



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 23 APRIL 2013

(Held at the Shire of Waroona 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.....	3
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS	4
8.	CONFIRMATION OF MINUTES	4
8.1	ORDINARY COUNCIL MEETING – 26 MARCH 2013	4
9.0	REPORTS OF OFFICERS AND COMMITTEES	4
9.1	DIRECTOR TECHNICAL SERVICES.....	5
9.1.1	COUNCIL POLICY 5.9 – POLICIES AND PROCEDURES FOR STREET TREE PLANTING AND REPLACEMENT	5
9.1.2	REQUEST FOR TREE REMOVAL – CORNER LOGUE STREET/SUNDERCOMBE LOOP.....	7
9.2	DIRECTOR COMMUNITY SERVICES.....	9
9.2.1	DEPARTMENT OF ENVIRONMENT AND CONSERVATION: AUTUMN BURNING PROGRAM	9
9.3	DIRECTOR PLANNING SERVICES.....	12
9.3.1	PROPOSED SUBDIVISION – LOTS 1 AND 259 SOUTH WESTERN HIGHWAY, WAGERUP	12
9.3.2	PROPOSED AMALGAMATION AND BOUNDARY REALIGNMENT – LOTS 213, 214, 215 AND 216 SUNDERCOMBE LOOP, WAROONA	20
9.4	DEPUTY CEO/DIRECTOR CORPORATE SERVICES	24
9.4.1	ACCOUNTS FOR PAYMENT	24
9.4.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2012 TO 31 MARCH 2013.....	25
9.5	CHIEF EXECUTIVE OFFICER.....	26
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 Chief Executive Officer advised that the Shire President has submitted an apology and the Deputy Shire President has a Leave of Absence previously approved by Council, therefore a Presiding Member would need to be elected. He then declared the meeting open at 4.00 pm and welcomed Councillors and Staff present.

The Chief Executive Officer called for nominations for a Chairperson. Cr Mason nominated Cr Germain. There being no further nominations, Cr Germain was elected as Chairperson for the April Ordinary Council Meeting.

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

Cr Christine Germain	Presiding Member / Councillor
Cr Trish Witney	Councillor
Cr Craig Wright	Councillor
Cr Lina Look	Councillor
Cr John Mason	Councillor
Cr John Salerian	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Louis Fouché	Director Planning Services
Mr Steve Cleaver	Director Community Services
Mr Jason Robertson	Manager Environmental Health & Building Services
Ms Ashleigh Nuttall	Manager Financial Services
Mr Murry Bracknell	(until 4.12 pm) Manager Works & Services
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Cr Noel Dew Shire President

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Larry Scott Deputy Shire President

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4.1 PUBLIC QUESTION TIME

Nil.

4.2 PUBLIC STATEMENTS

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil.



7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 26 MARCH 2013

COUNCIL RESOLUTION

OCM13/4/030

MOVED: Cr Wright

SECONDED: Cr Look

That the Minutes of the Ordinary Council Meeting held 26 March 2013 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 COUNCIL POLICY 5.9 – POLICIES AND PROCEDURES FOR STREET TREE PLANTING AND REPLACEMENT	
Reporting Officer / Officer's Interest:	Murry Bracknell, Manager Works & Services / Nil
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Date of Report: 15.04.2013	File No.: 111/1 & 132/6
Previous Reference:	OCM 041/083 22.06.2004-original policy adoption
Statutory/Policy Implications:	Council Policy
Strategic Implications:	N/A
Financial Implications:	N/A
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	Minimal change to current practice
Voting Requirements	ABSOLUTE MAJORITY
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input checked="" type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

PROPOSAL

It is recommended that Council rescind Council Policy 5.9 – appendix 5 “Policies and Procedures for Street Tree Planting Replacement, Maintenance and Removal” and adopt the new policy as included at **APPENDIX 9.1.1**.

BACKGROUND

The current policy in relation to the overall management of trees within the Shire of Waroona was adopted in 2004. The policy is 7 pages long and the content is often difficult to implement. In many areas it refers to resultant action but does not provide measuring mechanisms to achieve such actions. The policy also does not refer to the recognised Quantified Tree Risk Assessment (QTRA) system which is widely used to apply accepted risk management principles to tree safety management.

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

Two staff have recently undergone training, and are now qualified to undertake risk assessment of trees, in line with the principles of QTRA. This system is widely used by qualified Horticulturalists/Arborists in undertaking tree assessments. The new policy has retained the working principles of the original policy 5.9 and well as introducing the principles of QTRA, and is recommended for Council adoption. The new policy has not tried to cover every scenario in relation to trees, as every application has unique values. Where a matter is not referred to in the policy, or otherwise delegated to the CEO, it is then a matter for a Council decision.



COUNCIL RESOLUTION

OCM13/4/031

MOVED: Cr Wright

SECONDED: Cr Mason

That Council Policy 5.9 – Appendix 5 “Policies and Procedures for Street Tree Planting Replacement, Maintenance and Removal be rescinded and the new policy “Council Policy for Street & Road Verge, Parks & Reserves Tree Planting, Replacement, Maintenance and Removal”, as included at Appendix 9.1.1, be adopted.

CARRIED BY ABSOLUTE MAJORITY 6/0

9.1.2 REQUEST FOR TREE REMOVAL – CORNER LOGUE STREET/SUNDERCOMBE LOOP	
Reporting Officer / Officer's Interest:	Murry Bracknell Manager Works & Services / Nil
Responsible Officers / Officers Interest:	Ian Curley, Chief Executive Officer / Nil
Proponent:	Golden Hotels Pty Ltd via Drakesbrook Realty
Date of Report: 15.04.2013	File No.: 132/6
Previous Reference:	Nil
Statutory/Policy Implications:	Council Policy 5.9 prevails
Strategic Implications:	N/A
Financial Implications:	N/A
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input checked="" type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

PROPOSAL

Council is requested to consider granting approval to Golden Hotels Pty Ltd (property developer) for the removal of a street tree located at the corner of Logue St and Sundercombe Loop Waroona, at the full cost of the developer.

BACKGROUND

The developer requested removal of the large Marri tree on the verge outside Lot 1 Sundercombe Loop. A QTAR assessment was undertaken on the tree and the results are as follows :

Tree species – Marri
Age – 50+ years
Height – 25m+
Crown spread 15m
Vitality – fair
Situation -
<ul style="list-style-type: none"> • located adjacent to new urban lot developments of individual size of approx. 400m² • new road and concrete path constructed 1m south of the base of tree resulted in loss of roots and reduced tree vitality
Recommended management -
<ul style="list-style-type: none"> • treat white ants • review again in 1 year

The QTAR risk assessment is: 1/700,000 which, under the proposed new policy framework, Council will not remove the tree as it is well within the “tolerable region”, with the recommended outcome being to manage and monitor.



Removal of the tree by Council also does not meet the requirements of the policy, which is current at the time of writing the report.

The developer, in requesting the removal of the tree, acknowledges that it does not meet Council's requirements for Council to remove the tree and has requested approval to have the tree removed at the developer's cost as they are planning to build a strata residence on Lot 1 Sundercombe Loop (see plan at **APPENDIX 9.2.1**).

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

Photographs of the trees and plan for the residence are attached at **APPENDIX 9.1.2**. The tree is the only existing tree of its kind along the verge of the subdivision area. The tree does not receive any dampening of wind strength from any adjacent trees and has been noted on the QTRA report as fair in vitality.

COUNCIL RESOLUTION

OCM13/4/032

MOVED: Cr Witney

SECONDED: Cr Salerian

That Council approve the removal of the 25m high Marri tree located on the northern verge adjacent to the intersection of Logue Street and Sundercombe Loop, subject to all costs related to the removal being at the expense of Golden Hotels Pty Ltd. Removal of the tree to be undertaken by a suitably qualified person/s and the applicant is to provide suitable evidence of such qualification to the CEO, unless the work is undertaken by Council's tree removal contractor.

CARRIED 6/0

Mr Bracknell left the meeting, the time being 4.12 pm.

9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 DEPARTMENT OF ENVIRONMENT AND CONSERVATION: AUTUMN BURNING PROGRAM	
Reporting Officer / Officer's Interest:	Jason Robertson – Manager Environmental Health and Building/Nil
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Strategy/Nil
Proponent:	Department of Environment and Conservation
Landowner:	Department of Environment and Conservation
Date of Report: 11 April 2013	File No.: 48/3
Previous Reference:	N/A
Statutory/Policy Implications:	Bush Fires Act 1954 Bush Fire Regulations 1954 Environmental Protection Act 1986 Emergency Management Act WA 2005
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012 Strategy 2 : Protect Rural Land Use Strategy 4: Conserve Sensitive Environmental Assets
Financial Implications:	Nil
Asset Mgt. & LCC Implications:	The Shires Asset Management planning framework ensures all legislative requirements pertaining to the Bush Fires Act 1954 is monitored and compliance achieved.
Workforce Implications:	Minimal
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input checked="" type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input checked="" type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

PROPOSAL

The Department of Environment and Conservation (DEC) is seeking approval from the Shire for the parts of their 2013 Autumn burning program that impact on Shire managed lands.

A copy of the mapping of the relevant proposed burns is attached as **APPENDIX 9.2.1**.

BACKGROUND

Fires within areas of native vegetation can be broadly divided into two categories, planned/controlled fires and wildfires. A hazard reduction burn, which the DEC is seeking to undertake in the autumn period, is scheduled to assist in providing a level of protection to human life and property against wildfires.

FINANCIAL IMPLICATIONS

N/A



STATUTORY IMPLICATIONS

Bush Fires Act 1954
Bush Fire Regulations 1954
Environmental Protection Act 1986
Emergency Management Act WA 2005

STRATEGIC IMPLICATIONS

Shire of Waroona Strategic Community Plan 2012

Strategy 2: PROTECT RURAL LAND USE

Be proactive in the implementation of the Emergency Management Plan (EMP):

- Audit and further improve the EMP to be the best in the State;
- Increase awareness of man-made and natural hazards, especially fire;
- Be active in the prevention of fire risk throughout the community.

Responsible hazard reduction burning whilst not eliminating the risk of a wildfire does provide a level of protection to human life and property.

Strategy 4: CONSERVE SENSITIVE ENVIRONMENTAL ASSETS

Promote the significant natural features of the shire, including:

- The Ramsar status of the Yalgorup system;
- The regional significance and natural environment of Yalgorup National Park;
- The natural coastal environment of Preston Beach and Lake Clifton areas;
- Other environmentally sensitive areas such as Lake Navarino, Drakesbrook Weir, Baden Powell Water Spout, Nanga Bush Camp and the State Forest.

Acknowledge the importance of protecting these assets through:

- Appropriate Shire-managed planning processes;
- Active referrals to other State Government Agencies regarding the maintenance and management of environmentally sensitive areas not under the control of the Shire of Waroona.

Hazard reduction burning balances the risk to life and property with conservation of biodiversity.

COMMUNITY CONSULTATION

No community consultation is required from the local government. The Department of Environment and Conservation makes available for public viewing on their website details of approved burn programs. Further, it is made available to the media details of the days that the DEC do ignition of the burns. By notifying Council it ensures we are aware of what the DEC are considering in our area and as is often the case, we will be the first point of contact.

The DEC acknowledges they do have difficulty providing the level of detail that the community often expects, particularly in relation to dates and timing as this is completely driven by the weather.



OFFICER'S COMMENTS

Traditionally the DEC has undertaken annual burns in the form of hazard reduction burns to areas of native vegetation as a means of clearing the vegetation, regeneration of the vegetation, hazard and fuel reduction and to effectively manage the habitat for biodiversity conservation purposes.

In regards to the DEC, for land owned or vested in them they are exempt from the requirements of permits under the Bush Fires Act. They can even burn in the Prohibited Burning Time if they have gone through the process of a hazard reduction prescription. The period that the DEC is seeking to burn here is outside the Prohibited and Restricted Burn Times. The 2 parcels of land are under DEC Management but they do include small parts of Nanga Road reserve which are under Shire Management. PHS_201 is an area of 0.4 ha to be burnt and PHS_302 is 1.7 ha.

The Department has advised these two burns are not high on their priority list as they already have several others that have been commenced last year which they are hoping to finish first. It is unlikely, unless there is a good autumn season that they could be carried forward. These burns have been on the DEC schedule for a couple of years (the last hazard reduction burn was undertaken in 1991), with the DEC concentrating its efforts for the past several years in and around the Dwellingup town site.

The DEC is trying to balance 40 burns across the district and they are completely reliant on the weather patterns. This will determine which burns go ahead, and when they occur.

Any burns that are missed will be carried forward and they (DEC) will have another go at them in spring.

It is accepted that May is generally the best window of opportunity to allow the Department the greatest potential scope.

COUNCIL RESOLUTION

OCM13/4/033

MOVED: Cr Look

SECONDED: Cr Wright

- 1. That Council resolve to approve of the hazard reduction burning by the Department of Environment and Conservation to the Nanga Road Reserves Burn I.D PHS_201 and PHS_302.**
- 2. The Department of Environment and Conservation agree to fully indemnify and hold the Shire of Waroona harmless from any claim, cost, demand, tax, liability or damage (including legal costs on a full indemnity basis) incurred.**

CARRIED 6/0



9.3 DIRECTOR PLANNING SERVICES

9.3.1 PROPOSED SUBDIVISION – LOTS 1 AND 259 SOUTH WESTERN HIGHWAY, WAGERUP	
Reporting Officer / Officer's Interest:	Greg Delahunty, Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché, Director Planning Services / Nil
Proponent:	Wood Bagot Architects
Landowner:	Iluka Resources Ltd
Date of Report: 15 March 2013	File No.: SD147586
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme; Statement of Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment; State Planning Policy 2.5 - Agricultural and Rural Land Use Planning; Development Control Policy 1.1 - Subdivision of Land General Principles; Development Control Policy 3.4 - Subdivision of Rural Land; Shire of Waroona Town Planning Scheme No. 7; and Shire of Waroona Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Officer time
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input checked="" type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
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<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

PROPOSAL

A Western Australian Planning Commission referral was received for an application to subdivide Lot 1 and 259 South Western Highway Wagerup. See site location plan and proposed plan of subdivision at **APPENDIX 9.3.1A and 9.3.1B**. The three (3) new lots proposed are identified as A, B and C.

This application proposes the re-subdivision of two (2) lots with a combined area of 82.47 hectares to create three (3) separate allotments. The third, new allotment will accommodate a separate parcel for the approved National Broadband Network Company (NBN Co) Satellite Earth Station (SES) Facility on the site, which was approved by the Peel Joint Development Assessment Panel on 5 February 2012.



The size of the lot for the SES facility has been determined on the basis of the footprint of the approved facility and an allowance for a "buffer" around the site for operational reasons. The remainder of the land, which is not required for the functions of the approved SES facility, will comprise the original two (2) lots (Lots 1 and 259), minus the area of the new NBN Co allotment. The proposal will result in the creation of one (1) new lot.

No physical works are proposed as a result of this application.

All lots will have a street frontage (South Western Highway) and therefore no easement for access is required.

Existing Total Site Area	82.47 hectares
Proposed Area of Lot A	6.84 hectares (NBN Co SES facility site)
Proposed Area of Lot B (northern lot)	18.89 hectares
Proposed Area of Lot C (southern lot)	58.74 hectares

BACKGROUND

Lot 1 (63.8663ha), and Lot 259 (21.5ha), are currently owned by Iluka Resources Ltd. The majority of the lots, approximately 43ha, have been utilised for resource mining.

The proposed new lot (lot A) contains many trees, with a strip of mature trees located along the western boundary, adjacent to the South Western Highway and to the north of the block.

There is currently access to the existing lot 1 (proposed lot A) via an unsealed driveway off the South Western Highway, where there is an existing house and outbuildings on-site.

Previous Approvals

TP1517 – On 5 February 2013 the Peel Joint Development Assessment Panel issued Planning Consent for a National Broadband Network Company Satellite Earth Station Facility on lots 1 and 259. The Satellite Earth Station Facility, comprising a 6.84 ha site, straddles the lot boundaries of lots 1 and 259. See approved site plan at **APPENDIX 9.3.1C**.

FINANCIAL IMPLICATIONS

Assessment of the application is accommodated in existing officer time.

STATUTORY IMPLICATIONS

Peel Region Scheme (PRS) 2003

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

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



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

Town Planning Scheme No. 7 (TPS) 1996

The subject lot is zoned Rural 1 – General Farming. Rural zones are dealt with under clause 4.14 of the TPS. Clause 4.14.1 states that Council’s objective is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

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

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

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

STRATEGIC PLANNING IMPLICATIONS

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

The objectives of this Policy are to:

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

Section 5.5 of this policy states that subdivision proposals shall make provision for a drainage system, which maximises the consumption and retention of drainage on site.

State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

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



Two (2) key objectives of the policy are:-

1 Protect agricultural land resources wherever possible by:

- (a) Discouraging land uses unrelated to agriculture from locating on agricultural land.

3 Minimise the potential for land use conflict by:

- (a) Providing adequate separation distance between potential conflicting land uses.
- (b) Introducing management requirements that protect existing agricultural land uses.
- (c) Identify areas that are suitable and capable for intensive agricultural pursuits as agricultural priority areas.

Development Control Policy 1.1 - Subdivision of Land - General Principles

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

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

Development Control Policy 3.4 - Subdivision of Rural Land

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

Specifically relevant to this application is criterion 4.4 of this policy, dealing with public utilities and ancillary uses, which states that new lots for existing or proposed specific non-rural land uses such as recreation facilities, public utilities and quarries may be created through subdivision.

The WAPC can exercise its judgement and discretion in applying criteria 4.2-4.9 of the policy when assessing the merits of an application for the subdivision of rural and agricultural land.



Local Planning Strategy (LPS) 2009

The subject land is located within the Industrial Precinct under the LPS and identified as General Agriculture. The objective of the general agriculture classification of the LPS in the Industrial precinct is to provide for the continued use of the area for a range of agricultural uses.

A minimum lot size of 80 hectares is specified for the General Agriculture zone. Given the generally lower capability of this land when compared to the Priority Agriculture zone, a larger zone size is required to protect the viability of agriculture.

COMMUNITY CONSULTATION

As the Shire acts only as a referral agency for subdivision applications, community consultation is not required.

INTERNAL REFERRALS

Upon referral to Technical Services the Shire's Consulting Engineer stated no objection to the proposal however it was noted that Main Roads Western Australia (MRWA) should be requested to make comment in regard to any access issues to the South Western Highway they may have with the newly created lots. (*MRWA are included as a referral authority for all subdivision applications with access to Primary Regional Roads*). This referral is made by the WAPC.

Upon referral to the Shire's Building Department the Shire's Building Surveyor stated that a demolition permit is required for the removal of existing structures on site.

OFFICER'S COMMENTS

Town Planning Scheme No. 7 (TPS) 1996

The subject lot is zoned Rural 1 – General Farming. Rural zones are dealt with under clause 4.14 of the TPS. Clause 4.14.1 states that Council's objective is to preserve the rural character of the District's farming lands and to ensure that they continue to contribute materially to the District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

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

The newly created SES facility lot (lot A) reflects a changes in land use practices that the TPS makes provision for. This lot is being created to rationalise the SES facility by separating it from the existing lots it will be located on. As a result of the excision of lot A, the remaining lots (B and C) can theoretically still be utilised for agricultural production in the future resulting in the sustainable use of land for agriculture.

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

As no physical works are proposed under this application, the proposal will not contravene the objectives of this Policy.

State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

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

- The land is not considered to be of high agricultural capability.
- The proposed development will result in excising the remaining part of the site (lots B and C) that is not required for the future operations and functions of the approved SES facility on the site. This will allow the lots B and C to be used for other, rural purposes.
- The proposed subdivision will not result in any environmental degradation of the land as no physical works are proposed

Development Control Policy 1.1 - Subdivision of Land - General Principles

The proposal is consistent with this policy in the following ways:

- This application has regard to the relevant local town planning scheme (*See TPS section in Officer Comments*).
- The proposed subdivision is directly responsive to the characteristics of the site and specifically, the functions and operations of the recently approved SES facility on part of the site.

Development Control Policy 3.4 - Subdivision of Rural Land

With regard to section 4.4 of this Policy, although NBN Co is not defined as a public authority, the National Broadband Network and the approved SES facility on the site is a utility that could be considered to fall within the bounds of section 4.4. The proposed subdivision is directly related to the approved utility on the site, being the SES facility.

With regard to the non-conformity with the 80 Ha minimum lot size, specified in the LPS, the applicant has indicated that 80 Ha is not an appropriate lot size for the NBNC facility for the following key reasons:

- For security reasons, NBN Co requires a smaller site area that can be made adequately secure. A lot size of 80 Ha would be inappropriate and would make securing the site very difficult and costly.
- By minimising the lot size required for the NBN Co SES facility, this allows for as much as possible of the remainder of the land to be released for other purposes.

It is considered that these reasons are valid and that in terms of section 4.4 of the policy the reduced lot size is appropriate.

Local Planning Strategy (LPS) 2009

It is noted that the three (3) lots created will be below the LPS minimum lot size of 80 Ha. Firstly it needs to be acknowledged that the existing lot areas for Lot 1 (63.8663 Ha), and Lot 259 (21.5 Ha), are already below 80 Ha.



Allowing for section 4.4 of Development Control Policy 3.4 - Subdivision of Rural Land, which enables subdivision of land for certain non-rural uses, such as the approved SES; it is considered that the proposed lot sizes are appropriate in this instance. The proposed subdivision is unique in that it directly relates to securing a separate land parcel for a utility that has been approved on part of the site.

Internal Referral

The Shire's Building Surveyor's comments have been included as a condition and an advice note.

Conclusion

The purpose of the proposed subdivision is associated with the operations and functions of the NBN Co Satellite Earth Station Facility recently approved on the site by the Peel Joint Development Assessment Panel.

The proposed subdivision is considered to:

- Be in accordance with the aims, objectives and provisions of the relevant statutory and non-statutory planning instruments;
- Have no adverse environmental effect and no adverse impact; and
- Will result in the orderly and economic development of land through facilitating the subdivision of a larger parcel of land whereby not all of that land is required for the operations and functions of the approved NBN Co facility.

The proposal will also alleviate concerns relating to the approved SES facilities straddling of the lot boundaries by creating a separate parcel of land for the facility.

For these reasons and those detailed in the report above it is recommended that Council recommends approval of the application to the WAPC subject to the conditions and advice notes below.

COUNCIL RESOLUTION

OCM13/4/034

MOVED: Cr Mason

SECONDED: Cr Wright

That Council, in respect to application SD147586 for the subdivision of lots 1 and 259 South Western Highway, Wagerup, respond to the West Australian Planning Commission recommending approval of the application, subject to the following conditions and advice notes:

Condition:

- 1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present being demolished and materials removed from the lot(s).**

Advice:

- A. In regard to Condition 1, a demolition licence is required to be obtained from the local government prior to the commencement of demolition works.**

CARRIED 6/0

9.3.2 PROPOSED AMALGAMATION AND BOUNDARY REALIGNMENT – LOTS 213, 214, 215 AND 216 SUNDERCOMBE LOOP, WAROONA	
Reporting Officer / Officer's Interest:	Chris Dunlop, Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché, Director Planning Services / Nil
Proponent:	Peter Webb & Associates
Landowner:	Golden Hotels Pty Ltd
Date of Report: 15 March 2013	File No.: SD147627
Previous Reference:	SD134021
Statutory/Policy Implications:	Planning and Development Act 2005 State Planning Policy No. 3.1 – Residential Design Codes Shire of Waroona Town Planning Scheme No.7 1996. Shire of Waroona Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Officer time
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input checked="" type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

PROPOSAL

The application proposes to reduce the size of Lots 213 and 216 to 708m² and 765m² respectively and amalgamate lots 215 and 214 into a single lot of 1728m².

The proposed frontages of Lots 213, 214 and 216 are 11m, 6.83m and 19.1m respectively.

See proposed plan of subdivision at **APPENDIX 9.3.2A**.

See also proposed survey strata plan for application ST265-13 at **APPENDIX 9.3.2B**.

BACKGROUND

The subject lots were created as part of the development of the parcel for single residential lots. Due to the lots being on the eyebrow of the road curvature they are irregularly shaped with small frontages. The applicant is indicating that this layout has contributed to the lots remaining unsold. The owner therefore wishes to realign the boundaries of the lots in order to create a more saleable product.



Previous Approvals

SD134021 – Subdivision of Lot 339 Logue Street approved by the WAPC on 27 June 2007. Relevant local government subdivision conditions were cleared by the Shire of Waroona on 9 December 2008.

FINANCIAL IMPLICATIONS

Assessment of the application is accommodated in existing officer time.

STATUTORY IMPLICATIONS

Shire of Waroona Town Planning Scheme No.7 1996

The subject lot is located within the 'Urban 4 – Residential' zone under the Shire of Waroona Town Planning Scheme No. 7 (TPS).

A density code of R12.5 is applicable to the subject lot as depicted on the Scheme maps.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

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

STRATEGIC PLANNING IMPLICATIONS

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

Clause 6.1.1 of the R Codes state that the development of lots is required to be in accordance with Table 1 of the R Codes.

Table 1 of the R Codes states that lots within areas designated with a density coding of R12.5 shall have a minimum area of 700m², an average area of 800m² and a minimum frontage of 17m.

Local Planning Strategy (LPS)

The subject lot is located within the Town Precinct of the LPS. Lots 213-216 are designated Residential within the LPS. It is the objective of the Residential zone of the LPS to provide for the enhancement of the Waroona and Hamel townsites and the planned expansion of the Waroona Townsite to meet future residential demand.

Local Planning Policy 21 – Waroona Townsite Drainage Development (LPP21)

LPP 21 states that a drainage contribution is required to be paid for all new development creating one or more new lots.

COMMUNITY CONSULTATION

As the Shire acts only as a referral agency for subdivision applications, community consultation is not required to be undertaken.

INTERNAL REFERRALS

Upon referral to the Shire's consulting engineer conditions of approval were recommended relating to the location of services on the proposed lots and the ability of the lots to accommodate development.

OFFICER'S COMMENTS

Town Planning Scheme No. 7

The TPS designates a density of R12.5 for the subject lots. Development of the lots for residential purposes accords with the objectives of the Residential zone.

R Codes

The proposed lots accord with both the required minimum lot size of 700m² (smallest lot is 708m²) and the required average lot size of 800m² (average of 1067m²).

Lots 213 and 214 propose variations to the required minimum frontage of 17m as stated in Table 1 of the R Codes. Lot 213 proposes a frontage of 11m and Lot 214 a frontage of 6.8m. The reduced frontages are a result of the lots being located on the corner of Sundercombe Loop. The proposed new frontages of lots 213 and 214 are greater than the current dimensions of 9.24m and 6.08m respectively. Due to the location of the lots in relation to the road and the surrounding subdivided area the frontages required by Table 1 are possible to achieve. The proposed lots have sufficient width behind the street setback line to accommodate development that could be reasonably expected in this locality.

Local Planning Policy 21

A drainage contribution under LPP 21 is required for all new subdivisions and strata developments creating one or more new lots. Given that the application (in conjunction with application ST 265-13) proposes a realignment of the lots and does not create any additional lots, it is not considered appropriate to require a drainage contribution.

Drainage

Drainage of the lots is to be contained on site as no piped stormwater disposal was installed in the road reserve as part of the original subdivision works.

CONCLUSION

The proposed rearrangement of the lots is intended to create a product which better accommodates development. As the proposed lots provide a greater level of compliance with the requirements of Table 1 of the R Codes, particularly in relation



to frontage, the proposal is considered to be a better outcome than the existing lot layout. The application is therefore recommended for support.

COUNCIL RESOLUTION**OCM13/4/035****MOVED: Cr Wright****SECONDED: Cr Look**

That Council, in respect to application SD147627 for the subdivision of lots 213, 214, 215 and 216 Sundercombe Loop, Waroona, respond to the West Australian Planning Commission recommending approval of the application, subject to the following conditions and advice notes:

Conditions:

- 1. Relocate existing services to ensure they are located as required by service providers in positions relevant to the new boundaries.**
- 2. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government.**
- 3. The land being filled, stabilised, drained and/or graded as required to ensure that:**
 - a) lots can accommodate their intended development; and**
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**
 - c) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.**

Advice:

- 1. In relation to condition 1, the relocation of services is required to ensure that future driveway locations are not affected by existing services located on old boundary alignments.**

CARRIED 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: 15/04/2013	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

APPENDIX 9.4.1**COUNCIL RESOLUTION****OCM13/4/036****MOVED: Cr Witney****SECONDED: Cr Look****That Vouchers numbered:**

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7234 - 7273	\$117,040.06
Trust (Cheque/EFTs)	EFT 15964 & 16135 Chq's 11011 & 11012	\$1472.59
Electronic Transfers Municipal Fund	EFT 15965-16134	\$625,167.02
Direct Wages	01/03/2013 – 31/03/2013 inclusive	\$169,009.20
GRAND TOTAL:		<u>\$912,688.87</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 2012 TO 31 MARCH 2013	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook - Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report:	18/04/2013
File No.:	1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Asset Mgt. & LCC Implications:	N/A
Workforce Implications:	N/A
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input type="checkbox"/> 1 MANAGE FUTURE GROWTH	<input type="checkbox"/> 4 CONSERVE SENSITIVE ENVIRONMENTAL ASSETS
<input type="checkbox"/> 2 PROTECT RURAL LAND USE	<input type="checkbox"/> 5 ENCOURAGE A DYNAMIC LOCAL ECONOMY
<input type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

APPENDIX 9.4.2**COUNCIL RESOLUTION****OCM13/4/037****MOVED: Cr Witney****SECONDED: Cr Wright**

That the Monthly Statements of Financial Activity for the period 1 July 2012 to 31 March 2013 at Appendix 9.4.2 be received and noted.

CARRIED 6/0

9.5 CHIEF EXECUTIVE OFFICER

Nil.

10. CONFIDENTIAL REPORTS

Nil.

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

Nil.

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

Nil.

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 5.01 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 28 MAY 2013 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

