



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 26 MARCH 2013

(Held at the Shire of Waroona Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

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

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

Cr Noel Dew	Shire President
Cr Larry Scott	Deputy Shire President
Cr Trish Witney	Councillor
Cr Christine Germain	Councillor
Cr Craig Wright	Councillor
Cr Lina Look	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 Services
Mr Jason Robertson	Manager Environmental Health & Building Services
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Cr John Salerian Councillor

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4.1 PUBLIC QUESTION TIME

Nil.

4.2 PUBLIC STATEMENTS

Nil.

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

OCM13/3/018

MOVED: Cr Witney

SECONDED: Cr Mason

That a Leave of Absence be granted to Cr Larry Scott for the period 17-30 April 2013 inclusive.

CARRIED 7/0



6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Look declared a proximity interest in Item 9.3.2 as an adjoining landowner of the Bandicoot Brook Reserve.

Cr Scott declared a proximity interest in Item 9.3.3 as a landowner in the area of the Waroona East Hills Development policy, and declared an interest affecting impartiality in Item 9.5.1 as a member of the Waroona Lions Club, the applicants named in the report.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING – 19 FEBRUARY 2013****COUNCIL RESOLUTION****OCM13/3/019****MOVED: Cr Witney****SECONDED: Cr Look**

That the Minutes of the Ordinary Council Meeting held 19 February 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 SERVICES

9.2.1 TENDER 1/2013 – TRADE OF LANDFILL WHEEL LOADER	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 25 February 2013	File No.: 77/3
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	To provide for ongoing waste disposal for the Waroona community.
Financial Implications:	\$106,000
Asset Mgt. & LCC Implications:	The annual operating cost will be \$10,000 plus CPI. The life of the asset is 15 years. It will need renewal at 15 years. This is a replacement / renewed asset for the Shires Landfill.
Workforce Implications:	Human Resources requirements will be provided by current staff and contractors.
Voting Requirements	Absolute majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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 checked="" type="checkbox"/> 3 MAINTAIN A STRONG SENSE OF COMMUNITY	<input type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

PROPOSAL

To replace the Volvo L150 Wheel Loader.

BACKGROUND

The Shires 1990 model Volvo wheel loader located at the Buller Road refuse site was purchased in 2004 with 22,000 hours on the machine as a temporary measure until suitable funds became available to purchase a more dedicated machine. The machine now has 26,000 hours and has failed due to a transmission fault with a replacement transmission estimated to cost \$35,000 ex gst. The Shire has spent \$33,000 on the machine in 2012/2013 as the machine required a replacement radiator, turbo and tyres. Furthermore the Shire has had to dry hire in machines which would result in machine costs of \$50,000 per annum pro rata increasing the tip maintenance costs.

In 2011 the Shire purchased a CAT trash compactor ex City of Hobart and this originally lessened the hours on the wheel loader machine; however machine hours have been increasing with increased volumes of waste being received.

An internet search and request for quotation revealed that it is appropriate that the Shire consider changing over the machine. The request for quotation was sent to the WALGA preferred suppliers requesting similar machines and at the close of tenders three tenders were received.



FINANCIAL IMPLICATIONS

Supplier	Machine	Price (ex gst)	Offer for existing machine (ex gst)	Changeover
Westside	Komatsu WA 380	88,000	6,000	82,000
Westside	2004 Cat 972G, 14,000 hrs	125,000	6,000	119,000
Westrac	2007 Cat 962H, 14,000 hrs	136,000	30,000	106,000

STATUTORY IMPLICATIONS

The *Local Government Act 1995* requires that out of budget expenditure require absolute majority of the Council.

The *Local Government (Functions and General) Regulations 1996* allows the Shire to seek tenders from WALGA preferred suppliers rather than procuring the goods via a public state-wide tender process.

STRATEGIC IMPLICATIONS

Of the 6 objectives outlined in Waroona's *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number 1 and 3.

COMMUNITY CONSULTATION

Discussions with the former Director Technical Services recommended that purchase of a new machine could not be warranted due to the type of work that the machine does and the low plant utilisation. A replacement second hand machine with moderate hours and good service history from the WALGA preferred suppliers was recommended.

OFFICER'S COMMENTS

The current loader was chosen due to its large bucket size (4.3m³) and having significant weight (23,340 kg) allowing increased compaction of the waste hence maximising the airspace of the landfill. The large bucket size also enables fewer trips when carting material.

The Komatsu WA 380 is a smaller machine (16,285 kg) and has a bucket size of 3.2m³ it is, however, road licenced and provides an alternative if the depot loader is unavailable. The CAT 962H has a weight of (19,365 kg) and has a bucket size of 3.5 m³ is slightly newer (2007) and has a changeover price of \$106,000. The CAT 972G is slightly older (2004) has a bucket size of 4.6m³ and a weight of 25,148 kg and a trade is of \$119,000. The CAT 962H is able to be road licenced, however the 972G is not due to its size. The Komatsu and CAT 962H have full service histories however the CAT 972G service history has not been provided.

Westrac has also advised that they will offer \$30,000 for the Volvo where as Westside will only offer \$6,000 for the trade in machine.

The committee does have several options other than purchasing a second hand machine; it may purchase a new machine, lease a new machine or require the landfill operator to provide a machine. It is however the Officer's opinion that whilst the risks associated with damage to the machines remains with the Shire the tip maintenance contractor can offer competitive rates and is preferred. The committee may also opt to purchase the CAT 972G and tender the Volvo L150 for sale separately, however, there are risks associated with this as the machine is not operational.

The Shire Landfill has recently received higher than normal volumes of waste due to changes to landfill gate fees from within other providers in the region. This has resulted in contractors diverting to the Shires site and paying high gate fees. For 2012/2013 Council estimated that it would receive \$162,000 in income, as at 13 March 2013 the Shire has received \$212,000 in tipping charges and it is estimated that it is likely that total income will be \$240,000. That said, due to repairs to the Volvo loader the tip maintenance account will go over budget by approximately \$25,000. Also the Shire has been dry hiring wheel loaders throughout the year and in particular, since February 2013, adding to over expenditure in this account. Income in excess of expenditure would be forecast to be \$53,000 and can be utilised to help fund this capital expenditure.

On balance it would appear that the CAT 962H from Westrac is the best offer being a more modern machine, having good service history with a good trade in on the Volvo machine.

It therefore recommended that the CAT 962H be purchased at \$106,000 changeover for the existing Volvo L150 with \$36,000 utilised from this additional income and \$35,000 transferred from the plant and waste reserves respectively.

The current balance for the plant reserve is \$480,083 and the waste reserve is \$202,807.

OFFICER RECOMMENDATION

- 1. That the Committee recommends to Council that the Shire purchases a CAT 962H Wheel Loader from Westrac Pty Ltd for \$136,000 ex GST from a/c 1524 (capital exp – plant and equipment).*
- 2. That the Volvo L150 Wheel Loader be offered for sale to Westrac Pty Ltd as a trade at a price of \$30,000 ex GST from a/c 1515 (proceeds from sale of assets).*
- 3. That the 2012/2013 budget be amended with \$35,000 transferred from the plant reserve (a/c 5370) and \$35,000 be transferred from the waste reserve (a/c 5400) with \$36,000 out of budget expenditure be permitted to account 1524 due to over budgeted tip income (a/c 1833).*

COUNCIL RESOLUTION

OCM13/3/020

MOVED: Cr Mason

SECONDED: Cr Scott

1. That Council purchases a CAT 962H Wheel Loader from Westrac Pty Ltd for \$136,000 ex GST from a/c 1524 (capital exp – plant and equipment).
2. That the Volvo L150 Wheel Loader be offered for sale to Westrac Pty Ltd as a trade at a price of \$30,000 ex GST the proceeds from the sale of assets be placed in a/c 1515.
3. That the 2012/2013 budget be amended with \$35,000 transferred from the plant reserve (a/c 5370) and \$35,000 be transferred from the waste reserve (a/c 5400) with \$36,000 out of budget expenditure be permitted to account 1524 due to over budgeted tip income (a/c 1833).

CARRIED BY ABSOLUTE MAJORITY 7/0

9.3 DIRECTOR PLANNING SERVICES

9.3.1 LOT 231 OLD BUNBURY ROAD, LAKE CLIFTON - APPLICATION FOR PLANNING CONSENT FOR INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE (FIXED WIRELESS BROADBAND)	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning Services / Nil
Proponent:	Daly International for NBN Co Ltd
Landowner:	Caroline Emily Kaur Sandhu
Date of Report: 7 March 2013	File No.: TP1525
Previous Reference:	Nil
Statutory/Policy Implications:	Planning and Development Act 2005 Telecommunications Act 1997 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 State Planning Policy 5.2 – Telecommunications Infrastructure Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation Local Planning Policy 2 – Lake Clifton / Herron Structure Plan Local Planning Policy 5 – Setbacks and Building Envelopes Local Planning Policy 19 – Telecommunications Infrastructure
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012
Financial Implications:	Application fee (\$640.00)
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Application assessment by current Shire staff.
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 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

An application was received for a Telecommunications Facility (Fixed Wireless Broadband) at Lot 231 Old Bunbury Road, Lake Clifton. See site location plan at **APPENDIX 9.3.1A**, and site plan and elevations at **APPENDIX 9.3.1B**.

The installation will include the construction of a 50m lattice tower and ancillary components including two (2) outdoor units enclosed within a 13m x 18m 234m² compound, secured by a 2.4m high chainlink fence and a 1m high retaining wall. The compound will be set back 15.46m from Old Bunbury Road.

The lattice tower will feature a triangular headframe accommodating three (3) panel antenna measuring approximately 1180mm x 300mm x 115mm. One (1) parabolic



dish antenna measuring 0.6m in diameter will be installed at approximately 45m on the lattice tower. Six (6) – off panel antennas will be mounted on a triangular headframe, while one (1) parabolic antenna and two equipment shelter / outdoor cabinets will all be contained within the fenced compound.

The tower, proposed to be constructed from galvanised steel, will remain an unpainted dull grey colour. The outdoor units will also be grey.

Note: Initially the applicant submitted a site plan showing the compound to be 11m x 16m (176m²) to be set back 16.5m from the Old Bunbury Road. There was no retaining wall included in the original plan. An amended site plan was submitted with the details listed above.

BACKGROUND

There is a house, swimming pool, and shed on the subject lot. The topography of the lot is generally flat, sandy and covered in mature native vegetation. There is an existing 50m x 40m (2,000m²) building envelope on the lot. The lot is located on top of a hill along Old Bunbury Road.

The National Broadband Network (NBN) is Australia's first national wholesale-only, open access communications network that is being built to bring high speed broadband and telephone services within the reach of all Australian premises. The NBN will utilise three technologies; fibre, fixed wireless and satellite, expected to make possible improved ways for people to connect with one another. Within the next decade access to the NBN is expected for every home, school and workplace in Australia.

In the Shire of Waroona, the NBN infrastructure will be released as follows:

- | | |
|-----------------|--|
| Fibre - | Waroona and Preston Beach townships will be serviced by fibre optic cable networks. |
| Fixed Wireless- | Lower population areas not covered by the fibre network (i.e. Lake Clifton), will be serviced with the fixed wireless network. Two new installations will be required (This application and 147 Coronation Road, Waroona.) |
| Satellite- | One of 10 Satellite Earth Stations covering regional Australia is proposed to be constructed in Wagerup. (Lots 1 and 259 South Western highway, Wagerup) |

PREVIOUS APPROVALS

A search of Council records has shown that Planning Consent for a House and a Rainwater tank was issued on 4 October 2012. Further to this the lot was subdivided from the mother lot on 27 April 2006.

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. The Telecommunications (Low-Impact Facilities) Determination 1997 authorises the installation of radio-communications dishes within Industrial and Rural land use zones which are not considered to be of environmental significance, and which comply with outlined specifications.

The proposed facility is not classified as low impact under the definitions contained within the legislation.

Peel Region Scheme (PRS) 2003

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

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

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

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

‘Schedule 1: Development on zoned land requiring planning approval

- (6) ‘Development in the Rural Zone which in the opinion of the WAPC or the Local Government may not be consistent with the purposes of the rural zone stated in Clause (e) of the PRS.’

Town Planning Scheme No. 7 (TPS) 1996

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.

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 of the zoning table and the list of zones.

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.

The subject lot is located within the 'Rural 6 – Rural Residential' zone with a Rural Residential Code of R Res 11.

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.

Clause 6.1.2(c)(vi) of the TPS states that development taking place within land zoned 'Rural 6 – Rural Residential' requires the Planning Consent of Council.

Clause 4.15 of the TPS states that within the Rural 6 Rural Residential zone Council's objective is to select and appropriately zone areas wherein subdivision and development of small holdings will be permitted to provide for such uses as rural-residential and hobby farms, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Council's policies will therefore be to:

- Require that an application for rezoning to Rural Residential Zone shall be accompanied by a submission supporting the proposed rezoning which will include detailed site plans and other technical data as required by Council;
- Recommend that subdivision in the Rural Residential zone should comply with the provisions of Clause 4.15 and the requirements set out against the particular localities within the zone in Schedule 2 and further, to require development within the zone to comply with the same;
- Give due consideration to the Peel Regional Plan and the Commission's Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment.

Clause 4.15.2 (b) of the TPS states that the type and colour of materials used should be of sufficiently high standard, as to complement and blend in with the environment of the area.

Clause 4.15.3 (a) states that where a building envelope is defined for the lot on a subdivision guide plan, the dwelling shall be confined to that envelope.

Clause 4.15.3 (b) states that if no building envelope is specified the minimum setback shall be 40 metres from any street frontage and rear boundaries and 20 metres from each side.

Clause 4.15.3 (c) states that Council may permit variation of setback or the location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally

Clause 4.15.4 states that the approval of Council is required for the clearing of indigenous trees or any other substantial vegetation.

Clause 6.12.1 of the TPS states that no building shall exceed 9m above natural ground level.

Within Schedule II, the Rural Residential 11 code requires buildings in this area are to be constructed in accordance with Australian Standards AS3959-2009: Construction of Buildings in Bushfire Prone Area (as amended) or subsequent editions (as amended). [AMD 25 GG 4/6/10].

8.2.2 Where an application is made for Planning Consent to commence or carry out development which involves an “AA” use, or for any other development which require the Planning Consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

8.2.3 Where the Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out:

- (a) notice of the proposed development to be served on the owners and occupiers of the land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

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

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

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan (2012)

Strategy 1 – Manage the Shire of Waroona’s future growth

It is an aim of the plan to manage moderate growth in the Shire of Waroona to protect the community’s lifestyle by continuing to upgrade local facilities.



Strategy 2 – Protect Rural Land use

It is an aim of the plan to ensure the rural feel of the Shire of Waroona is protected and acknowledge changes in demographics and farming practices.

STRATEGIC PLANNING IMPLICATIONS

State 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.



Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Fact Sheet 10 - National Broadband Network Fixed Wireless Base Stations and Health

The NBN makes use of fixed wireless communications links to provide high-speed broadband in areas beyond the reach of the fibre network. Typically, this is where residential blocks are large and widely spaced.

National Broadband Network (NBN) base stations use electromagnetic radiation to provide high speed broadband services to the community. The highest values of the radiofrequency electromagnetic energy (RF EME) that the public would be exposed to from the NBN base stations that are currently planned are less than 1/100 of the Australian public exposure limit. This means that the highest exposures are well below the levels at which any harmful effects are known to occur.

Local Planning Strategy (LPS) 2009

The subject land is located within the Lake Clifton Precinct under the LPS and identified as Rural Residential. The objective of the Rural Residential zone is to provide adequate areas that will offer lifestyle blocks with good amenity in locations where environmental impacts can be minimised.

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 required include:

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

Shire of Waroona Town Planning Policy 2.0 – Lake Clifton / Herron Structure Plan

Lot 231 is located in the Lake Clifton Precinct and is therefore subject to the Lake Clifton / Herron Structure Plan (Planning Policy 2.0). The objectives and land use proposals of this Policy are reflected in the Local Planning Strategies guide for this precinct.

Shire of Waroona Town Planning Policy 5.0 - Setbacks and Building Envelopes

Applications for the relaxation or modification of building envelope requirements are assessed against the following criteria:

- a) The effect that the proposed relaxation or modification is likely to have on the amenity of adjoining or nearby properties, in terms of privacy, overshadowing or visual intrusion.



- b) The effect that the proposed relaxation or modification is likely to have on the environment, especially in terms of the quality and/or quantity of remnant, native vegetation that may be affected by alternative building locations.
- c) The effect that the proposed relaxation will have on the general amenity of the streetscape or landscape.
- d) The ability for concerns to be satisfactorily addressed via conditions of approval pertaining to detailed building design, the planting of screening vegetation, or similar.

Shire of Waroona Town Planning Policy 19.0 – Telecommunications Infrastructure

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

COMMUNITY CONSULTATION

In accordance with clause 8.2.2 of the TPS and Local Planning Policy 1.0 the proposal was advertised to adjoining landowners for 21 days. These landowners were sent a notification letter and a copy of the application. Further to this a notice appeared in the Harvey Reporter on 12 February 2013. During the specified advertising period no submissions were received.

As discussed in the note under the heading “Proposal”, an amended site plan was received from the applicant. Upon assessment of the amended site plan it was evident that there would be no further direct impact on surrounding properties. For this reason the amended plans were not advertised.

Internal Referral

Upon referral to the Shire’s Building Department the Shire’s Building Surveyor stated that a Building Permit is required for the tower prior to the commencement of development. It was also noted that Building Permits are not required for the equipment units.

The Shire’s Director Technical Services and Environmental Health Officer had no comments.

OFFICER'S COMMENTS

Amended Plans

The applicant submitted an amended site plan showing the fenced compound to increase by 58m² and to include a retaining wall. The amendment to the application can be considered as insignificant as the changes from the original layout will not cause any further impact on surrounding properties. The only impact that the changes will have is on the landowner of Lot 231, who has signed a copy of the amended plans.

PRS

The 22 February 2011 WAPC resolution under clause 21 of the PRS lists the type of development on zoned land that requires PRS approval.

This assessment of the Planning Consent concludes that the proposal is not considered to be inconsistent with the purpose of the Rural Zone therefore a development application is not required under the PRS.

TPS

Given that the application is for a “use not listed”, the process in Clause 4.2.5 of the TPS needs to be followed. In summary Clause 4.2.5 states that in order to determine a use not listed under the Scheme, the objectives of the particular zone in which the use is proposed must be considered.

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 the zone.

In essence Council’s objective is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

The proposed development will not detract from the district rural lands as its siting will not prevent the balance of the land from being utilised for rural residential purposes. The proposed facility will be contained within in a 234m² fenced area within the 29.8 Ha lot. The remainder of the lot can be utilised for rural residential purposes therefore the sustainable use of land will not be affected. The proposal will not prevent the conservation and wise use of natural resources including water, flora, fauna and minerals.

Also the Shire of Waroona Town Planning 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 (a) and taking into consideration the objectives of the Scheme for all Rural Zones and ‘Rural 6 Rural Residential’ zone, it can be determined that the use is consistent with the objectives.

Visual Impact

The impact on the rural character can also be assessed in terms of the potential impact on the amenity due to the visual intrusion that may be caused by the proposed development. In order to ameliorate these concerns the development is proposed to be located directly opposite Old Bunbury Road from an existing telecommunications tower. The clustering of these facilities in this rural location leads to a reduced visual impact rather than spreading them out across the landscape. See artist impression at **APPENDIX 9.3.1C**.



Trees along the roadside as well as vegetation clustered around the property will aid in minimising the visual impact of the structure.

In addition 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.

Setback

It is noted that the development is not proposed to be contained within lot 231's approved building envelope. Clause 4.15.3 (a) refers specifically to a dwelling being contained within the building envelope. As the proposed development is for telecommunication infrastructure rather than a residence it is appropriate to approve it outside of the building envelope.

In terms of clause 4.15.3 (b) where development is being approved not subject to a building envelope a 40m setback from any road frontage. However a variation to this may be approved in terms of Clause 4.15.3 (c). Given the visual impact benefits by clustering the facility close to the facility on the opposite side of Old Bunbury Road, it is appropriate to approve the reduced setback.

The proposed variation of the setback is consistent with Policy 5.0 given that it satisfies the criteria in the following manner:

- The effect upon adjoining landowners is not considered to be significant. This can be ascertained from the lack of adverse submissions on the proposal;
- A site visit confirmed that the effect on the amenity of the environment is not considered to be significant. The facility is proposed to be located in an area of cleared land; and
- There will be no negative impact on the general amenity of the streetscape, as the proposed development will cluster with the existing telecommunications facility on the opposite side of Old Bunbury Road.

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 State's 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 wireless telecommunications 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 high density 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 0.067% within a radius of 500 to 600m. The predicted EME levels are well within operational standards set by ACMA.

Conclusion

During the assessment of a previous application for telecommunication infrastructure the Department of Health has advised that, should the proposal comply with ARPANSA guidelines, there is no health implications for surrounding residents.

The proposed fixed wireless tower will provide an additional public service by providing upgraded and competitive broadband services within the Shire. 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.

In accordance with Clause 4.2.5 (a) and taking into consideration the objectives of the Scheme for all Rural zones and the 'Rural 6 Rural Residential' zone, it can be determined that the use is consistent with their objectives. The proposal is not considered to be incompatible with the objectives of the Rural Zones in that the rural setting will not be unacceptably compromised and this critical telecommunications infrastructure with significant public benefit will contribute to the locality.

Given that any potential health risks, environmental impact and visual amenity impacts associated with the proposed tower are considered to be minimal, and the positive social and economic benefits that could be gained from the tower, it is recommended that Council determines the proposed use to be consistent with the objectives of the Rural 6 zone and approve the proposal subject to the conditions listed below.

COUNCIL RESOLUTION**OCM13/3/021****MOVED: Cr Wright****SECONDED: Cr Scott**

That in relation to the proposed Telecommunications Infrastructure (Fixed Wireless Installation) at Lot 231 Old Bunbury Road, Lake Clifton and pursuant to clause 4.2.5 (a) of Town Planning Scheme No. 7, Council resolves to:

- A. Determine in accordance with Clause 4.2.5(a) of the Shire of Waroona Town Planning Scheme No.7 1996, that the use is consistent with the objectives of the 'Rural 6 – Rural Residential' zone.**
- B. Approve the application and submitted plans subject to the following conditions and advice notes:**
 - 1. The development shall occur in accordance with the plans 6HER-51-05-LAK-C1 - 6HER-51-05-LAK-C4 produced by Daly International and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - 2. Building materials used for tower, antennas, outdoor cabinets / shelters and fencing are to be of a standard and colour scheme complementing and blending in with the amenity of the area to the satisfaction of the Director Planning Services. (See Advice Note A).**
 - 3. All stormwater and drainage run-off to be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Director Technical Services.**
 - 4. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

ADVICE TO APPLICANT:

- A. 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 National Construction Code of Australia 2012.

CARRIED 7/0

Cr Look declared a proximity interest in Item 9.3.2 as an adjoining landowner to Bandicoot Brook Reserve and left the meeting the time being 4.10 pm.

9.3.2 BANDICOOT BROOK RESERVE – SOUTH WESTERN HIGHWAY: LAND EXCISION	
Reporting Officer / Officer's Interest:	Greg Delahunty - Town planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning Services / Nil
Proponent:	Main Roads WA
Landowner:	Various
Date of Report: 13 March 2013	File No.: 87/1
Previous Reference:	None
Statutory/Policy Implications:	Planning and Development Act (2005) Peel Region Scheme (2003) Shire of Waroona Town Planning Scheme No. 7 (1996) Local Planning Strategy (2009)
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012
Financial Implications:	Nil
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Review by current Shire Officers.
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 checked="" type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP

PROPOSAL

Main Roads Western Australia (MRWA) requests that Council consider and provide comments with regards to the proposed:

- Excision of a portion of the South Western Highway road reserve to the Bandicoot Brook Bushland Reserve (R31437);
- Acquisition of private land on the Eastern side of the South Western Highway for the future dual carriageway.

MRWA is considering an offset proposal that involves the excision of a portion of the South Western Highway road reserve and including this portion into the Bandicoot Brook Bushland Reserve. There are two parcels of land potentially available approximately 4km north of the Waroona townsite. See correspondence at **APPENDIX 9.3.2A**. See location plan at **APPENDIX 9.3.2B**.

The first parcel of land consists of approximately 7.2h Ha of road reserve adjoining the Bandicoot Brook Reserve (R31437) on the Western side of the South Western Highway. The second is a Main Roads Western Australia (MRWA) managed portion approximately 7 Ha (R20585) North of Tallathalla Road, on the Eastern side of the South Western Highway. See surplus road reserve for offset at **APPENDIX 9.3.2C**.

Should MRWA cede the land on the Western side of the Highway it is envisaged that approximately 40m – 50m of additional private land will be required on the Eastern side of the South Western Highway for the majority of the 4km length to



ensure that there is enough available road reserve for a future dual carriageway in the location.

A minimum strip of 25m parallel to the existing road reserve will need to be cleared through R20585 (approximately 1.23 Ha) to facilitate a future dual carriage way. MRWA will be required to offer an environmental offset for the clearing of this area.

Endorsement of the preliminary proposal by all stakeholders is required in order to progress the land transfers. Land surveys will be undertaken in the future and more definitive designs will be provided at a future date.

BACKGROUND

The Bandicoot Brook Bushland site includes Reserve 31437 (consisting of 35 hectares vested in the Shire of Waroona), bushland within the South Western Highway road reserve (consisting of 12 hectares vested in MRWA) and Unallocated Crown Land (consisting of 2.26 hectares vested in the Shire of Murray). Reserve 31437 includes the site of the North Drakesbrook School, which is now a highway rest area.

In June 2010, the final Management Plan for the Bandicoot Brook Bushland site was endorsed by Council. The final Management Plan contained 24 recommendations to be actioned for its implementation. One of the primary recommendations was the convening of the Bandicoot Brook Bushland reserve Interim Reserve Management Group (IRMG).

The Bandicoot Brooke IRMG, comprising of members from the Shires of Waroona and Murray, Department of Environment and Conservation, MRWA, Water Corporation and Waroona Landcare, has convened with the aim of implementing the Management Plan. One major point discussed has been changes to the vesting (and purpose) of relevant reserve areas. Given the environmental values of R31437 and portions of the South Western Highway road reserve, the proposal to incorporate a portion of the road reserve into R31437, has been discussed.

The majority of the current road reserve is 60m wide, which is the minimum width for a dual carriage way, but it narrows in the northern part of this section through R20585.

A number of Threatened Ecological Communities (TECs) exist within the bushland reserve. See TEC's at **APPENDIX 9.3.2D**.

PREVIOUS COUNCIL RESOLUTION

At its ordinary meeting held 22 June 2010 Council resolved the following (OCM 10/06/1086):

"That Council resolves, with respect to the draft 'Bandicoot Brook Bushland (Reserve 31437) Draft Management Plan' to endorse as follows:

1. *That Council notes the submissions of the Department of Environment and Conservation and Main Roads WA, and the minutes of the Waroona Historical Society in regard to the Draft Management Plan.*



2. *That the Council endorses the final Management Plan for the Bandicoot Brook Bushland.*
3. *That Council convenes a meeting with the Department of Environment and Conservation, Main Roads WA and Shire of Murray, as the Interim Reserve Management Group to discuss:*
 - a) *Possible review of the tenure and vesting of all land parcels in the Site;*
 - b) *Endorsement of the name of the broader site as Bandicoot Brook Bushland, and the North Drakesbrook School Site for the Highway Rest Area; and*
 - c) *Review, prioritise, delegate and plan for implementation of all other recommendations.*
4. *That Council supports the naming of the broader site as the Bandicoot Brook Bushland, and recognises the Highway Rest Area as the North Drakesbrook School Site.*

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Part 4 of the Act deals with the making and amendment of a Region Scheme.

Part 9 of the Act deals with the relationship between Region Schemes and Local Planning Schemes provisions.

Section 126 of the Act states that “If a region planning scheme delineates land comprised in a local planning scheme as a reserve for any public purpose, then the local planning scheme, in so far as it operates in relation to that land, is, by force of this section and without any further action under this Act, amended to such extent (if any) as is necessary to give effect to the reservation under the region planning scheme”.

Peel Region Scheme 2003

It is the purpose of the Peel Region Scheme is to identify and protect land having strategic importance for industrial and future urban use.

Clause 6 (c) states that the aim of the scheme is to protect as regional open space areas of regional conservation significance and area for regional recreational facilities.

Clause 9 states that land shown as Reserved Land on the Scheme Map are reserved under the scheme for the public purposes shown on the Scheme Map.

Clause 10 (a) Regional Open Space – to protect the natural environmental, provide, provide recreational opportunities, safeguard important landscapes and provide for public access.

Clause 10 (b) Primary Regional Roads – to provide a regional road network to accommodate current and future transport needs on roads declared under the Main Roads Act 1930.

The Peel Region Scheme also classifies land into zones. The subject private land to the Eastern side of the Highway is zoned Rural under the Peel Region Scheme:

Clause 12 (e) 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.

Should the proposal be implemented, the amendment of the PRS will be required. Land currently reserved for Primary Regional Roads will be reserved as Regional Open Space. Land currently zoned as Rural will be reserved as Primary Regional Roads.

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

The proposal concerns land Reserved for Primary Regional Roads and Regional Open Space as well as land Zoned Rural 1 General Farming.

Should the proposal be implemented the amendment of the TPS will be required. Land currently reserved for Primary Regional Roads will be reserved as Regional Open Space. Land currently zoned as Rural 1 – General Farming will be reserved as Primary Regional Roads.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

Strategy 4 – Conserve Sensitive Environmental Assets

It is an aim of the plan to promote the significant natural features of the Shire.

Further to this the plan seeks to acknowledge the importance of protecting these assets through:

- Appropriate Shire-managed planning processes; and
- 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.

Strategy 6 – Achieve Active Civic Leadership

It is an aim of the plan to ensure that the Shire continue to be partners in local initiatives with local community groups.

STRATEGIC PLANNING IMPLICATIONS

Shire of Local Planning Strategy (2009)

The South Western Highway is reflected as a Significant Road under the LPS.

The Bandicoot Brook Bushland Reserve (R31437) is reflected as ‘Open Space, Recreation, Conservation, Forestry’ under the LPS.



COMMUNITY CONSULTATION

Community consultation is not required for this proposal at this stage however it will be imperative that community consultation is carried out in accordance with statutory requirements should the proposal advance to PRS and TPS amendment stage.

INTERNAL REFERRAL

Upon referral to the Shire's Technical Services Directorate the Shire's Manager of Works and Services had no comments on the proposal.

OFFICER'S ASSESSMENT

Excision of land to the Bandicoot Brook Bushland Reserve

The IRMG has discussed at length the possibility of reviewing the land tenure of the separate parcels within the Bandicoot Brooke Bushland reserve. Currently the separate parcels of the reserve are managed by the Shires of Waroona and Murray as well as MRWA.

Due to the high environmental value of the land DEC have shown potential interest in managing land that contains the TECs. The boundaries of these TECs fall within R31437, Managed by the Shire of Waroona as well as land currently reserved for Primary Regional Roads under MRWA's control.

The IRMG has noted the opportunity to consolidate the environmental value of the reserve by incorporating a portion of the Primary Regional Road, containing TECs, into the R31347. This proposal will also benefit MRWA as the excision could be used by MRWA as an environmental offset for clearing undertaken at a future date.

Given the environmental significance of the subject land, it is acknowledged that the proposal provides an opportunity to consolidate the environmental values of the Bandicoot Brook Bushland reserve.

State Government - Potential purchasing of land to the East of the South Western Highway

In their correspondence to the Shire, MRWA stated that this area has been identified as a location for a future dual carriageway. It has also been acknowledged that the road reserve is currently at a minimum width for accommodating a dual carriageway. Given this, it is acknowledged the purchasing of property on the Eastern side of the Highway will be necessary in order for MRWA to achieve a future dual carriageway in the location as planned. Nevertheless, the proposed new alignment of the road reserve will adversely affect landowners on the Eastern side of the Highway. Impacts in terms of the use / loss of land as well as possible adverse amenity impacts related to road noise are expected.

There are five (5) landowners on the Eastern side of the South Western Highway affected by the proposal. It is unclear at this stage how much land would be required for the reservation but it is clear that at least 60m width of road reserve is required by MRWA for a dual carriage way. The majority of this 60m will be the existing road reserve with the remained sought to supplement the road reserve proposed to be

incorporated in the Bandicoot Brook Reserve. Listed below are the five (5) affected properties and the distance of development on these lots from the current South Western Highway Road Reserve.

Address	Size	Setback of Development from current Road Reserve (Approximate)
7755 South Western Highway	62 Ha	586m
33 Hall Road	47.34 Ha	380m
1277 South Western Highway	14.75 Ha	692m
33 Wealand Road	40.5 Ha	562m
8007 South Western Highway	80.8 Ha	182m

As no plan has been submitted showing the proposed private land to be incorporated into the road reserve, there is no accurate way of determining to what extent each individual land owner will be impacted. It is therefore recommended that Council requests a detailed road alignment plan showing private land affected by the proposal. From this plan distances from residences and other development on private land could be determined.

Further to this it is not clear what level of community consultation has been undertaken by MRWA. It is imperative that affected landowners be adequately consulted by the State Government in relation to land injuriously affected by the proposed amendment. It is therefore recommended that Council requests MRWA to undertake consultation with the private landowners on the Eastern side of the highway that have the potential to be injuriously affected by the proposal. It is recommended that the detailed plan showing land required for the road reserve be drafted prior to engaging in this consultation.

Conclusion

In principle the proposal has the opportunity to enhance and consolidate the environmental values of a significant ecological reserve within the Shire of Waroona. The significant issue that the proposal faces is potential adverse impacts on land owners to the Eastern side of the Highway. For this reason it is recommended that Council advise MRWA that it wishes to see a detailed road alignment plan showing land on the Eastern side of the Highway proposed to be incorporated into the road reserve and also request that MRWA undertake community consultation with landowners who have the potential to be injuriously affected by the proposal.

COUNCIL RESOLUTION

OCM13/3/022

MOVED: Cr Germain

SECONDED: Cr Wright

That in relation to the proposed excision of the South Western Highway Road Reserve and the acquisition of private land to the East of the South Western Highway, Council resolves to:

- 1. Advise Main Roads WA that it cannot provide comment on the subject proposal until the following actions being undertaken:**
 - a. A detailed road alignment plan, showing private land required for the future road reserve, is submitted for consideration;**
 - b. Appropriate consultation is undertaken by the State.**

CARRIED 6/0

Cr Look returned to the meeting, the time being 4.13 pm.

Cr Scott declared a proximity interest in item 9.3.3 as he was a landowner in the area of the proposed Local Planning Policy No. 27 for Waroona East Hills Development and left the meeting, the time being 4.14 pm.

9.3.3 PROPOSED LOCAL PLANNING POLICY NO. 27 – WAROONA EAST HILLS DEVELOPMENT	
Reporting Officer / Officer's Interest:	Chris Dunlop, Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouche', Director Planning Services / Nil
Proponent:	Shire Of Waroona
Landowner:	Various
Date of Report: 15 March 2013	File No.: LPP27
Previous Reference:	Nil
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No.7 1996. State Planning Strategy 1997 State Planning Policy 2.5 – Agricultural and Rural Land Use Planning State Planning Policy 2.9 – Water Resources State Planning Policy 3.0 – Urban Settlement and Growth State Planning Policy 3.4 – Natural Disasters and Hazards Development Control Policy 3.4 – Subdivision of Rural Land Shire of Waroona Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Officer time and cost of advertising (approximately \$700).
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
Voting Requirements	Absolute Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP):	
<input checked="" 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 the adoption of a new draft Local Planning Policy that will guide the development of the Darling Scarp area to the east of the Waroona Townsite.

The objective of this policy is to provide direction and guidance for the development of the policy area as rural residential and lifestyle lots, while protecting the landscape and scenic value derived from the scarp.



See Draft Policy and Reference Document at **APPENDIX 9.3.3A**.

BACKGROUND

Local Planning Policy 27 – Waroona East Hills Development (LPP27) has been prepared in response to the objectives of the Shire of Waroona Local Planning Strategy 2009 (LPS) and the increased development pressure on the existing large rural lots on the Darling Scarp.

Development within the policy area needs to occur in a proper and orderly fashion and best practice fire safety and access outcome need to be delivered.

In order to preserve the existing amenity derived from the Darling Scarp and ensure that development occurs in a coordinated and sustainable fashion, design and implementation provisions have been created to guide development.

At its meeting of 16 December 2010 (OCM10/12/192) Council made the following resolution:

That Council resolves, with respect to the proposed Hills Landscape Protection Policy, to endorse the development of a Draft Policy to be considered at a future Council meeting.

At its meeting of 27 November 2012 (OCM12/11/136) Council made the following resolution:

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

- a) Prepare a Draft Waroona East Hills Development Policy as set out in appendix 9.3.2A.*
- b) Advertise the Draft Policy in accordance with the requirements of Clause 2.4.1 of Town planning Scheme No. 7.*
- c) Consider all submissions received as a result of advertising.*

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Peel Region Scheme 2003 (PRS)

The area proposed to be subject to LPP27 is zoned Rural under the PRS. The objective of the Rural zone of the PRS is to:

“provide for the sustainable use of land for agriculture, assist in the conservation of 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.”

The area subject to LPP27 is not identified by any policies created under the PRS as an area of strategic significance for agricultural or basic raw materials.

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

Part 2.4 of the TPS states that Council may create and adopt a local planning policy in order to control development and achieve desired outcomes in relation to one or more aspects of the Scheme.

The area subject to the proposed policy has various zones under the TPS including Urban Development, Rural 4 – Hills Face, Rural 5 – Darling Range and Rural 6 – Rural Residential.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

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

STRATEGIC PLANNING IMPLICATIONS

State Planning Strategy 1997

The State Planning Strategy provides the principles underpinning the State Planning Framework and guides the long term planning of the state.

The following relevant strategies are identified by the State Planning Strategy for the Peel Region:

- Manage the Peel-Harvey Catchment to reduce nutrient levels.
- Protect environmental resource areas.
- Protect sensitive environmental areas and cultural heritage.

State Planning Policy 2.5 – Agricultural and Rural Land Use Planning (SPP 2.5)

SPP 2.5 aims to protect productive agricultural land while allowing for the well planned expansion of urban areas. The area subject to the draft local planning policy is identified by SPP 2.5 as existing agricultural land, however due to the topography of the land it is considered unsuitable for intensive agriculture.

Where agricultural land is to be developed for more intensive uses, SPP 2.5 requires that supporting existing communities and access to services and facilities be considered.

State Planning Policy 2.9 – Water Resources (SPP 2.9)

SPP 2.9 aims to protect water resources identified as having social, economic, cultural and environmental value. The area subject to the draft local planning policy forms a large portion of the catchment of the Drakesbrook Weir. The weir is



considered to be a valuable local water resource and provides an element of amenity to the local community. LPP 27 aims to protect the water quality and amenity of the weir in accordance with SPP 2.9.

State Planning Policy 3.0 – Urban Settlement and Growth (SPP 3.0)

SPP 3.0 provides the basis for the consideration of the expansion of urban areas into surrounding rural land. SPP 3.0 identifies rural residential development as an important supporting structure to urban developments, but requires that expansion of these areas occurs in a carefully planned fashion in suitable locations.

State Planning Policy 3.4 – Natural Disasters and Hazards (SPP 3.4)

SPP 3.4 requires that due consideration is given to the potential impacts of natural disasters during the planning process. Given the topography and vegetation of the policy area and its proximity to the state forest, bushfires are an important consideration in the formulation of the policy.

Development Control Policy 3.4 – Subdivision of Rural Land (DCP 3.4)

DCP 3.4 supports the objective of SPP 2.5 and SPP 3.0 and provides greater detail to be considered in the planning of subdivision of rural land. DCP 3.4 also requires that the subdivision of rural land for non-agricultural purposes be carefully planned and implemented through the appropriate channels, including the Local Planning Scheme, prior to subdivision.

Local Planning Strategy 2009 (LPS)

The subject area is identified under the LPS as a combination of Special Residential, Rural Residential and Hills Landscape Protection. Lots sizes prescribed in the policy area by the LPS vary from 2000m² for the Special Residential classification to a minimum of 10 Ha for the Hills Landscape Protection classification. LPP 27 aims to facilitate the development of the policy area in accordance with the LPS while maintaining the natural amenity derived from the area and providing for well-connected sustainable development.

COMMUNITY CONSULTATION

In accordance with Clause 2.4.1 of the TPS, the draft policy has been advertised for two consecutive weeks in a local newspaper, allowing a minimum of 21 days for submissions. Direct notification was also sent to all landowners within the policy area. Council must consider submissions received on the draft policy in its decision whether or not to adopt the policy. A schedule of submissions received during the consultation period and officer responses to them is at **APPENDIX 9.3.3B**.

INTERNAL REFERRALS

The draft policy has been prepared in consultation with Council's Engineering, Building and Environmental Health departments. Comments from these departments have been incorporated into the draft policy during formulation.



EXTERNAL REFERRALS

Environmental Protection Agency (EPA)

The EPA advised that it supports the retention of existing native vegetation. The EPA also supports the 100m minimum setback distance from any watercourse for all buildings.

Department of Environment and Conservation (DEC)

The DEC suggested that vegetation surveys should be conducted prior to subdivision to ensure habitats of endangered native fauna are not impacted upon. The DEC also advised that wetlands within the policy area should be protected.

Water Corporation

Water Corporation stated that it has no objection to the draft policy, but future development would need to address the potential for increased nutrient levels.

Department of Water (DoW)

DoW stated that the policy should make reference to *Better Urban Water Management* (WAPC, 2008).

Main Roads Western Australia (MRWA)

MRWA stated that it has no objection to the draft policy.

Department of Fire and Emergency Services (DFES)

DFES stated that it generally supported the draft policy, but that the Shire should consider declaring the policy area bushfire prone in order to enforce compliance with construction standards of AS3959 – *Construction of Buildings in Bush Fire Prone Areas*.

DFES also recommended that bushfire hazard mapping be included in the draft policy prior to final adoption.

OFFICER'S COMMENTS

LPP 27 has been drafted in order to facilitate the objectives and development potential set out in the LPS. The draft policy provides guidance to potential developers in relation to the appropriate process and considerations which must form part of any new development in the policy area.

By drawing on the various relevant state planning policies, development control policies and other statutory implements of the Western Australian Planning Commission, the policy provides a more concise point of reference for potential developers and gives an indication of the expectations of the Shire of Waroona for any new development in the area.

LPP 27 also provides guidance to future owners of new lots created in the policy area with regard to the development of dwelling, outbuildings and other structures on lots. By ensuring that all relevant impacts of development are considered at both

the macro and micro planning stages, the policy provides consistency and coherency for developers and ensures the protection of natural amenity at all stages of the development process.

Connectivity and Road Planning

The scarp area to the east of the Waroona townsite is currently accessible via Weir Road and Nanga Brook Road. Within the policy area there is currently no gazetted, constructed road connection between these two roads, meaning that lots in the area are restricted to a single point of egress in the case of an emergency.

Figure 2 of LPP 27 is an indicative road connections plan. The plan, in conjunction with the policy text, requires that road planning for subdivision in the policy area allows for greater connectivity to be achieved. By ensuring the overall connectivity of the area and accessible links between Weir Road, Nanga Brook Road and Elliott Street emergency egress is greatly improved.

Water Quality and Nutrient Retention

The policy area forms a large portion of the catchment of the Drakesbrook Weir. In order to protect the water quality of the weir and its downstream flows, including contributions to the catchment of the Peel-Harvey Estuary, requirements are proposed in relation to property management and effluent disposal.

Given that the topography and density of likely development are cost prohibitive to reticulated sewer for the vast majority of the policy area, nutrient levels are proposed to be controlled through the use of Alternative Treatment Units in lieu of traditional septic systems. Owner will also be encouraged to establish additional vegetation to assist with nutrient retention.

Visual Amenity

The visual amenity derived from the scarp is a regionally significant attribute and should be protected throughout any development. LPP27 proposes restrictions on development to be considered at both the subdivision and individual lot development stage.

By preventing development above the visual skyline as demonstrated in Figure 3 of LPP 27 and the use of visually intrusive cladding materials, the impact on the scarp as viewed from the coastal plain can be greatly reduced.

Community Consultation

During the community consultation period submissions were received on the draft policy. These submissions commented on the proposed content of the policy but in general showed no opposition to the principle of its creation. Further detail of the submissions and officer responses to them are available in the schedule of submissions at **APPENDIX 9.3.3B**.

Changes made to the draft policy as a result of community consultation are as follows:

1. Updated reference to Planning for Bush Fire Protection Guidelines Edition 2, May 2010.



2. All references to the Fire and Emergency Services Authority update to refer to the Department of Fire and Emergency Services.
3. Clause 7.4.5 updated to refer to buildings protruding above the skyline as viewed from 'prominent public areas' in lieu of 'South Western Highway'.
4. Clause 7.4.6 modified to allow consideration of building on slopes greater than 1 in 4 where it can be demonstrated that the natural topography of the site will not be compromised and suitable vehicle access can be provided to the site.
5. Clause 7.4.12 deleted. In the advertised draft version of the policy clause 7.4.12 stated "No building shall be positioned closer than 100m to any permanent water course."

Conclusion

LPP 27 provides a policy instrument for the protection of the amenity of the scarp area to the east of the Waroona townsite. Through the formulation and adoption of this policy Council can ensure that development within the policy area occurs in a well-planned, sustainable manner without compromising the level of amenity available to the general public. It is therefore recommended that the policy be adopted by Council.

COUNCIL RESOLUTION

OCM13/3/023

MOVED: Cr Mason

SECONDED: Cr Germain

1. That pursuant to Clause 2.4 of the Shire of Waroona Town Planning Scheme No.7, Council resolves to:
 - a) Adopt Local Planning Policy 27 – Waroona East Hills Development as set out in Appendix 9.3.3A in accordance with Clause 2.4.1 (b) of Town Planning Scheme No.7 of 1996.
 - b) 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 AN ABSOLUTE MAJORITY 6/0

Cr Scott returned to the meeting, the time being 4.20 pm.



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: 18/03/2013	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

<u>COUNCIL RESOLUTION</u>		
OCM13/3/024		
MOVED: Cr Germain		
SECONDED: Cr Look		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7196 - 7233	\$19,959.26
Trust (Cheque/EFTs)	EFT 15828	\$2,619.60
Electronic Transfers Municipal Fund	EFT 15829-15963	\$279,154.17
Direct Wages	01/02/2013 – 28/02/2013 inclusive	\$169,777.80
GRAND TOTAL:		<u>\$471,510.83</u>
and attached at Appendix 9.4.1 be endorsed.		
CARRIED 7/0		



9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2012 TO 28 FEBRUARY 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:	18/03/2013
	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****OCM13/3/025****MOVED: Cr Look****SECONDED: Cr Witney**

That the Monthly Statements of Financial Activity for the period 1 July 2012 to 28 February 2013 at Appendix 9.4.2 be received and noted.

CARRIED 7/0

9.4.3 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN – JANUARY 1, 2012 TO DECEMBER 31, 2012	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – DCEO / Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – DCEO / Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 18 March 2013	File No: 193/1
Previous Reference:	N/A
Statutory/Policy Implications:	<i>The Compliance Audit Return is an annual requirement of the Local Government Audit Regulations 1996</i>
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The Council is requested to adopt the Compliance Audit Return for the 12 month period 1 January 2012 to 31 December 2012.

Background

The Compliance Audit is a self assessment tool that allows the Council to monitor how the organisation is functioning in relation to meeting a range of its statutory obligations under the Local Government Act 1995 and its regulations.

Officer's Comments

No issues of non-compliance were observed during preparation of the return.

COUNCIL RESOLUTION**OCM13/3/026****MOVED: Cr Wright****SECONDED: Cr Mason**

That the Compliance Audit Return for the Shire of Waroona for the period January 1, 2012 to December 31, 2012 be adopted.

CARRIED 7/0

9.5 CHIEF EXECUTIVE OFFICER

Cr Scott declared an interest affecting impartiality in Item 9.5.1 as a member of the Waroona Lions Club.

9.5.1 WAIVING OF MEMORIAL HALL HIRE FEES FOR ‘WAROONA LIONS FARMERS MARKET’	
Reporting Officer / Officer's Interest:	Naomi Purcell Community Development Officer / Nil
Responsible Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Proponent:	Pauline Boreham on behalf of Waroona Lions Club
Landowner:	Shire of Waroona
Date of Report: 20 March 2013	File No:
Previous Reference:	12/07/087 July 2012 OCM
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 for a period of three months during a trial period to conduct their monthly “Waroona Lions Club Farmers Market”.

Background

The Waroona Lions Club Farmers Markets have been operating initially from Centennial Park, then at the Waroona Show Grounds and most recently from the Walmsley Pavilion, on a monthly basis. There has been no charge made to the Lions Club as the building concerned are not maintained or available for hire through the Shire. The Markets run on the first Sunday of every month from 8am – 12noon. The Lions Club Farmers Markets were recently under threat of not continuing due to the current coordinators being unavailable to continue in the role. Pauline Boreham approached the Lions Club and has offered to coordinate these markets which will remain overseen by the Waroona Lions Club. There is interest to move these markets to the Memorial Hall where there are facilities to support entertainment, better access to toilets and kitchen facilities and a general better location with passing traders. It is suggested that there be a 3 month trial period at the Memorial Hall to gauge its success and longevity. The hall is usually charged to community organisation at a rate of \$14 per hour which would equate to \$84 per use. The applicant requests Council consideration to waive this fee. A copy of the applicant’s letter, 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” (\$14ph) rate - Waroona Football Club, Waroona Junior Football Club, Really Really Free Market, 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.

In July 2012 the Really Really Free Markets requested Council waive the hall hire and Council resolved the following.

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

Mr Farrell subsequently applied and received funding under the small grants scheme in September 2012.

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

COUNCIL RESOLUTION

OCM13/3/027

MOVED: Cr Wright

SECONDED: Cr Witney

That Council advise Ms Pauline Boreham that the request to waive the Waroona Town Hall hire fee for the conduct of the “Waroona Lions Club Farmers Market” in the Town Hall is refused and that the applicant be referred to Council’s small grants funding available to community groups annually, and that the Chief Executive Officer consider providing a donation to the organiser to the value of the hall fees in accordance with Council Policy 3.5, subject to it being established that all proceeds and profits collected by the organiser from holding the markets are used for charitable purposes.

CARRIED 7/0



9.5.2 RESERVE 49080, FOURACRE STREET WAROONA – REDEVELOPMENT OF ANGLICAN CHURCH OPPORTUNITY SHOP.	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer / Nil
Proponent:	St Mark's Anglican Church
Landowner:	Crown reserve vested with Shire of Waroona
Date of Report: 21 March 2013	File No.: 87/1
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Waroona Town Planning Scheme No. 7 1996 Local Planning Strategy 2009 Waroona Town Centre Strategy 2003
Strategic Implications:	Strategic Community Plan 2012
Financial Implications:	No direct Shire budget implications. Officer time only.
Asset Mgt. & LCC Implications:	N/A.
Workforce Implications:	No direct implications.
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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

Council is requested to consider a request by St Mark's Anglican Church for the redevelopment of the Anglican Opportunity Shop on Reserve 49080 on the corner of Coronation Road and Fouracre Street, Waroona.

The church states that the redevelopment of the building on the current location will improve the current appearance of the Coronation Road / Fouracre Street intersection. The church also notes that the current site is also already serviced with power and water and ample parking is available on the reserve.

Preliminary drawings discussed with Shire staff show a light framed building clad with Hardiplank and roofed with Colorbond material. A copy of the plans is attached.

Background

The Anglican Opportunity Shop has been located on the current location on the corner of Coronation Road and Fouracre Street for a number of years. An aerial Location Plan of the shop is attached. The existing 6.2 m x 9.3 m shop is constructed from steel framing clad with cream Colorbond material.

The existing site is reasonably level, sloping slightly towards the railway line to the west of the shop. There is no formal car parking provided on site, therefore informal car parking occurs adjacent to the shop.

The Shire's current Management Order relating to Reserve 49080 includes a number of conditions. Condition (iii) stipulates as follows:



“The opportunity shop or thrift store situated at the corner of Fouracre Street and Coronation Road where second hand goods are sold is to be permitted to continue its operations providing that the shop or store is operated strictly on a not-for profit basis.”

In July 2012, the Department of Regional Development and Lands was requested to amend the current vesting order to remove the specific location of the shop on the reserve. The Department has advised that the order has been amended accordingly.

Previous Council resolutions

At its Ordinary Council Meeting of 24 March 2009, Council resolved (OCM09/034) as follows:

“That Council approve of a new Anglican Church Opportunity Shop being built on Council vested land in Fouracre Street, Waroona as indicated on the plan attached at Appendix 9.5.2a or other more appropriate site in the area. Final location to be approved by the CEO dependant on the final building design and how it will fit into the amenity of the area.” (The area in appendix 9.5.2a was the corner of Fouracre and Millar Sts.)

This decision was made at a time when it was proposed that the current Waroona IGA would expand into a Supa IGA and the then Fouracre St was to be realigned further towards the railway line to cater for a large car park. The owner of IGA had offered to build a new opportunity shop at the corner of Fouracre and Millar Sts so that site could be included in the car park. The Supa IGA project did not proceed and no indication it will proceed in the future. Council has since renewed Fouracre St on its current alignment.

Financial Implications

N/A

Strategic Implications

Shire of Waroona Community Strategic Plan (2012)

Strategy 1 – Manage the Shire of Waroona’s future growth

It is an aim of the plan to manage moderate growth in the Shire of Waroona to protect the community’s lifestyle by continuing to upgrade local facilities.

Statutory Implications

Peel Region Scheme 2003 (PRS)

Reserve 49080 is reserved as "Railways" in terms of the PRS.

Waroona Town Planning Scheme No. 7 1996 (TPS)



Reserve 49080 is reserved as "Railway" in terms of the TPS.

Clause 6.1.2 states that:

"Except as otherwise provided in the Scheme, the following development does not require the planning approval of the Council:- AMD 9 GG 29/4/03

(a) *use of land in a Reserve where such land is held by the Council or vested in a*

Public Authority:-

- (i) *for the purpose for which the land is reserved by the Scheme; and/or*
- (ii) *in the case of land vested in a Public Authority for any purpose for which such land may be lawfully be used by that Authority;"*

The provisions in the Scheme relating to the Special Design Precinct state:

"7.3.1 The Scheme Map depicts Special Design Precincts wherein:

7.3.1.1 A dwelling or commercial building may not be constructed, altered or added to

unless in the construction, alteration or addition, all external walls and party walls are constructed of brick, brick veneer, masonry or other materials approved by Council.

7.3.1.2 The Council may, in a particular case, grant Planning Consent for the use of any materials not mentioned in the preceding sub-clause in the construction of

walls or party walls of a building within the precincts if, in the opinion of Council, such construction would not prejudicially affect the amenity of the Precinct or the safety of the inhabitants."

It should be noted that properties to the east of Fouracre Street are located in a Special Design Precinct, however Reserve 49080 is not within the precinct.

Strategic Planning Implications

Local Planning Strategy 2009 (LPS)

Reserve 49080 is located in the Town Precinct of the LPS. The objective of the Town centre sub-precinct is to provide for a wide range of commercial, community and civic uses within pedestrian friendly and attractive environment.

Development in the sub-precinct is to have regard to the "Waroona Town Centre Strategy".

Waroona Town Centre Strategy 2003

The Opportunity Shop is consistent with the Waroona Town Centre Strategy, which reflects the shop on the corner of Coronation Road and Fouracre Street.

Community Consultation

Consultation has been undertaken with representatives of St Marks Anglican Church.



Internal referral

Planning Services

Comments from the Director Planning Services are noted below:

The existing Anglican Opportunity Shop on the corner of Coronation Road and Fouracre Street is clearly in need of redevelopment. The building itself has not been specifically designed for commercial purposes but has probably served its purpose in the past. The proposed upgrade of the Coronation Road / Fouracre Street intersection is supported from an urban design perspective, improving the eastern entrance to the Waroona Town Centre from Coronation Road. The redevelopment of the shop will be consistent with the Local Planning Strategy and the Waroona Town Centre Strategy.

Whether the Opportunity Shop develops closer towards Millar Street or on the existing site is not significant, however it is expected that from a retail perspective, the current site will have better exposure to passing trade than the alternative a location. It also is located in direct proximity to the retail precinct whereas, in the location further south, it could in future be located next to the SES and St John's Ambulance Service, which in combination with the station will effectively be a non-retail cluster.

Vehicle access from Fouracre Street is preferred to Coronation Road, given the latter being the higher order traffic arterial. The Town Centre Strategy shows a formalised car park towards the centre of the reserve on the western side of Fouracre Street. The formalisation of the informal car park abutting the shop should be considered as well as what material should be used to surface such parking area.

The site can be improved with suitable landscaping, particularly on the Coronation Road and Fouracre Street frontages.

Community Services

Councils Environmental Health Officer has indicated that as the building is below the volumes of waste water that requires a Health Department of Western Australia approval, and that sewer is unavailable to the site, onsite disposal would therefore be permissible.

In terms of other services the current opportunity shop is serviced by a Water Corporation metered service and underground power was provided to this portion of the site with the underground power upgrade to Fouracre Street in 2009. This is clearly advantageous as new utility connections incur headwork's charges in addition to new connection fees.

In terms of the Building permit the new Building Act requires an external third party Building Certifier to sign off on the building. Approval costs will need to be taken into account within the project budget.

COUNCIL RESOLUTION

OCM13/3/028

MOVED: Cr Wright

SECONDED: Cr Germain

1. That with respect to the proposal by St Mark's Anglican Church to redevelop the current Opportunity Shop on the current location on Reserve 49080, the corner of Coronation Road and Fouracre Street, Waroona, Council resolves to advise the church that the proposal is supported, and
2. That the proposed building be located with the long side facing Coronation Rd.

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

Nil

12.1 ELECTED MEMBERS

12.1 WAROONA OVALS – SHIRE STAFF MANAGEMENT (126/1)

COUNCIL RESOLUTION

OCM13/3/029

MOVED: Cr Mason

SECONDED: Cr Wright

That the Council commend the Shire Staff on the high standard to which the town and cricket ovals are being maintained.

CARRIED 7/0

12.2 OFFICERS

Nil

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.28 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 23 APRIL 2013 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

