QUESTION TIME	3
4.2	PUBLIC STATEMENTS	3
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
6.	DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS.....	4
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS	4
8.	CONFIRMATION OF MINUTES	4
8.1	ORDINARY COUNCIL MEETING – 26 JUNE 2012.....	4
9.0	REPORTS OF OFFICERS AND COMMITTEES	4
9.1	DIRECTOR TECHNICAL SERVICES.....	4
9.2	DIRECTOR COMMUNITY & STRATEGY.....	5
9.2.1	APPLICATION TO KEEP THREE DOGS – 10 WALTHAM COURT, WAROONA	5
9.3	DIRECTOR PLANNING SERVICES.....	7
9.3.1	PEEL REGION SCHEME AMENDMENT 029/57 – MODIFICATION OF PEEL REGION SCHEME TEXT	7
9.3.2	LOT 100 DOMAN ROAD, LAKE CLIFTON - APPLICATION FOR PLANNING CONSENT FOR TELECOMMUNICATIONS FACILITY.	10
9.4	DEPUTY CEO/DIRECTOR CORPORATE SERVICES	20
9.4.1	ACCOUNTS FOR PAYMENT	20
9.4.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2011 TO 30 JUNE 2012.....	21
9.4.3	REVIEW OF FINANCIAL MANAGEMENT SYSTEMS.....	22
9.5	CHIEF EXECUTIVE OFFICER.....	24
9.5.1	WAIVING OF MEMORIAL HALL HIRE FEES FOR ‘REALLY REALLY FREE MARKETS’.....	24
10.	CONFIDENTIAL REPORTS.....	26
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING	26
12.	NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION	26
12.1	ELECTED MEMBERS.....	26
12.2	OFFICERS	26
13.	CLOSURE OF MEETING	26

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 John Salerian	Councillor
Cr Christine Germain	Councillor
Cr Craig Wright	Councillor
Cr John Mason	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy Chief Executive Officer
Mr Louis Fouché	Director Planning Services
Mr Steve Cleaver	Director Community & Strategy
Mrs Sue Cicolari	Executive Support Officer
Mrs Karen Oborn (until 4.23 pm)	Coordinator Corporate Planning

APOLOGIES

Cr Trish Witney Councillor

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**COUNCIL RESOLUTION**

OCM12/07/079

MOVED: Cr Salerian

SECONDED: Cr Scott

That applications for leave of absence be approved for Cr Craig Wright for the entire month of August and Cr Christine Germain for the August Ordinary Council meeting.

CARRIED 6/0



6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS**7.1 PRESENTATION – INTEGRATED PLANNING & REPORTING FRAMEWORK**

Mrs Karen Oborn, Coordinator Corporate Planning gave a presentation on the Council's Integrated Planning and Reporting Framework and proposal for the development of an Asset Management Strategy.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING – 26 JUNE 2012****COUNCIL RESOLUTION****OCM12/07/080****MOVED: Cr Wright****SECONDED: Cr Mason**

That the Minutes of the Ordinary Council Meeting held 26 June 2012 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

Mrs Oborn left the meeting the time being 4.23 pm.

9.0 REPORTS OF OFFICERS AND COMMITTEES**9.1 DIRECTOR TECHNICAL SERVICES**

Nil.

9.2 DIRECTOR COMMUNITY & STRATEGY

9.2.1 APPLICATION TO KEEP THREE DOGS – 10 WALTHAM COURT, WAROONA	
Reporting Officer / Officer's Interest:	Sarah Cope, Shire Ranger / Nil
Responsible Officer / Officer's Interest:	Steve Cleaver, Director Community and Strategy / Nil
Proponent:	Shane Pipe
Landowner:	Michael Angi
Date of Report: 12 July 2012	File No: 45/2
Previous Reference:	Nil
Statutory/Policy Implications:	Dog Act, Shire of Waroona Dog Local Laws
Strategic Implications:	nil
Financial Implications:	nil
Voting Requirements	Simple majority

PROPOSAL

To allow the keeping of three dogs at 10 Waltham Court, Waroona.

BACKGROUND

A letter has been received (**Appendix 9.2.1**) requesting a third dog at 10 Waltham Court, Waroona. The owner states that the dogs are; a 7 year old male American Bulldog named Jax, and two 18 month old female Australian Bulldogs named Angel and Myley.

Shire records reveal that two dogs are currently registered. Jax 1400209 and Angel 1400210. Myley is waiting to be registered pending the outcome of the application. Jax has cancer but is in good condition and it is not known what his prognosis is. The other two dogs are also in good condition. Jax moved from the Shire of Murray where he had been declared a dangerous dog. That declaration still stands in the Shire of Waroona.

There are no previous complaints. The property is very well maintained and there are no fencing issues and all Dangerous Dog requirements are in place.

COMMUNITY CONSULTATION

The Shire Ranger has doorknocked three neighbouring properties with no objections being received from any neighbour.

OFFICER'S COMMENTS

The yard is secure, the animals are well cared for and no complaints have been received in regards to barking or wandering.

DCS COMMENT

Council has in the past resolved to refuse three dog applications unless there are exceptional circumstances such as one of the dogs being very old or personal



circumstances that prevent one of the dogs being rehoused. Therefore on precedence it is recommended that the application be refused.

OFFICER RECOMMENDATION

Council resolve that the application to keep three (3) dogs at 10 Waltham Court, Waroona be refused.

NOTE: The Officers recommendation was not adopted as the Council were satisfied with the extenuating circumstances outlined in the application and that the proposal could be approved with conditions.

COUNCIL RESOLUTION

OCM12/07/081

MOVED: Cr Scott

SECONDED: Cr Salerian

That the application to keep three dogs at 10 Waltham Court be approved subject to the following conditions:

- 1. Approval only applies to the three dogs described in the application.**
- 2. Approval relates only to the property at 10 Waltham Court, Waroona.**
- 3. The property will be subject to an annual inspection for compliance by the Ranger.**
- 4. Approval may be revoked at the discretion of Council, should any complaints be received.**
- 5. All dogs must be registered.**

CARRIED 6/0

9.3 DIRECTOR PLANNING SERVICES

9.3.1 PEEL REGION SCHEME AMENDMENT 029/57 – MODIFICATION OF PEEL REGION SCHEME TEXT	
Reporting Officer / Officer's Interest:	Chris Dunlop - Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché - Director Planning Services / Nil
Proponent:	West Australian Planning Commission
Landowner:	NA
Date of Report: 11 July 2012	File No: 122/1
Previous Reference:	NA
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme 2003
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012 Strategy 1 – Manage the Shire of Waroona's future growth
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

The Western Australian Planning Commission (WAPC) is requesting comment on its proposal to amend the Peel Region Scheme (PRS) text to:

- i. Update references to legislation and government departments;
- ii. Expand the purposes of the Regional Open Space and Waterways reservations and the Regional Centre zone; and
- iii. Restructure Part 5 of the Peel Region Scheme to increase clarity and legibility.

The amendment intends to improve the operation and accuracy of the Peel Region Scheme.

A copy of the proposed amendment is at **Appendix 9.3.1**.

BACKGROUND

With the introduction of the *Planning and Development Act 2005* and the change in government department names a number of references in the Peel Region Scheme have become out-dated. The Western Australian Planning Commission has a continuous program of amendments to ensure the accuracy of the Peel Region Scheme. This amendment also proposes changes to the purposes of reservations and the Regional Centre zone to facilitate the planning process.

STATUTORY IMPLICATIONS

Part 4 of the *Planning and Development Act 2005* provides the head of power for the creation, operation and amendment of region planning schemes.

Section 37 of the *Planning and Development Act 2005* states that the Commission may amend a region planning scheme.



Minor reference changes are proposed to various clauses and schedule 1 of the Peel Region Scheme as outlined in **Appendix 9.3.1**.

STRATEGIC IMPLICATIONS

Strategy 1 of the Shire of Waroona Strategic Community Plan 2012 is to *Manage the Shire of Waroona's future growth*.

Under this objective the Shire of Waroona is committed to maintain our consultation with and involve the community in issues and to provide information at both a macro and micro level. Providing comment on amendments to the PRS and ensuring representative community involvement through Council resolutions is an integral part of achieving this objective.

COMMUNITY CONSULTATION

The WAPC is currently advertising the proposed amendment and is seeking comment from all affected Local Governments. As part of this process the WAPC has provided the Shire of Waroona the opportunity to make comment on the proposal. The closing date for submissions is 7 September 2012.

OFFICER'S COMMENTS

Legislative references

At the time of creation of the Peel Region Scheme (March 2003) the legislative framework was different from that currently in existence. The *Town Planning and Development Act 1928*, *Western Australian Planning Commission Act 1985* and the *Metropolitan Region Scheme Act 1959* where repealed by the *Planning and Development Act 2005*.

The updating of legislative and department references in the Peel Region Scheme will replace out-dated references and is not predicted to alter the operation of the Scheme.

Purpose of the Regional Open Space Reservation

The expansion of the purposes of the Regional Open Space reservation is intended to facilitate the preservation of places of cultural and heritage significance within reserves. The intent of this amendment is to recognise those places of cultural and heritage significance already contained within Regional Open Space reservations.

Purpose of the Waterways Reservation

The purpose of the Waterways reservation is proposed to be amended to remove inundated land below the high water mark and proposed canals. (Canal estates are reflected in the Urban zone and the canals in the Waterways reservation).

The protection of navigation, environmental, landscape and regional recreational values have been added in the purpose of the Waterways reservation. These changes will have minimal application within the Shire of Waroona.



Purpose of the Regional Centre Zone

Changes are proposed to the purpose of the Regional Centre zone. This zone is applicable to the Mandurah City Centre and does not apply to the Shire of Waroona. The amendment will therefore not affect the operation of the Shire's Town Planning Scheme.

Part 5 – Special Control Areas

Part 5 of the Peel Region Scheme, which relates to Special Control Areas for Water Catchments and Wastewater Treatment Plant Odour Buffers, is proposed to be restructured to improve legibility. These changes are purely text based and will not alter the application or designation of Special Control Areas.

Conclusion

The proposed changes to the PRS will have little effect on the planning framework of the Shire and its residents. The continued updating of the PRS is to the general benefit of the Shire and its residents as it ensures a legible and accurate planning system at a regional level.

The impact on the Shire will be minimal, hence it is recommended that Council provide a response to the WAPC stating that it has no objection to the proposed amendment.

COUNCIL RESOLUTION

OCM12/07/082

MOVED: Cr Wright

SECONDED: Cr Germain

That with respect to the proposed amendment number 029/57 to the Peel Region Scheme 2003, Council advises the West Australian Planning Commission that:

The Shire of Waroona has no objection to proposed amendment 029/57.

CARRIED 6/0



9.3.2 LOT 100 DOMAN ROAD, LAKE CLIFTON - APPLICATION FOR PLANNING CONSENT FOR TELECOMMUNICATIONS FACILITY.	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning Services / Nil
Proponent:	Aurecon Australia PTY LTD on behalf of Optus
Landowner:	John Spencer Snell and Leonard Griffin Snell
Date of Report: 9 July 2012	File No: TP1494
Previous Reference:	N/A
Statutory/Policy Implications:	<u>The Telecommunications Act (1997)</u> <u>Peel Region Scheme 2003</u> Shire of Waroona Town Planning Scheme No. 7. Statement of Planning Policy No.5.2. Telecommunications Infrastructure. Planning Bulletin No.64 Applications for Telecommunications Infrastructure. Local Planning Strategy 2009. Town Planning Policy 1.0 Community Consultation. Town Planning Policy 19.0 Telecommunications Infrastructure.
Strategic Implications:	Shire of Waroona Community Strategic Plan Strategy 1: Manage the Shire of Waroona's future growth. Strategy 5: Encourage a dynamic local economy.
Financial Implications:	Nil
Voting Requirements	Absolute Majority

PROPOSAL

An application was received for a Telecommunications Facility at Lot 100 Doman Road, Lake Clifton. See site location plan, site plan and elevations at **APPENDIX 9.3.2A and 9.3.2B**.

The installation will include the construction of a 50m lattice tower, with six (6) – off panel antennas mounted on a triangular headframe, one (1) parabolic antenna and one equipment shelter all contained within a fenced compound. The Lattice tower will have a galvanised finish. The equipment Shelter will be constructed from 'paperbark' coloured Colorbond.

See Artists impression of the facility at **APPENDIX 9.3.2C**.

BACKGROUND

The 16.747 Ha site is located between the Forrest Highway and the Harvey River (approximately 5km south east of Lake Clifton town site). A single residential dwelling is located approximately 4km to the south-east of the site. The land is generally flat and cleared of vegetation however there are some significant trees in the vicinity of the site that will provide screening of the tower. The site will be accessed from Doman Road.



Optus is seeking to upgrade its digital mobile telephone coverage in the Shire of Waroona and to achieve this requires the installation of a new mobile phone base station.

The applicant has stated that in investigating its ability to meet customer demand in this area Optus has considered opportunities to co-locate on existing structures and/or public utilities; however they were unable to identify suitable opportunities that met radio frequency requirements of its customers in the locality. Optus' only option therefore was to proceed with a new site in an appropriate location that minimizes disturbance to the environment and loss of amenity in the provision of a telecommunications infrastructure.

Previous Approvals

A search of Council records shows no approvals issued for the property.

Previous Council Resolution

Council gave a determination and a conditional approval for an almost identical application for an identical telecommunications facility on a lot 2.25 km South of lot 100 in June 2011 (TP1413 / OCM11/06/065). Council resolved to:

- 1. Determine in accordance with Clause 4.2.5 of the Shire of Waroona Town Planning Scheme No.7 1996, that the use is consistent with the objectives of the Rural 1 – General Farming zone.*
- 2. Follow the 'SA' procedures in accordance with Clause 8.2 of the Shire of Waroona Town Planning Scheme No.7. 1996, in considering an application for planning approval.*
- 3. Delegate authority to the Chief Executive Officer to approve the application provided no adverse submissions are received during the specified advertising period, subject to the following conditions:*
 - a. The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.*
 - b. Building materials used for tower, antennas, equipment shelter and fencing are to be of a standard and colour scheme complementing and blending in with the amenity of the area. (See Advice Note A).*
 - c. All stormwater and drainage run-off to be contained on site to the specification and satisfaction of Council, or connected to a Council stormwater legal point of discharge.*
 - d. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.*

ADVICE TO APPLICANT:

- A. *In relation to Condition 2, no highly reflective or white material is to be used. Colour schemes are to be of muted tones that will blend in with the natural environment.*
- B. *The applicant is advised that no site works shall commence until a Building Licence has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed shed is to comply with the Building Code of Australia 2009.'*

STATUTORY IMPLICATIONS**The Telecommunications Act (1997)**

The Telecommunications (Low-impact Facilities) Determination of 1997 made under the *Telecommunications Act 1997* requires local government planning consent for a development not defined as low-impact. A telecommunications tower that is not attached to a building and which is higher than five (5) metres is not a low-impact facility and therefore requires planning approval.

Peel Region Scheme (PRS) 2003

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

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

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

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

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

Given that Optus is not a Public Authority as defined under the Planning and Development Act 2005, the proposed Infrastructure cannot be considered to be a Public Utility as defined under the Town Planning Scheme No. 7. As the use is not specifically mentioned in the Zoning Table, the use needs to be determined in terms of Clause 4.2.5.

4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme area in the various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

4.2.5 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may -

- (a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the “SA” procedures of clause 8.2 in considering an application for planning approval; or
- (c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.14.1 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.

8.2.1 Where an application is made for Planning Consent to commence or carry out development which involves “SA” use, the Council shall not grant consent to that application unless notice of the application is first given 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.

STRATEGIC PLANNING IMPLICATIONS

Statement of Planning Policy 5.2 – Telecommunications Infrastructure

The objectives of this Policy are to:

- Facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to meet community needs;
- Facilitate the development of an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Western Australia as set out in the Planning and Development Act 2005 and the State Planning Strategy;
- Assist community understanding of the issues involved in the design and installation of telecommunications infrastructure and provide opportunities for community input to decision making;
- Promote a consistent approach in the preparation, assessment and determination of applications for planning approval of telecommunications infrastructure;
- Minimise disturbance to the environment and loss of amenity in the provision of telecommunications infrastructure; and Ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure.
- Ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure.

This Policy also provides Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure.

Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.

Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.

Planning Bulletin No.64 – Applications for Telecommunications Infrastructure

This Planning Bulletin lists the considerations which should be taken into account in considering applications for the development of telecommunications facilities.

These considerations include:

- The social and economic benefits of affordable and convenient access to modern telecommunications based services for people and businesses throughout the State
- Continuity of supply of telecommunication services
- Protection of the environment
- Safeguarding visual amenity.

Shire of Waroona Town Planning Policy 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.

In the case of Telecommunications infrastructure the minimum extent of consultation is required:

- Written notice to owners and occupiers of affected neighbour properties.
- Sign on Site
- Notice placed in local newspaper.

Shire of Waroona Town Planning Policy 19.0 - Telecommunications

This Policy largely reflects State Planning Policy and is concerned with the siting and design of the proposed infrastructure. It emphasizes the importance of any new equipment being located outside environmentally sensitive areas, preferably in commercial, business, industrial and rural zones.

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Fact Sheet 4 Mobile Telephone Communication Antennas and Health Effects

Research undertaken by ARPANSA has reported that environment radiofrequency levels near base stations for the digital mobile phone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Australian Communications Authority's public exposure limits and concluded that *"given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research"*.

Local Planning Strategy (1999)

Under the Local Planning Lot 4495 is located within the General Agriculture sub-precinct of the Agricultural precinct. In this sub-precinct it is Council's objective to provide for the continued use of the area for a range of agricultural pursuits and low key tourist establishments.

A telecommunications facility is not listed as a primary or a discretionary use within the general agriculture sub precinct.

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

COMMUNITY CONSULTATION

Community Consultation is to occur in accordance with Planning Policy 1.0 Community Consultation.

Internal Referral

Upon referral to the Shire's Building Department the Shire's Building Surveyor stated that a Building Permit is required for the construction of the tower.

OFFICER'S COMMENTS

Previous Approval

Essentially the proposal is very similar to that approved last year (TP1413). The telecommunications facility is identical but the site location has been changed.

The applicant had enquired as to whether the new location could be approved as an amendment under the previous application however a new application was required due to the locational change.

TPS

As a telecommunications facility is not listed as a land use under the Town Planning Schemes zoning table, applications for a use not listed are dealt with under Clause 4.2.5 of the Scheme.

In summary Clause 4.2.5 states that in order to determine a use not listed under the Scheme, Council must consider the objectives of the particular zone in which the use is proposed.

Clause 4.14.1 of the Town Planning Scheme lists the objectives and Policies for all rural zones and the proposed land use can be assessed against the objectives of zone.

The proposed development will not detract from the district farming lands as its siting will not prevent the balance of the land from being utilised for productive agricultural purposes. The proposed facility will be contained within in a 15m x 10m (150m²) fenced area within the 16.747Ha lot. The remainder of the lot can be utilised for agricultural production therefore the sustainable use of land for agriculture will not be conflicted. The proposal will not prevent the conservation and wise use of natural resources including water, flora, fauna and minerals. Also, as the location in which it is proposed does not have any relation to a townsite, this proposal will not detract from a distinctive rural landscape setting for an urban area. Further to this a condition of approval will be added ensuring that the proposed facility shall be constructed of materials which blend with the natural landscape. This will further safeguard the amenity in which it is to be proposed.

Also the Shire of Waroona policy 19.0 emphasises the importance of any new telecommunications infrastructure being located in rural areas among others. Clause 2.4.3 of the Scheme states that Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

In accordance with Clause 4.2.5 (b) and taking into consideration the objectives of the Scheme for the 'Rural 1 General Farming' zone, it can be determined that the use may be consistent with the objectives of the Rural 1 zone and thereafter follow the "SA" procedures of clause 8.2 in considering an application for planning approval.

Town Planning Policy 19.0 / State Policy 5.2 / Planning Bulletin No.64

The proposed development is consistent with the intent of the Shire's and the States Policies in the following manner:

- The development will facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally sound manner to meet community needs.
- The proposal will also cause minimal disturbance to the environment and loss of amenity.
- The proposed facility will provide an effective and efficient mobile telephone network that has been located and designed to meet the communication needs of the community.
- It is located in a rural location, well removed from residential dwellings.
- The proposed facility has been designed and sited to minimise any potential adverse visual impact on the character and amenity of the surrounding area.
- The telecommunications tower has also been designed to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and complies with the health and safety standards.

Safety Concerns

The applicant has submitted a report calculated in accordance with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) prediction methodology and report format and an environmental Electro Magnetic Exposure (EME) report for the site.

This report advises that there are strict regulations in place that guide the permitted Electromagnetic Emissions (EME) relating to such towers. The regulations are regulated by the Australian Communications and Media Authority (ACMA) and all towers are required to perform below the maximum allowable EME. The proposed tower has a predicted EME maximum of 0.08% within a radius of 200 to 300m. Beyond the 300m radius, the EME levels decrease further. The predicted EME levels are well within operational standards set by ACMA.

Community Consultation

Community consultation in accordance with Local Planning Policy 1.0 and Clause 8.2 of the TPS will be followed thereafter.

Conclusion

It should be noted that the Health Department of Western Australia considers there is currently no health basis for restricting either the siting of mobile telephone towers or ground level access to them. The proposed telecommunications tower will provide an additional public service by providing upgraded and competitive telecommunications services within the Shire.

The proposed tower will provide the general Shire population with more market choice in relation to mobile telecommunications services. The improved and new coverage



would allow for the formation of a population with access to technology not previously experienced in most areas of the Shire. This has the potential to making the Shire a more attractive place to live. The proposal can also enhance security and safety through better means of telecommunications.

Given that there are no health risks associated with the proposed tower, and the social and economic benefits that could be gained from the tower, it is recommended that Council determine that the proposed use is consistent with the objectives of the rural zone and delegate powers of decision making to the Chief Executive Officer subject to no adverse submissions being received during the specified advertising period.

(Should the delegation to the Chief Executive Officer not be granted, a report will have be referred back to Council to determine the application, subsequent to the closure of the advertising period. Should adverse submissions be received, the application will be determined by Council regardless.)

COUNCIL RESOLUTION

OCM12/07/083

MOVED: Cr Mason

SECONDED: Cr Wright

That Council, with respect to the application for Planning Consent for a Telecommunication Infrastructure at Lot 100 Doman Road, Lake Clifton resolves to:

- 1. Determine in accordance with Clause 4.2.5 of the Shire of Waroona Town Planning Scheme No.7 1996, that the use is consistent with the objectives of the Rural 1 – General Farming zone.**
- 2. Advertise the proposal in accordance with the Shire of Waroona Local Planning Policy 1.0 and follow the ‘SA’ procedures in accordance with Clause 8.2 of the Shire of Waroona Town Planning Scheme no.7. 1996, in considering an application for planning approval.**
- 3. Delegate powers of decision making in relation to the application to the Chief Executive Officer provided no adverse submissions are received during the specified advertising period, subject to the following conditions:**
 - i) The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.**
 - ii) Building materials used for tower, antennas, equipment shelter and fencing are to be of a standard and colour scheme complementing and blending in with the amenity of the area. (See Advice Note A).**

- iii) All stormwater and drainage run-off to be contained on site to the specification and satisfaction of Council, or connected to a Council stormwater legal point of discharge.**
- iv) The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

ADVICE TO APPLICANT:

- A. In relation to Condition 2, no highly reflective or white material is to be used. Colour schemes are to be of muted tones that will blend in with the natural environment.**
- B. 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 Building Code of Australia 2012.**

CARRIED BY ABSOLUTE MAJORITY 6/0

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: 16/07/2012	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 9.4.1

<u>COUNCIL RESOLUTION</u>		
OCM12/07/084		
MOVED: Cr Germain		
SECONDED: Cr Salerian		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 6922 - 6953	\$27,131.78
Trust (Cheque/EFTs)	Cheques 11000 & 11001 EFT 14578, 14670, 14675 & 14676	\$32,833.85
Electronic Transfers Municipal Fund	EFT 14579 – 14754	\$833,923.96
Direct Wages	13/6/2012 – 27/6/2012 inclusive	\$215,372.44
GRAND TOTAL:		<u>\$1,109,262.03</u>
and attached at Appendix 9.4.1 be endorsed.		
CARRIED 6/0		

9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2011 TO 30 JUNE 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: 18/06/2012	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 9.4.2**COUNCIL RESOLUTION****OCM12/07/085****MOVED: Cr Wright****SECONDED: Cr Scott**

That the Monthly Statements of Financial Activity for the period 1 July 2011 to 30 June 2012 Appendix 9.4.2 be received and noted.

CARRIED 6/0

9.4.3 REVIEW OF FINANCIAL MANAGEMENT SYSTEMS	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley – Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report:	17 July 2012 File No.: 1/1
Previous Reference:	OCM08/159
Statutory/Policy Implications:	N/A
Strategic Implications:	Part 2, Section 5(2)(c) of the Local Government Financial Management Regulations
Financial Implications:	Total cost of the review \$3,500 has been included with the 2011/12 adopted budget.
Voting Requirements	Simple Majority

PROPOSAL

Following receipt of the report on the review of the Financial Systems and Procedures of the Shire of Waroona the Chief Executive Officer is required to present the results to the Council. The review was carried out by the Council's Auditors, AMD Chartered Accountants. A copy of the Scope of the Review and Auditor's findings is attached at **Appendix 9.4.3**.

BACKGROUND

In accordance with Part 2, Section 5(2)(c) of the Local Government Financial Management Regulations, the Chief Executive Officer is to undertake a review (not less than every four [4] years) of the appropriateness and effectiveness of the Financial Management systems and procedures of the Local Government.

The last review was presented to the Council in August 2008 (OCM08/159).

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

No major issues of concern were raised. Recommendations to improve our financial operations have been implemented.

COUNCIL RESOLUTION

OCM12/07/086

MOVED: Cr Germain

SECONDED: Cr Mason

That the Report on the review of the Financial Systems and Procedures of the Shire of Waroona conducted in accordance with Section 5(2)(c) of the Local Government Financial Management Regulations be accepted.

CARRIED 6/0

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 WAIVING OF MEMORIAL HALL HIRE FEES FOR ‘REALLY REALLY FREE MARKETS’	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Proponent:	Mark Farrell - Really, Really Free Market
Landowner:	Shire of Waroona
Date of Report: 04 July 2012	File No: 12/2
Previous Reference:	N/A
Statutory/Policy Implications:	No policy associated with request
Strategic Implications:	N/A
Financial Implications:	Town Hall income
Voting Requirements	Simple Majority

Proposal

The applicant requests Council waive the hire fee for the Waroona Town Hall to conduct their monthly “Really, Really Free Market”.

Background

The Really, Really Free Markets have been operating from the Town Hall, on a monthly basis, since September 2010 and each hire of the hall has been charged the community organisation rate of \$14 per hour for 2 hours. Total charge being \$28.00. The applicant requests Council consideration to waive this fee. A copy of the applicant’s letter, together with supporting information, is attached at **APPENDIX 9.5.1**.

Community Consultation

N/A

Officer’s Comments

During the period of the last 12 months the following groups have hired the Town Hall and paid the “community organisation” rate - Waroona Football Club, Waroona Junior Football Club, D Bennell church function, Waroona District High School and Uniting Church. Other users pay a rate of \$21 per hour.

In considering waiving hall hire fees Council should be mindful of setting precedence in this regard and potential effect on other users who are ordinarily charged this rate.

Council does not have a policy regarding free or reduced venue hire fees.



COUNCIL RESOLUTION

OCM12/07/087

MOVED: Cr Scott

SECONDED: Cr Wright

That Council advise Mr Mark Farrell that the application to waive the Waroona Town Hall hire fee to conduct the monthly “Really, Really Free Markets” has been refused, and that the applicant be referred to Council’s small grants funding available to community groups annually.

CARRIED 6/0

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 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.37 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 28 AUGUST 2012 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

