



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 19 FEBRUARY 2013

(Held at the Waroona Shire – 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 John Salerian | Councillor |
| 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 |
| Mrs Sue Cicolari | Executive Support Officer |

APOLOGIES

| | |
|--------------------|--|
| Cr Larry Scott | Deputy Shire President |
| Mr Jason Robertson | Manager Environmental Health & Building Services |

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**4.1 PUBLIC QUESTION TIME**

Nil.

4.2 PUBLIC STATEMENTS

Nil.

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

OCM13/2/001

MOVED: Cr Witney

SECONDED: Cr Germain

That a Leave of Absence be granted to Cr John Mason for the period 8-22 March 2013 inclusive.

CARRIED 7/0

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil.



7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

8. **CONFIRMATION OF MINUTES**

8.1 **ORDINARY COUNCIL MEETING – 18 DECEMBER 2012**

COUNCIL RESOLUTION

OCM13/2/002

MOVED: Cr Look

SECONDED: Cr Mason

That the Minutes of the Ordinary Council Meeting held 18 December 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

| 9.1.1 PERMISSION TO MAINTAIN ROAD RESERVE – RICHARDSON ROAD | |
|--|--|
| Reporting Officer / Officer's Interest: | Patrick Steinbacher, Consultant Director Technical Services / Nil |
| Responsible Officer / Officer's Interest | Ian Curley, Chief Executive Officer / Nil |
| Proponent: | C.P. King |
| Landowner: | Shire of Waroona |
| Date of Report: 6 February 2013 | File No.: A2527 |
| Previous Reference: | Nil |
| Statutory/Policy Implications: | Nil |
| Strategic Implications: | Nil |
| Financial Implications: | Nil |
| Asset Mgt. & LCC Implications: | Nil |
| Workforce Implications: | Nil |
| 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 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 Shire has received a request from Mr King of 34 Richardson Road that he be permitted to fence and maintain the section of the Richardson Road road reserve immediately adjacent to his property.

BACKGROUND

Mr King wrote to Council requesting permission to maintain the section of Richardson road adjacent to his property on 7th November 2012. Officers replied to this initial request advising that the matter needed to be investigated and presented to Council.

A map is appended (**APPENDIX 9.1.1A**) showing the subject section of Richardson Road and the location of Mr King's property.

FINANCIAL IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil



COMMUNITY CONSULTATION

The two landowners who own the properties (Lots 82 George Road and 51 Richardson Road) on the East side of Richardson Road were written to for comment. Both landowners replied, one in writing and one via a telephone conversation. Both supported the application. A map is appended (**APPENDIX 9.1.1A**) showing the locations of the two properties whose owners were contacted.

OFFICER'S COMMENTS

Officers have no objections or concerns regarding Mr King's request and have therefore recommended approval. The appended map (**APPENDIX 9.1.1A**) shows the extent of the proposed subject area, which extends from George Road to a point level with the Northern boundary of Lot 51 on the Eastern side. The owner of this lot requested that the subject area extend to this point as he uses the Richardson Road road reserve to access the Northern part of his property.

Officers recommend that some form of gate be constructed in each fence to be erected across the road reserve to allow access by Shire officers if necessary, and that fences are maintained in a functional and neat condition. The minimum standard of gate in this instance should be a simple wire 'cocky' gate. No other structure will be permitted to be erected in the road reserve and Council should reserve the right to rescind this permission at any time.

COUNCIL RESOLUTION

OCM13/2/003

MOVED: Cr Wright

SECONDED: Cr Look

That Council approve the application by Mr King of Lot 34 Richardson Road, Waroona that he be permitted to fence and maintain the section of the Richardson Road road reserve bounded by George Road to the North, and to a Southern point level with the Northern boundary of Lot 51 Richardson Road, with the following conditions:

- **Fences to be maintained in a functional and neat condition**
- **Any fence across the road reserve shall contain a vehicle accessible gate to a minimum wire construction standard**
- **No other structure to be erected in the road reserve**
- **Council reserves the right to rescind this approval at any time**

CARRIED 7/0

9.2 DIRECTOR COMMUNITY SERVICES

Nil.



9.3 DIRECTOR PLANNING SERVICES

| | |
|---|---|
| 9.3.1 LOT 6 (NO. 693) BROCKMAN ROAD, WAROONA – PROPOSED FARM MANAGER’S RESIDENCE | |
| Reporting Officer / Officer's Interest: | Chris Dunlop – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Planning Services / Nil |
| Proponent: | Redink Homes Pty Ltd |
| Landowner: | Barry Vincent Napoli & Janey Susan Napoli |
| Date of Report: 11 February 2013 | File No.: TP1527 |
| Previous Reference: | Nil |
| Statutory/Policy Implications: | Planning and Development Act 2005 Shire of Waroona Town Planning Scheme 7 1996 Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation |
| Strategic Implications: | Shire of Waroona Community Strategic Plan 2012 |
| Financial Implications: | Nil |
| Asset Mgt. & LCC Implications: | N/A |
| Workforce Implications: | HR requirements provided by current staff. |
| Voting Requirements | Simple Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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 has been received for the construction of a Farm Manager's Residence (additional dwelling) on Lot 6 (No. 693) Brockman Road, Waroona. Location, site and elevation plans are at **APPENDIX 9.3.1A**.

The proposed Manager's Residence will be 191 m² in area and is to be constructed of rendered brick walls with the roof to be clad in Surf Mist Colorbond. The maximum height of the building will be 5.2 m. The house is proposed to be set back 9.9 m from Brockman Road, 117 m from Coronation Road, 870 m from the rear boundary and 427 m from the western property boundary.

BACKGROUND

The location of the proposed dwelling is the site of a previous dwelling on the lot which was demolished in 2006. The current dwelling on the lot was constructed in a location approximately 170 m to the north of the proposed dwelling in 2008.

Lot 6 has an area of 46.08 Ha and currently contains an existing dwelling and outbuildings associated with the rural use of the land. The subject lot is currently used for grazing – predominantly cattle and horses.



STATUTORY IMPLICATIONS

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

Lot 6 is zoned Rural 2 – Irrigated Agriculture under the TPS.

A Single House is a P (permitted) use and a Farm Manager's Residence (additional dwelling) is not listed in the Zoning Table.

Clause 4.4.5 of the TPS states that 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.

Clause 4.14.1 of the TPS states that the objectives of Rural zones are 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 policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;
- maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.4.

Clause 4.14.2 of the TPS states that except with the Planning Consent of Council, not more than one single house may be erected on a lot used for rural activity.

- (a) In considering granting its consent, Council will give due regard to whether the additional dwelling is necessary or desirable to support the primary rural activity.
- (b) Prior to approving an application for an additional dwelling or dwellings, Council may require that a development envelope be defined for the lot subject to the application.

- (c) Approval to develop an additional dwelling or dwellings shall not be grounds for obtaining separate titles of ownership of the two dwellings and any future subdivision application will be treated on its own merits by Council and the Commission.
- (d) Only one single dwelling may be erected on a Rural Residential Zone lot in accordance with Clause 4.15.2.

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

Clause 8.2 sets out the requirements for the public consultation process for the varying categories of use classification.

STRATEGIC IMPLICATIONS

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

1. Manage Future Growth.
2. Protect Rural Land Use.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS)

The subject lot is located within the Agricultural Precinct of the LPS. Lot 6 is designated Priority Agriculture within the LPS. It is the objective of the Priority Agriculture classification to protect from lifestyle subdivision and other non-compatible development an area which has, or is capable of having, irrigation infrastructure to allow for a range of diverse agricultural uses.

Farm Workers Accommodation is a Discretionary use in the Priority Agriculture classification.

The LPS requires a setback of 20m from any road frontage and 10m from any other boundary in the Priority Agriculture area.

Local Planning Policy 1 – Community Consultation (LPP1)

LPP1 requires that uses designated P with a noncompliance be advertised to affected landowners for a period of 14 days.

COMMUNITY CONSULTATION

In accordance with Clause 8.2.2 of the TPS the application has been advertised to the adjoining lot owners for a period of 21 days. One submission of no objection was received during the advertising period. A table of the submission is at **APPENDIX 9.3.1B**.

INTERNAL REFERRAL

Comments from the Shire's Director of Technical Services stated that there are no proposed works to upgrade or widen the subject section of Brockman Road. A



crossover application will also be required for the installation of a new vehicle access.

The Shire's Building Surveyor stated that a Building Permit will be required.

Comments from the Shire's Environmental Health Officer stated that an effluent disposal system will be required.

OFFICER'S COMMENTS

Use

The proposed 'Farm Manager's Residence' can be considered as an additional dwelling in terms of Clause 4.14.2 in the TPS. The dwelling is proposed to be used for the accommodation of a farm manager on site and is therefore deemed to be in accordance with Clause 4.14.2.

A 'Farm Managers Residence' is a Use Not Listed in terms of Clause 4.2.5 of the TPS. Given Clause 4.14.2 a 'Farm Managers Residence' is considered to be consistent with the objectives of the Rural zones.

Zone Objectives

As stated in Clause 4.14.1 of the TPS the objective of the Rural zones are 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. The proposed Farm Manager's Residence is considered to be consistent with this objective as it is to be used in conjunction with the use of the land for agricultural production (rural pursuit).

Reduced setback

The application proposes a minimum setback of 9.9 m from Brockman Road. The LPS recommends a minimum setback from road frontages of 20m in the Priority Agriculture classification.

The lot located opposite the proposed site is currently used for grazing and does not contain a dwelling.

The Shire currently has no plans to widen or upgrade this section of Brockman Road. The subject section of Brockman Road does not service any other lots and runs into a dead end where the constructed section of the road finishes adjacent to Lot 6.

Given the above, the impact of the reduced setback is considered to be minimal.

Conclusion

The application proposes the construction of a 'Farm Manager's Residence' (additional dwelling) on Lot 6 Brockman Road as provided for in terms of Clause 4.14.2 in the TPS. The use has been identified as suitable for the Priority Agriculture precinct by the LPS. The application has been advertised with no submissions being received. It is considered that the proposal will not detrimentally impact on the amenity of the area and it is therefore recommended that Council determines that

the use is consistent with the objectives of the zone under Clause 4.2.5 (a) of the TPS and approves the application subject to appropriate conditions.

COUNCIL RESOLUTION

OCM13/2/004

MOVED: Cr Salerian

SECONDED: Cr Mason

That in relation to the application for Planning Consent for a Farm Manager's Residence (additional dwelling) at Lot 6 (No.693) Brockman Road, Waroona Council resolves:

- A. That pursuant to clause 4.2.5 (a) of the Shire of Waroona Town Planning Scheme No. 7 of 1996, the proposal is consistent with the objectives of the Rural 2 – Irrigated Agriculture zone and is therefore permitted.**
- B. To approve the application, subject to the following conditions:**
- 1. The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - 2. The additional dwelling shall be used for purposes ancillary to the rural activity on the lot.**
 - 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. Clause 4.14.2 (c) of the Shire of Waroona Town planning Scheme No.7 1996 states that approval to develop an additional dwelling or dwellings shall not be grounds for obtaining separate titles of ownership of the two dwellings and any future subdivision application will be treated on its own merits by Council and the Western Australian Planning Commission.**

- 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 house is to comply with the National Construction Code 2012.**
- C. The applicant is advised to liaise with the Shire of Waroona in relation to the lodgement of an *Application to construct or install an apparatus for the treatment of sewage in terms of the Health (Treatment of sewage and disposal of effluent and liquid waste) Regulations 1974.***

CARRIED 7/0

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|--|--|
| 9.3.2 LOT 21 FAWCETT ROAD, WAROONA – PROPOSED EXTENSION TO NON-CONFORMING USE (WASH DOWN BAY) | |
| Reporting Officer / Officer's Interest: | Chris Dunlop – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Planning Services / Nil |
| Proponent: | Raffaele Angelo Carna |
| Landowner: | Raffaele Angelo Carna & Teresa Carna |
| Date of Report: 17 January 2013 | File No.: TP1529 |
| Previous Reference: | TP648, TP914, TP1201 |
| Statutory/Policy Implications: | Planning and Development Act 2005 Shire of Waroona Town Planning Scheme 7 1996 Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation Local Planning Policy 14 – Industrial / Commercial Land Use & Development |
| Strategic Implications: | Shire of Waroona Community Strategic Plan 2012 |
| Financial Implications: | Nil |
| Asset Mgt. & LCC Implications: | N/A |
| Workforce Implications: | HR requirements provided by current staff. |
| Voting Requirements | Simple Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): | |
| <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 has been received for the extension of a non-conforming use, namely the construction of a Wash Down Bay on Lot 21 Fawcett Road, Waroona. Site and elevation plans are at **APPENDIX 9.3.2A**.

Lot 21 has an area of 9.1Ha and currently contains an existing industrial workshop, office building and associated ancillary structures.

The proposed Wash Down Bay will be 15m x 25m (375m²) and is to be constructed of steel framing and clad with cream Colorbond to match the existing wash-down facilities. The proposed structure will have a maximum height of 6.93m. The Wash Down Bay is proposed to be located adjacent to the existing wash down facility on the site and be set back 145m from the eastern boundary, 140m from the southern boundary, 290m from the northern boundary and 203m from Fawcett Road.

BACKGROUND

The non-conforming use was previously approved under the Town Planning Scheme as a 'Depot' before Amendment 12 to the Scheme deleted the 'Depot' use from the land use table in 2010.



Previous Applications

TP648 – Application for an Earthmoving Depot on lot 21 Fawcett Road. Advertised under resolution of Council of 25 March 2003 (Council Resolution 9834) and approved under delegated authority 5 May 2003.

TP914 – Application to extend the existing workshop/assembly building on site. Approved by Council on 28 February 2006 (OCM06/044).

TP1201 – Application for a fuel farm (depot) and wash down bay to be used in conjunction with the existing workshop / assembly building on site. Approved under delegated authority on 20 February 2009.

STATUTORY IMPLICATIONS

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

Lot 6 is zoned Rural 2 – Irrigated Agriculture under the TPS. In the Zoning Table a Transport Depot is classified as a use not permitted in the zone (from gazettal of Amendment 12 on 30 April 2010).

Clause 5.2 of the TPS states that a Planning Consent is required for any works which erect, alter or extend a building used in conjunction with a non-conforming use.

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

Clause 8.2 sets out the requirements for the public consultation process for the varying categories of use classification.

STRATEGIC IMPLICATIONS

This item contributes towards achieving objectives number 1 and 2:

Strategy 1 – Manage the Shire of Waroona's Future Growth.

Strategy 2 – Protect Rural Land Use.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS)

The subject lot is located within the Agricultural Precinct of the LPS. Lot 21 is designated Priority Agriculture within the LPS. It is the objective of the Priority Agriculture classification to protect from lifestyle subdivision and other non-compatible development an area which has, or is capable of having, irrigation infrastructure to allow for a range of diverse agricultural uses.

The LPS requires a setback of 20m from any road frontage and 10m from any other boundary in the Priority Agriculture area.



Local Planning Policy 1 – Community Consultation (LPP1)

LPP1 requires that an application for an 'Extension to a Non-Conforming Use' is to be advertised to owners and occupiers of affected neighbour properties for a period of 21 days.

Local Planning Policy 14 – Industrial / Commercial Land Use and Development (LPP14)

LPP14 states that a landscape plan shall be required as a condition of approval other than in the 'Town Centre' zone or for small rural developments.

LPP14 requires all open storage areas to be screened from public view and that a landscape plan shall be required as a condition of approval.

LPP14 states that where an application proposes further development on an existing site, the site is to be upgraded to the standard required for new development.

COMMUNITY CONSULTATION

Consultation has been undertaken for a period of 21 days in accordance with LPP1 and Clause 8.2 of the TPS. During the consultation period a submission was received from the Water Corporation. A table of the submission is at **APPENDIX 9.3.2B**.

INTERNAL REFERRAL

The Shire's Building Surveyor stated that a Certified Building Permit application will be required.

Comments from the Shire's Environmental Health Officer stated that all wastewater must be treated using a plate separator of sufficient capacity.

The Shire's Consulting Engineer stated that all stormwater is required to be contained on site and the wash down effluent is to be directed to the existing treatment system.

OFFICER'S COMMENTS

The application proposes an extension to the existing non-conforming use. The wash down bay is considered to be incidental to the existing use of the site as a Workshop/Assembly building.

The wash down bay will be clad in Colorbond to match the existing building to which it is proposed to be attached.

The proposed development will not impact on the traffic volumes frequenting the site or the onsite movement of vehicles.

The site is currently maintained at a high level with landscaping surrounding the existing office building and to the rear (eastern property boundary). The proposed Wash Down Bay will be screened from the north and west by the existing buildings on the site. The lot to the east of Lot 21 is the Waroona Sewerage Treatment Plant,

this use of the land is not considered to be impacted by visual amenity. The proposed Wash Down Bay when viewed from the south will be constructed in front of the existing Fuel Farm / Wash Down Bay. The existing structure has a maximum height of 9.32m and is the same width as the proposed building. It is therefore considered that the proposed structure will not create any greater visual impact than the existing buildings on the site. Landscaping to all boundaries was required as a condition of approval for TP648 and as such still applies to the site. Given that landscaping conditions for the complete lot (including the perimeter) have been included in previous approvals no additional landscaping conditions have been recommended.

An advice note has been recommended requiring all waste water from the proposed Wash Down Bay to be treated in accordance with the Environmental Protection (Controlled waste) Regulations 2004 and Environmental (Unauthorised discharges) Regulations 2004 to prevent any potential pollution of the site through contaminated waste water.

Conclusion

The existing use of the site is being carried out legitimately under the TPS. The proposed extension (Wash Down Bay) to the existing non-conforming use (Depot) is not considered to detrimentally impact on the surrounding landowners given the nature of the existing development on the subject site. The proposal is therefore recommended for approval subject to appropriate conditions.

COUNCIL RESOLUTION**OCM13/2/005****MOVED: Cr Witney****SECONDED: Cr Mason**

That in relation to the proposed extension to the non-conforming use (Wash Down Bay) at Lot 21 Fawcett Road, Waroona, Council resolves to approve the application subject to the following conditions:

- 1. The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
- 2. 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.**
- 3. 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. 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 2012.**
- B. All waste should be managed and disposed of in accordance with the Environmental Protection (Controlled waste) Regulations 2004 and Environmental (Unauthorised discharges) Regulations 2004. Untreated waste that may cause environmental harm is not to be discharged into soakage, sewer or drains.**
- C. The applicant is advised that all conditions (including landscaping) relating to previous Planning Consents (TP345 and TP839) remain applicable.**

CARRIED 7/0

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|---|---|
| 9.3.3 LOT 38 CORONATION ROAD, WAROONA – PROPOSED FARM MANAGER'S RESIDENCE (ADDITIONAL HOUSE) | |
| Reporting Officer / Officer's Interest: | Greg Delahunty – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Planning Services / Nil |
| Proponent: | John Spencer Snell |
| Landowner: | Charla Downs PTY LTD |
| Date of Report: 11 February 2013 | File No.: TP1537 |
| Previous Reference: | Nil |
| Statutory/Policy Implications: | Planning and Development Act 2005 Shire of Waroona Town Planning Scheme 7 1996 Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation |
| Strategic Implications: | Shire of Waroona Community Strategic Plan 2012 |
| Financial Implications: | Nil |
| Asset Mgt. & LCC Implications: | N/A |
| Workforce Implications: | HR requirements provided by current staff. |
| Voting Requirements | Simple Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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 has been received for the construction of an additional house (Farm manager's residence) on Lot 38 Coronation Road, Waroona. Location, site and elevation plans are at **APPENDIX 9.3.3A and 9.3.3B**.

The proposed 221.06m² house, with a maximum roof height of 5.1m, will be constructed from face brick with a Metaldeck roof. A colour scheme has not been supplied.

The house is proposed to be set back 955m from the Northern Boundary 25m from the Southern boundary 360m from the Eastern Boundary and 60m from the Western property boundary. The house is proposed to be set back 1,023m from Coronation Road and 1,202m from the nearest house.

BACKGROUND

Lot 38, with an area of 63.58 Ha, is one of 19 separate land parcels that combine to form one of the proponent's three (3) farms on Coronation Road. The 19 lots total an area of 867.79 Ha. The subject lots are currently used for horticulture and grazing cattle and sheep.

Further to this, also on Coronation Road, the proponents operate two further farms measuring 1264.12 Ha and 459.38 Ha respectively.



Oakland farm, containing lot 38, is the headquarters for a family owned farming company which runs the three (3) farms totalling 2591.29 Ha in area. Oakland Farm is the centre of operations for the agricultural enterprises of the three farms.

Existing on lot 38 are three (3) houses and outbuildings associated with the rural use of the land.

The occupants of one of the houses wish to relocate to a smaller house as the condition of their existing one has deteriorated. The new house is intended to serve as a central component of the operation of the three farms.

STATUTORY IMPLICATIONS

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

The subject lot is zoned Rural 2 – Irrigated Agriculture 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.

A Single House is a P (permitted) use and a Farm Manager's Residence (additional dwelling) is not listed in the Zoning Table.

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

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

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

Clause 4.14.2 of the TPS states that except with the Planning Consent of Council, not more than one single house may be erected on a lot used for rural activity.

- (a) In considering granting its consent, Council will give due regard to whether the additional dwelling is necessary or desirable to support the primary rural activity.



- (c) Approval to develop an additional dwelling or dwellings shall not be grounds for obtaining separate titles of ownership of the two dwellings and any future subdivision application will be treated on its own merits by Council and the Commission.

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

STRATEGIC IMPLICATIONS

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

3. Manage Future Growth.
4. Protect Rural Land Use.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS)

The subject lot is located within the Agricultural Precinct of the LPS. Lot 38 is designated Priority Agriculture within the LPS. It is the objective of the Priority Agriculture classification to protect from lifestyle subdivision and other non-compatible development an area which has, or is capable of having, irrigation infrastructure to allow for a range of diverse agricultural uses.

Farm Workers Accommodation is a Discretionary use in the Priority Agriculture classification.

The LPS requires a setback of 20m from any road frontage and 10m from any other boundary in the Priority Agriculture area.

Local Planning Policy 1 – Community Consultation (LPP1)

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.

LPP1 requires that for uses designated as 'P' or 'AA' with a no impact and no non-compliance, no consultation is required.

LPP1 states that for a use not listed with a local impact the proposal must be advertised for a period of 21 days.

LPP1 does not offer guidance on a use not listed with no impact or no non-compliance.

LPP1 defines 'Local Impact' as where a development proposal is considered to have the potential to cause an adverse impact on only the immediate neighbouring land.

COMMUNITY CONSULTATION

As the lot 38 is completely surrounded by lots in the ownership of the proponent and the closest house is approximately 1,202m away, it was determined that, in accordance with LPP1, community consultation was not required.

INTERNAL REFERRAL

Upon referral to the Shire's Building Department, the Shire's Building Surveyor stated that a Building Permit is required. He also noted that the house must comply with the National Construction Code 2012 and that it must include a '6 star' energy efficiency.

Upon referral to the Shire's Environmental Health Department, the Shire's Environmental Health Officer stated that the house must be connected to an approved waste water disposal system.

OFFICER'S COMMENTS

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.

In essence Council's objective for all rural zones 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 'Farm Manager's Residence', which will assist in the preservation of agricultural activity and add to the local economy, can be considered to be consistent with these objectives.

Further to this the Farm Manager's Residence' can be considered as an additional dwelling in terms of Clause 4.14.2 in the TPS. The dwelling is proposed to be used for the accommodation of a farm manager on site and is therefore deemed to be in accordance with Clause 4.14.2.

Materials

The colours and materials of the proposed development are important considerations. The proposed brick walls and Metaldeck roof are deemed acceptable. As a colour scheme has not been specified a condition has been added ensuring the colours and materials used are in keeping with the amenity of the area generally.

Stormwater

Stormwater disposal is also a relevant consideration. A condition has been added to ensure all water runoff from the proposed house is disposed of on site or connected to a Council stormwater legal point of discharge in accordance with Statement of Planning Policy 2.1.



Conclusion

In accordance with Clause 4.2.5 (a) and taking into consideration the objectives of the Scheme for the 'Rural 2 Irrigated Agriculture' zone, it can be determined that the use is consistent with the objectives of zone.

The proposed additional house is provided for in terms of Clause 4.14.2 in the TPS. The use has been identified as suitable for the Priority Agriculture precinct by the LPS. It is considered that the proposal will not detrimentally impact on the amenity of the area and it is therefore recommended that Council approves the application subject to appropriate conditions.

COUNCIL RESOLUTION**OCM13/2/006****MOVED: Cr Mason****SECONDED: Cr Germain**

That, in relation to the proposed Farm Manager's Residence (additional dwelling) at Lot 38 Coronation Road, Waroona, 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 2 – Irrigated Agriculture' zone; and**
- 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 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. The additional dwelling shall be used for purposes ancillary to the rural activity on the lot.**
 - 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. Building materials are to be of a standard and colour scheme complementing and blending in with the amenity of the area. (See Advice Note d).**
 - 5. 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. Clause 4.14.2 (c) of the Shire of Waroona Town planning Scheme No.7 1996 states that approval to develop an additional dwelling or dwellings shall not be grounds for obtaining separate titles of ownership of the two dwellings and any future subdivision application will be treated on its own merits by Council and the Western Australian Planning Commission.**

- 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 house is to comply with the National Construction Code 2012.
- c.** The applicant is advised to liaise with the Shire of Waroona in relation to the lodgement of an *Application to construct or install an apparatus for the treatment of sewage in terms of the Health (Treatment of sewage and disposal of effluent and liquid waste) Regulations 1974*.
- d.** In relation to Condition 4, no highly reflective or white material is to be used. Colour schemes are to be of muted tones that will complement existing buildings on the lot and blend in with the natural environment.

CARRIED 7/0

| 9.3.4 LOT 11 BRISTOL ROAD, WAROONA – PROPOSED EXTENSION OF EXTRACTIVE INDUSTRY | |
|---|---|
| Reporting Officer / Officer's Interest: | Chris Dunlop – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Planning Services / Nil |
| Proponent: | Charles Hull Contracting Pty Ltd |
| Landowner: | V.R. Nominees |
| Date of Report: 7 February 2013 | File No.: TP1526 |
| Previous Reference: | TP1085 EI31 |
| Statutory/Policy Implications: | Planning and Development Act 2005 Local Government Act 1995 Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997 Shire of Waroona Town Planning Scheme 7 1996 Shire of Waroona Extractive Industries Local Law 1999 Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation Local Planning Policy 15 – Extractive Industry |
| Strategic Implications: | Shire of Waroona Community Strategic Plan 2012 |
| Financial Implications: | Nil |
| Asset Mgt. & LCC Implications: | N/A |
| Workforce Implications: | HR requirements provided by current staff. |
| Voting Requirements | Simple Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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

An application for the Planning Consent of Council has been received for the extension of the existing Extractive Industry on Lot 11 Bristol Road, Waroona. The proponent has also applied for an Extractive Industry Licence under the Shire's Extractive Industries Local Law 1999.

The applicant proposes to extract sand from the subject site in the continuation of the existing operation on the site. The area previously approved (7.975Ha) is proposed to be extended to include an additional area measuring 250m x 155m (3.875Ha) to the south. The site is located approximately 1.4km north of Bristol Road and abuts the Harvey River Reserve along the northern boundary. The closest residence to the proposed expansion area is located 1.4km to the south on Lot 15 Bristol Road.



The Extractive Industry is proposed to operate six (6) days per week 6am to 5pm subject to the demand for sand. It is expected that approximately 17,000m³ will be extracted from the site annually. The types of trucks used for cartage consist of semi tippers and eight wheel tippers. Access to the mine site from Bristol Road will be through the owner's property. Location and site plans are at **APPENDIX 9.3.4A**. The submitted details of the operation of the Extractive Industry are at **APPENDIX 9.3.4A**

BACKGROUND

Since the approval of TP1085 in January 2008 the Extractive Industry has operated on Lot 11. No complaints or ongoing issues relating to the Extractive Industry have been noted on Council records.

Previous Applications

TP1085 – Application for Extractive Industry approved 8 January 2008 for a period of 5 years (OCM08/008).

STATUTORY IMPLICATIONS

Environmental Protection (Noise) Regulations 1997 (Noise Regulations)

Part 2 of the Noise Regulations prescribe allowable noise emissions. Regulation 5 of the Regulations relates to unreasonable noise and requires that where complaints are received, noise may be considered to be unreasonable.

The provisions of Regulation 8 (Table 1) in relation to maximum noise levels relevant to operations in excess of 15m to noise sensitive buildings apply to the site at all hours of the day.

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

Lot 11 is zoned Rural 1 – General Farming under the TPS.

Extractive Industry is an AA (discretionary) use in the General Farming zone.

Clause 4.14.1 of the TPS states that the objectives of Rural zones are 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 policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;



- maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.4.

Clause 8.2 of the TPS sets out the requirements for the public consultation process for the varying categories of use classification.

Shire of Waroona Extractive Industry Local Law 1999 (Local Law)

All Extractive Industries in the Shire of Waroona are subject to the Local Law and require a licence to be granted under the Local Law.

The purpose of the Local Law is to;

- a) prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;
- b) regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and
- c) provide for the restoration and reinstatement of any excavation site.

Clause 10 (3) (a) of the Local Law states that where the local government approves an application for a licence it must determine the licence period, not exceeding 21 years from the date of issue.

Clause 10 (5) of the Local Law specifies that the local government may apply conditions of approval to an Extractive Industry licence relating to various matters as required.

STRATEGIC IMPLICATIONS

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

5. Protect Rural Land Use.
4. Conserve Sensitive Environmental Assets

STRATEGIC PLANNING IMPLICATIONS

Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 (Guidance Statement)

Appendix 1 of the Guidance Statement provides generic separation distances for industrial land uses where site specific studies have not been carried out.

Appendix 1 of the Guidance Statement states that sand extraction operations should maintain a minimum separation distance from sensitive land uses (dwellings) of 300m - 500m depending on their size.



Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 (PRS Policy)

Lot 11 is not included in the mapped policy application area of the PRS Policy.

Local Planning Strategy (LPS)

The subject lot is located within the Agricultural Precinct of the LPS. Lot 11 is designated General Agriculture within the LPS. It is the objective of the General Agriculture classification to provide for the continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

Industry – Extractive is a discretionary use in the General Agriculture classification.

The LPS requires a setback of 20m from any road frontage and 10m from any other boundary in the General Agriculture area.

Local Planning Policy 1 – Community Consultation (LPP1)

LPP1 requires that Extractive Industries be advertised to affected landowners, in a locally circulating newspaper and with a notification on site for a period of 21 days.

Local Planning Policy 15 – Extractive Industry (LPP15)

Policy statement 4 of LPP15 states that Planning Consent for extractive industries shall be issued for a maximum period of 5 years.

Policy Statement 5 of LPP15 states that where Planning Consent is issued for a period exceeding 2 years a condition shall be applied requiring a progress report to be submitted mid-way through the licence.

Policy statement 6 of LPP15 states that where the traffic generated by an extractive industry will result in a significant impact on the local road system the applicant shall be required to make a proportionate contribution toward the upgrading and/or maintenance of the local road system.

COMMUNITY CONSULTATION

In accordance with Clause 8.2.2 of the TPS and LPP1 the application has been advertised via direct notification to the surrounding lot owners, in a local newspaper and a sign on site for a period of 21 days. No submissions were received during the advertising period.

INTERNAL REFERRAL

Comments from the Shire's Director of Technical Services stated that operations are tracking loose material onto Bristol Road and the crossover should be required to be sealed to the property boundary.

Comments from the Shire's Environmental Health Officer stated that there are no concerns with the proposal.

EXTERNAL REFERRAL

Advice has been received from the Department of Environment and Conservation (DEC) and the Office of the Environmental Protection Authority (**APPENDIX 9.3.4B**) stating that the application has been assessed and is considered to be acceptable pending the Shire's Planning Consent and Extractive Industry Licence.

Advice Received from the Department of Water (DoW) stated that any groundwater abstraction, including dewatering, is subject to licencing by DoW. The advice also stated that any onsite effluent disposal is subject to State Planning Policy 2.1.

DoW advised that all stormwater should be contained on site and that the development plan should include details relating to the management of any chemical spills.

The application was also referred to the Department of Mines and Petroleum with no response received.

OFFICER'S COMMENTS

Land Use and Zone Objectives

As stated in Clause 4.14.1 of the TPS the objective of the Rural zones are 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. Extractive Industry has been identified as an AA use in the General Agriculture zone and can therefore be considered to be consistent with the objectives of the zone.

Impact on Adjoining Owners

The subject site is located in a relatively isolated location and is separated from the nearest 'sensitive land use' as defined by the Guidance Statement by a distance of 1.4km. Given this, and supported by the fact that no complaints have been recorded relating to the Extractive Industry during its 5 years of operation, it is considered that the sand extraction does not detrimentally affect the surrounding lots in terms of noise or dust pollution.

Hours of Operation

The hours of operation approved under the previous approval (TP1085) were 6:30am to 5pm. The current application proposes hours of operation of 6:00am to 5pm.

The operations of the extractive industry will have to comply with the provisions of the Noise Regulation in relation to maximum noise levels at all hours of the day. The conditioning of hours of operations is therefore unnecessary.

Environmental Impact

The proposal is subject to separate approval from the DEC in relation to the clearing of native vegetation. Advice received from the DEC stated that the proposal is considered to be acceptable subject to a clearing permit being issued by that office.

DoW has advised that the proposal can be considered appropriate, subject to compliance with pertinent legislation and advice from DoW. Conditions and advice notes relating to the advice received from DoW have been included in the Officer Recommendation.

Given that the impact of the proposal in relation to native vegetation and groundwater has been assessed and deemed acceptable by the DEC and Department of Water respectively, the application is not considered to create an unacceptable impact on the environment.

Vehicle Access

The extraction area on Lot 11 is accessed via a private road constructed across Lot 11. The access road provides access to the site from Bristol Road. The Shire's Director Technical Services has raised concerns that the traffic from the site is causing loose material to be tracked onto Bristol Road. A condition of approval has been recommended requiring the vehicle crossover to be sealed between the constructed edge of Bristol Road and the boundary of Lot 11. This will alleviate the issue of material spilling onto the road surface.

Progress Report and Ongoing Management

Under the Local Law the applicant will be required to submit a progress report midway through the licence period. In addition to this the applicant must pay an annual fee. As part of the annual fee process the Shire will undertake an annual inspection of the operation to ensure conditions of approval are complied with and no adverse impact is being created.

Conclusion

The continuation and expansion of sand extraction operations is required within the Shire to provide resources for the building and construction industry. Lot 11 has operated as an Extractive Industry for the last 5 years with no complaints or ongoing issues being recorded. Given the ongoing demand for raw materials and the acceptability of the environmental and amenity impacts of the proposal it is recommended that the proposed Extractive Industry be approved subject to appropriate conditions.

COUNCIL RESOLUTION**OCM13/2/007****MOVED: Cr Germain****SECONDED: Cr Salerian**

That in relation to the application for the extension of the Extractive Industry at Lot 11 Bristol Road, Waroona Council resolves to:

- 1. Approve the application for planning consent for an Extractive Industry subject to the following conditions:**
 - a) The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - b) A Rehabilitation Plan being submitted to the satisfaction of the Director Planning Services.**
 - c) Clearing and Rehabilitation is to occur in accordance with an approved Rehabilitation Management Plan.**
 - d) Materials imported for rehabilitation or other purposes shall be certified free of dieback and other plant diseases.**
 - e) No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of the Director Planning Services detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
 - f) All stormwater is to be contained on site to the satisfaction of the Director Technical Services.**
 - g) The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
 - h) Other than repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.**
 - i) Fuel storage tanks shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils or groundwater occurs.**

- j) Signs to be placed on Bristol Road indicating the ingress and egress of trucks to the site to the specification and satisfaction of the Director of Technical Services.**
- k) The crossover to Bristol Road is to be sealed to the satisfaction of the Director Technical Services. As a minimum the crossover shall be sealed between the constructed edge of Bristol Road and the property boundary.**
- l) 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.**
- m) The Planning Consent shall expire after a period of five (5) years from the date of this approval.**

ADVICE TO APPLICANT:

- a) The applicant is advised that the extractive industry operations are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
 - b) Groundwater abstraction, including pit dewatering, is subject to licencing from the Department of Water.**
 - c) Clearing of native vegetation is subject to the issuance of a Clearing Permit from the Department of Environment and Conservation.**
 - d) Should the applicant wish to renew the Planning Consent, an application is to be lodged with the Shire well in advance of the expiry of the five (5) year period.**
- 2. Issue an Extractive Industry Licence subject to the following conditions:**
- a) The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - b) A Rehabilitation Plan being submitted to the satisfaction of the Director Planning Services.**
 - c) Clearing and Rehabilitation is to occur in accordance with an approved Rehabilitation Management Plan.**

- d) Materials imported for rehabilitation or other purposes shall be certified free of dieback and other plant diseases.**
- e) All stormwater is to be contained on site to the satisfaction of the Director Technical Services.**
- f) The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
- g) Other than repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.**
- h) Fuel storage tanks shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils or groundwater occurs.**
- i) Signs to be placed on Bristol Road indicating the ingress and egress of trucks to the site to the specification and satisfaction of the Director of Technical Services.**
- j) No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of Council detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
- k) The crossover to Bristol Road is to be sealed to the satisfaction of the Director Technical Services. As a minimum the crossover shall be sealed between the constructed edge of Bristol Road and the property boundary.**
- l) The Extractive Industry Licence shall expire after a period of five (5) years from the date of this approval.**

ADVICE TO APPLICANT:

- a) The applicant is advised that the extractive industry operations are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- b) Groundwater abstraction, including pit dewatering, is subject to licencing from the Department of Water.**
- c) Clearing of native vegetation is subject to the issuance of a Clearing Permit from the Department of Environment and Conservation.**

e) Operations are to be carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.

f) The applicant is advised that the Licence is subject to the payment of an annual Licence Renewal Fee as required in the Shire of Waroona Extractive Industries Local Law 1999 and prescribed in the Shire's adopted Fees and Charges. The licence shall lapse where the licensee fails to pay the annual licence fee.

g) The transfer of a licence is subject to the approval of the Shire.

h) Should the licensee wish to renew the licence, an application should be made to the Shire at least 42 days before the date of expiry of the licence.

i) Where a licensee intends to cease carrying on an extractive industry temporarily for a period in excess of 12 months or permanently, the licensee must, as well as complying with clause 21 of the Local Laws, give the Shire written notice of the cessation not later than 1 week after those operations have ceased.

j) Prior to the cessation of operations, all restoration works required in terms of clause 21 of the Shire of Waroona Extractive Industries Local Law 1999 shall be carried out.

CARRIED 7/0

| | |
|---|---|
| 9.3.5 LOT 2 JOHNSTON ROAD, WAROONA – PROPOSED EXTENSION OF EXTRACTIVE INDUSTRY | |
| Reporting Officer / Officer's Interest: | Chris Dunlop – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Planning Services / Nil |
| Proponent: | Rocla Quarry Products |
| Landowner: | Terana Holdings Pty Ltd |
| Date of Report: 11 February 2013 | File No.: TP1532 |
| Previous Reference: | TP910 EI30 |
| Statutory/Policy Implications: | Planning and Development Act 2005 Local Government Act 1995 Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997 Shire of Waroona Town Planning Scheme 7 1996 Shire of Waroona Extractive Industries Local Law 1999 Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation Local Planning Policy 15 – Extractive Industry |
| Strategic Implications: | Shire of Waroona Community Strategic Plan 2012 |
| Financial Implications: | Nil |
| Asset Mgt. & LCC Implications: | N/A |
| Workforce Implications: | HR requirements provided by current staff. |
| Voting Requirements | Simple Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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

An application for the Planning Consent of Council has been received for the renewal of the existing Extractive Industry on Lot 2 Johnston Road, Waroona. The proponent has also applied for a renewed Extractive Industry Licence under the Shire's Extractive Industries Local Law 1999.

The applicant proposes to extract sand from the subject site in the continuation of the existing operation on the site. The area previously approved (9.8Ha) is to continue to be mined without change. The site is located approximately 1km north of Johnston Road and abuts the state forest along the western boundary. The closest residence to the proposed expansion area is located 2.5km to the east on Lot 15 Bristol Road.



The Extractive Industry is proposed to operate six (6) days per week 6am to 5pm subject to the demand for sand. Access to the mine site from Johnston Road will be through the owner's property. Location and site plans are at **APPENDIX 9.3.5A**.

BACKGROUND

Since the approval of TP910 in March 2006 the Extractive Industry has operated on Lot 2. No complaints or ongoing issues relating to the Extractive Industry have been noted on Council records.

Previous Applications

TP910 – Application for Extractive Industry approved 28 March 2006 for a period of 5 years (OCM06/066).

STATUTORY IMPLICATIONS

Environmental Protection (Noise) Regulations 1997 (Noise Regulations)

Clause 5 of the Noise Regulations relates to unreasonable noise and requires that where complaints are received, noise may be considered to be unreasonable.

The provisions of Regulation 8 (Table 1) in relation to maximum noise levels relevant to operations in excess of 15m to noise sensitive buildings apply to the site at all hours of the day.

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

Lot 11 is zoned Rural 1 – General Farming under the TPS.

Extractive Industry is an AA (discretionary) use in the General Farming zone.

Clause 4.14.1 of the TPS states that the objectives of Rural zones are 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 policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;
- maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.4.

Clause 8.2 of the TPS sets out the requirements for the public consultation process for the varying categories of use classification.



Shire of Waroona Extractive Industry Local Law 1999 (Local Law)

All Extractive Industries in the Shire of Waroona are subject to the Local Law and require a licence to be granted under the Local Law.

The purpose of the Local Law is to;

- d) prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;
- e) regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and
- f) provide for the restoration and reinstatement of any excavation site.

Clause 10 (3) (a) of the Local Law states that where the local government approves an application for a licence it must determine the licence period, not exceeding 21 years from the date of issue.

Clause 10 (5) of the Local Law specifies that the local government may apply conditions of approval to an Extractive Industry licence relating to various matters as required.

STRATEGIC IMPLICATIONS

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

- 6. Protect Rural Land Use.
- 4. Conserve Sensitive Environmental Assets

STRATEGIC PLANNING IMPLICATIONS

Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 (Guidance Statement)

Appendix 1 of the Guidance Statement provides generic separation distances for industrial land uses where site specific studies have not been carried out.

Appendix 1 of the Guidance Statement states that sand extraction operations should maintain a minimum separation distance from sensitive land uses (dwellings) of 300m - 500m depending on their size.

Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 (PRS Policy)

Lot 2 is not included in the mapped policy application area of the PRS Policy.



Local Planning Strategy (LPS)

The subject lot is located within the Agricultural Precinct of the LPS. Lot 2 is designated General Agriculture within the LPS. It is the objective of the General Agriculture classification to provide for the continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

Industry – Extractive is a discretionary use in the General Agriculture classification.

The LPS requires a setback of 20m from any road frontage and 10m from any other boundary in the General Agriculture area.

Local Planning Policy 1 – Community Consultation (LPP1)

LPP1 requires that Extractive Industries be advertised to affected landowners, in a locally circulating newspaper and with a notification on site for a period of 21 days.

Local Planning Policy 15 – Extractive Industry (LPP15)

Policy statement 4 of LPP15 states that Planning Consent for extractive industries shall be issued for a maximum period of 5 years.

Policy Statement 5 of LPP15 states that where Planning Consent is issued for a period exceeding 2 years a condition shall be applied requiring a progress report to be submitted mid-way through the licence.

Policy statement 6 of LPP15 states that where the traffic generated by an extractive industry will result in a significant impact on the local road system the applicant shall be required to make a proportionate contribution toward the upgrading and/or maintenance of the local road system.

COMMUNITY CONSULTATION

In accordance with Clause 8.2.2 of the TPS and LPP1 the application has been advertised via direct notification to the surrounding lot owners, in a local newspaper and a sign on site for a period of 21 days. No submissions were received during the advertising period.

INTERNAL REFERRAL

Comments from the Shire's Director of Technical Services stated that operations are tracking loose material onto Johnston Road and the crossover should be required to be sealed to the property boundary.

Comments from the Shire's Environmental Health Officer stated that there are no concerns with the proposal.

EXTERNAL REFERRAL

LPP15 only requires referral to external agencies where the application relates to new or expanded Extractive Industries. As such this application has not been referred to government agencies for comment.

OFFICER'S COMMENTS

Land Use and Zone Objectives

As stated in Clause 4.14.1 of the TPS the objective of the Rural zones are 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. Extractive Industry has been identified as an AA use in the General Agriculture zone and can therefore be considered to be consistent with the objectives of the zone.

Impact on Adjoining Owners

The subject site is located in a relatively isolated location and is separated from the nearest 'sensitive land use' as defined by the Guidance Statement by a distance of 2.5km. Given this, and supported by the fact that no complaints have been recorded relating to the Extractive Industry during its 5 years of operation, it is considered that the sand extraction does not detrimentally affect the surrounding lots in terms of noise or dust pollution.

Environmental Impact

A clearing permit of has previously been issued by the Department of Environment and Conservation. The full extent of the proposed extraction area has been cleared in accordance with that permit.

Given that the proposed renewal of the existing licence does not propose any further clearing the environmental impact of the continuation of the operation is considered to be minimal.

Vehicle Access

The extraction area on Lot 2 is accessed via a private road constructed across Lot 2. The access road provides access to the site from Johnston Road. The Shire's Director Technical Services has raised concerns that the traffic from the site is causing loose material to be tracked onto Johnston Road. A condition of approval has been recommended requiring the vehicle crossover to be sealed between the constructed edge of Johnston Road and the boundary of Lot 2. This will alleviate the issue of material spilling onto the road surface.

Progress Report and Ongoing Management

Under the Local Law the applicant will be required to submit a progress report midway through the licence period. In addition to this the applicant must pay an annual fee. As part of the annual fee process the Shire will undertake an annual inspection of the operation to ensure conditions of approval are complied with and no adverse impact is being created.

Conclusion

The continuation of sand extraction operations is required within the Shire to provide resources for the building and construction industry. Lot 2 has operated as an Extractive Industry for the last 5 years with no complaints or ongoing issues being recorded. Given the ongoing demand for raw materials and the acceptability of the

environmental and amenity impacts of the proposal it is recommended that the proposed Extractive Industry be approved subject to appropriate conditions.

COUNCIL RESOLUTION

OCM13/2/008

MOVED: Cr Wright

SECONDED: Cr Look

That in relation to the application for Planning Consent for the extension of the Extractive Industry at Lot 2 Johnston Road, Council resolves to:

- 1. Approve the application for planning consent for an Extractive Industry subject to the following conditions:**
 - a) The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - b) A Rehabilitation Plan being submitted to the satisfaction of the Director Planning Services.**
 - c) Clearing and Rehabilitation is to occur in accordance with an approved Rehabilitation Management Plan.**
 - d) Materials imported for rehabilitation or other purposes shall be certified free of dieback and other plant diseases.**
 - e) No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of the Director Planning Services detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
 - f) All stormwater is to be contained on site to the satisfaction of the Director Technical Services.**
 - g) The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
 - h) Other than repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.**
 - i) Fuel storage tanks shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils or groundwater occurs.**

- j) Signs to be placed on Johnston Road indicating the ingress and egress of trucks to the site to the specification and satisfaction of the Director of Technical Services.**
- k) The crossover to Johnston Road is to be sealed to the satisfaction of the Director Technical Services. As a minimum the crossover shall be sealed between the constructed edge of Johnston Road and the property boundary.**
- l) 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.**
- m) The Planning Consent shall expire after a period of five (5) years from the date of this approval.**

ADVICE TO APPLICANT:

- a) The applicant is advised that the extractive industry operations are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
 - b) Groundwater abstraction, including pit dewatering, is subject to licencing from the Department of Water.**
 - c) Clearing of native vegetation is subject to the issuance of a Clearing Permit from the Department of Environment and Conservation.**
 - d) Should the applicant wish to renew the Planning Consent, an application is to be lodged with the Shire well in advance of the expiry of the five (5) year period.**
- 2. Issue an Extractive Industry Licence subject to the following conditions:**
- a) The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - b) A Rehabilitation Plan being submitted to the satisfaction of the Director Planning Services.**
 - c) Clearing and Rehabilitation is to occur in accordance with an approved Rehabilitation Management Plan.**

- d) Materials imported for rehabilitation or other purposes shall be certified free of dieback and other plant diseases.**
- e) All stormwater is to be contained on site to the satisfaction of the Director Technical Services.**
- f) The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
- g) Other than repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.**
- h) Fuel storage tanks shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils or groundwater occurs.**
- i) Signs to be placed on Johnston Road indicating the ingress and egress of trucks to the site to the specification and satisfaction of the Director of Technical Services.**
- j) No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of Council detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
- k) The crossover to Johnston Road is to be sealed to the satisfaction of the Director Technical Services. As a minimum the crossover shall be sealed between the constructed edge of Johnston Road and the property boundary.**
- l) The Extractive Industry Licence shall expire after a period of five (5) years from the date of this approval.**

ADVICE TO APPLICANT:

- a) The applicant is advised that the extractive industry operations are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- b) Groundwater abstraction, including pit dewatering, is subject to licencing from the Department of Water.**
- c) Clearing of native vegetation is subject to the issuance of a Clearing Permit from the Department of Environment and Conservation.**

- e) **Operations are to be carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.**
- f) **The applicant is advised that the Licence is subject to the payment of an annual Licence Renewal Fee as required in the Shire of Waroona Extractive Industries Local Law 1999 and prescribed in the Shire's adopted Fees and Charges. The licence shall lapse where the licensee fails to pay the annual licence fee.**
- g) **The transfer of a licence is subject to the approval of the Shire.**
- h) **Should the licensee wish to renew the licence, an application should be made to the Shire at least 42 days before the date of expiry of the licence.**
- i) **Where a licensee intends to cease carrying on an extractive industry temporarily for a period in excess of 12 months or permanently, the licensee must, as well as complying with clause 21 of the Local Laws, give the Shire written notice of the cessation not later than 1 week after those operations have ceased.**
- j) **Prior to the cessation of operations, all restoration works required in terms of clause 21 of the Shire of Waroona Extractive Industries Local Law 1999 shall be carried out.**

CARRIED 7/0

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

| 9.4.1 ACCOUNTS FOR PAYMENT | |
|---|--|
| Reporting Officer / Officer's Interest: | Joe Dineley – Senior Finance Officer / Nil |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner: | N/A |
| Date of Report: 11/02/2013 | 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> | | |
|--|---|------------------------------|
| OCM13/2/009 | | |
| MOVED: Cr Witney | | |
| SECONDED: Cr Look | | |
| That Vouchers numbered: | | |
| <u>ACCOUNT</u> | <u>CHEQUE NOS.</u> | <u>TOTAL \$</u> |
| Municipal | Cheques 7132 – 7195 | \$30,235.44 |
| Trust (Cheque/EFTs) | Cheq 11007 - 11010 EFT 15554, 15558, 15559, 15656 & 156671 | \$62,879.37 |
| Electronic Transfers Municipal Fund | EFT 15560 - 15826 | \$907,533.49 |
| Direct Wages | 01/12/2012 – 31/01/2013 inclusive | \$337,308.40 |
| GRAND TOTAL: | | <u>\$1,337,956.70</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 31 DECEMBER 2012 & MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2012 TO 31 JANUARY 2013 | |
|---|--|
| Reporting Officer / Officer's Interest: | Laurie Tilbrook - Deputy CEO/Director Corporate Services / Nil |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner: | N/A |
| Date of Report: 11/02/2013 | 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****OCM13/2/010****MOVED: Cr Mason****SECONDED: Cr Salerian**

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

CARRIED 7/0

| 9.4.3 RATES DEBT COLLECTION – SALE OF LAND 3YRS UNPAID | |
|---|---|
| Reporting Officer / Officer's Interest: | Kirsty Ferraro, Senior Rates Officer / Nil |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner (Names Withheld): | A4 – No 286 Lot 10 Newnham Road, Lake Clifton (C/T 2051/747) A602 – No 6 Lot 135 Allowrie St, Hamel (C/T 1998/998) A603 – No 8 Lot 136 Allowrie St, Hamel (C/T 1914/245) A2322 – No 3 Lot 140 Knight Place, Waroona (C/T 1883/252) |
| Date of Report: 07.01.2013 | File No.: A4 – A602 – A603 – A2322 |
| Previous Reference: | |
| Statutory/Policy Implications: | Section 6.64 – Local Government Act 1995 |
| Strategic Implications: | See heading below |
| Financial Implications: | See heading below |
| Asset Mgt. & LCC Implications: | The annual operating cost will be <i>N/A</i> |
| Workforce Implications: | HR requirements will be provided by <i>N/A</i> |
| Voting Requirements | Simple Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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 |

PROPOSAL

Council is requested to consider the sale by public auction of:

- A4 – No 286 Lot 10 Newnham Road, Lake Clifton (C/T 2051/747)
- A602 – No 6 Lot 135 Allowrie St, Hamel (C/T 1998/998)
- A603 – No 8 Lot 136 Allowrie St, Hamel (C/T 1914/245)
- A2322 – No 3 Lot 140 Knight Place, Waroona (C/T 1883/252)

As a result of unpaid rates for 3 or more years under Section 6.64 of the *Local Government Act 1995*.

BACKGROUND

The properties detailed above have outstanding rates including collection costs for 3 or more years as detailed below (as at 07.01.2013):

- A4 – \$12,875.33
- A602 – \$8,272.23
- A603 – \$4,906.88
- A2322 – \$5,781.70

All properties have been subject to intense debt collection procedures including final notices, final warning letters, referral to debt collector, issue of claim and issue of property seizure and sale order on goods.



FINANCIAL IMPLICATIONS

There will be positive financial implications for Council as all outstanding rates and service charges will be able to be recovered from the proceeds of the sales together with any additional costs associated with further legal action plus the costs of sale of the property or incidental to the sale of the property.

The current combined outstanding debt is \$31,836.14.

Recovery Procedure

- Step 1- Notify owners and interested parties in writing of Council's intention to sell the land in order to recover rates under Section 6.64 of the Local Government Act. Allow 10 days for a response.
- Step 2 - Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner's address shown on the Certificate of Title. The owner is given 3 months in which to pay and avoid his land being sold. *Section 6.68 (3) Schedule 6.3.1 (1)(a)*
- Step 3 - Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property.
Schedule 6.3.1 (1) (b)
- Step 4 - A copy of the Notice Requiring Payment (Form 4) be displayed on Council's official noticeboard for a minimum of 35 days ensuring that the notice be duly stamped with the date first displayed and the date removed – showing signature of authorised person plus witness.
(Schedule 6.3.1 (1)(c)
- Step 5 - Serve a copy of Form 2 to the owners (*Section 6.64 (2) Reg 72*) and also attached a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.
Section 6.64 (2) Reg 73
- Step 6 - Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice Requiring Payment (Form 4) for the public auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse.
Schedule 6.3.7
- Step 7 - Issue a statewide public notice (*usually issued in the West Australian – Form 5*).
- Step 8 - Register at Landgate a Memorial of the Statewide public notice.
Schedule 6.3.2 (3)
- Step 9 - Organise the auction (*note schedule 6.3.3*).
- Step 10 - Attend the auction.
- Step 11 - If sold at auction, arrangement settlement (*schedule 6.3.4 & 6.3.5*).



Should payment be received in full (including legal charges) during this time, proceedings will cease.

STATUTORY IMPLICATIONS

Section 6.64 of the Local Government Act 1995 provides that, if any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and proceed to sell the land. Section 6.68 (1) of the Local Government Act 1995 prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under 6.56 of the Local Government Act 1995.

In order to take possession of the property and proceed with its sale, Council must cause notice requiring the payment of rates under Schedule 6.3 of the Local Government Act 1995. Such notice is also to be served on any party with an interest in the land. This includes the mortgagee and is to be posted on the Shires official notice board for a period of not less than 35 days. If at the expiration of three months from the date of issue of this notice the rates remain unpaid, the Shire of Waroona may proceed with selling the land by public auction, with such auction to occur not more than 12 months from the date of the notice.

If the matter takes this course and the property is sold by public auction, under Clause 5 of the Schedule 6.3 of the Local Government Act 1995, the outstanding rates, any additional legal expenses and the cost of the sale or incidental to the sale of the property can be recovered by the Shire. Any residual amount from the sale of the properties is to be held by the Shire in the event of the owners or associated parties making a claim. If after 12 months the amount has not been claimed, the residual funds are to be paid to the Supreme Court under Section 99 of the Trustees Act.

STRATEGIC IMPLICATIONS

N/A

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

Officers Comments

The sale of any property to recover unpaid rates and service charges is not the preferred course of action normally pursued as other legal proceedings have generally proven to be successful. However, all other legal options have been exhausted and this remains the Council's only option to recover rates.

COUNCIL RESOLUTION

OCM13/2/011

MOVED: Cr Witney

SECONDED: Cr Wright

That the Council approve administrative action to recover unpaid rates and charges by the sale of the land in respect to properties:

A4 – No 286 Lot 10 Newnham Road, Lake Clifton – (C/T 2051/747) – Outstanding debt of \$12,875.33;

A602 – No 6 Lot 135 Allowrie St, Hamel – (C/T 1998/998) – Outstanding debt of \$8,272.23;

A603 – No 8 Lot 136 Allowrie St, Hamel – (C/T 1914/245) – Outstanding debt of \$4,906.88; and

A2322 – No 3 Lot 140 Knight Place, Waroona – Outstanding debt of \$5,781.70.

As a result of rates outstanding for three or more years under section 6.64 (1) (b) of the *Local Government Act 1995*.

CARRIED 7/0



| 9.4.4 BUDGET REVIEW FOR THE PERIOD 1ST JULY 2011 TO 31ST JANUARY 2013 | |
|--|--|
| Reporting Officer / Officer's Interest: | Laurie Tilbrook – Deputy CEO/ Director Corporate Services / Nil |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner: | N/A |
| Date of Report: 07.02.2013 | File No.: 1/7 |
| Previous Reference: | 2012/2013 Adopted Budget |
| Statutory/Policy Implications: | See below |
| Strategic Implications: | N/A |
| Financial Implications: | See below |
| Voting Requirements | Absolute Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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 |

Policy Implications

This report considers the Council Policy in relation to material variances which states that “The materiality factor for highlighting variances (budget to actual) shall be 10% with a minimum of \$20,000.

Proposal

Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year. The review is to be submitted to Council within 30 days for determination.

The review of an annual budget for a financial year must –

1. consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
2. consider the local government’s financial position as at the date of the review and
3. review the outcomes for the end of that financial year that are forecast in the budget.

Within 30 days after a council has made a determination, a copy of the review and council’s determination is to be submitted to the Department.

Included with the agenda at **APPENDIX 9.4.4A** is a detailed financial report (including predicted financial position as at 30th June 2013) pertaining to the 2012/13 budget. The report covers the 7 months period to 31st January 2013, by which this review is based.

1. Operating Income

General Purpose Funding



Interim rating income of \$18,140 has been received to period end.

Financial Assistance – due to an adjustment to the original estimates the Council is expected to receive a significant decrease in its 2012/13 Financial Assistance Grant (FAG's) as follows:

| | Original Budget | Adjusted Budget | Difference |
|----------------------------|------------------------|------------------------|-------------------|
| General Purpose Grant | \$440,748 | \$409,562 | -\$31,186 |
| General Purpose Road Grant | \$174,107 | \$156,984 | -\$17,123 |

As a result a budget amendment is proposed.

Housing

Internal transfer of rental subsidy for Doctors residence is yet to be made (\$13,520).

Community Amenities

Sewerage – Income from domestic effluent disposal is below budget at period end due to the availability of the new sewerage ponds and the lack of building activity.

Recreation & Culture

Income from Alcoa (\$100,000) being annual operating subsidy and grant funds (\$100,000) associated with gymnasium upgrade are yet to be received.

Recreation Centre income is less than forecast at period end. Expressed as a percentage of expenditure (as compared to budget estimates) the deficit ratio has also increased and will require analysis prior to year end to determine the impact on the forthcoming 13/14 budget.

Transport

A storm damage reimbursement of \$80,567 has been received which is in excess of budget estimates of \$20,000.

Economic Services

Building Licences – Building Licence income is likely to be well below budget estimates at year end. This is despite a reduction in the original budget estimate from previous years.

Year to date income as at 31 January 2013 is the lowest since 2003/04 and will require a reassessment for the subsequent financial year.

Sundry Debtor Control

No doubtful debts likely to impact the end of year position have been identified.

2. Operating Expenditure

Governance

Resource Sharing - Expenditure associated with Resource Sharing Initiatives (Shire of Murray) is reduced due to the withdrawal of joint Asset Management Services. Although currently being conducted in-house some ad-hoc assistance from the Shire of Murray may still be required.

Council Chambers maintenance – an outstanding payment dating back several years was made in relation to original survey work carried out prior to construction of Council Chambers.

Printing and Stationery - a budget amendment is required to correct an error contained in the adopted budget estimates.

Advertising – advertising costs are likely to be in excess of budget due to unforeseen resignations of senior staff which generally requires State and/or National Advertising.

Vehicle Operating expenses – a budget amendment is required to correct an error contained in the adopted budget estimates.

Law Order & Public Safety

Fire Control FESA – a reduction in funding provided pursuant to the ESL levy has impacted on the 2012/13 budget.

A review of the funding is to be carried out during the next submission period.

Education and Welfare

Community Development – Salaries are forecast to exceed budget due to termination payments associated with the resignation of a long serving employee (Maree Ellis).

Community Amenities

Sewerage – income estimates have been revised following completion of new sewerage ponds.

Environment – grant funds of \$9,240 (not included in original budget) have been received for dune stabilisation works.

Recreation & Culture

Other Culture – The Council’s contribution to the National Trust Hamel Nursery restoration project (\$5,000) is yet to be made. This amount when made, is to be offset by a transfer from the Reserve Account.

Transport

Operating Work’s accounts associated with Town and Rural street maintenance are expected to be within budget estimates at year end.

3. Capital

Land & Buildings

Library Air Conditioning – updated quotes to replace the library air conditioning system are well in excess of budget.

Staff are currently involved in the preparation of a funding submission pursuant to the “Community Energy Efficiency Program” which if successful may provide the funding shortfall.

It is possible that funds currently on hand will be held in a reserve account for use in the subsequent financial year.

Plant & Equipment

Expenditure on the Councils Plant Replacement Program is a timing issue and is not expected to exceed budget estimates at year end.

Over budget expenditure associated with replacement of the Polaris ATV has been previously approved by the Council (OCM12/9/104).

Furniture & Equipment

Expenditure on Furniture and Equipment assets is a timing issue in relation to budget process and is expected to be within budget at year end.

The Council has received notice of its success in receiving grant funding pursuant to the State Government “Community Crime Prevention Fund”.

This funding (\$23,825) will be used to upgrade and improve the existing town CCTV network.

As a result of this grant the following budget amendment will be required:

- approve Capital expenditure (a/c 0934) \$23,825
- approve Grant Income (a/c 0923) \$23,825

Infrastructure Assets – Roads

Expenditure on the 2012/13 Road Construction Program is expected to be completed on time and within budget estimates.



Street Lighting – As a result of an audit of Street Lights carried out by Western Power and recent increases in electricity tariffs it appears that this budget will be exceeded before year end.

Infrastructure Assets – Other

Coronation Road Bridge – The Council has received confirmation of a successful CLGF (Royalties for Regions grant) (\$557,000) to widen this bridge.

Commencement of the project and subsequent receipt of the funding will not occur in 2012/13 therefore this project is proposed for deferral to 2013/14.

The following table indicates the status of capital projects as at 31 January 2012:

| COA | PROJECT | ASSET TYPE | BUDGET | ACTUAL TO 31/1/13 | COMMENTS |
|------|--|------------------------|--------------------|-------------------|--|
| 0504 | Design construct & landscape Library carpark area. Pave courtyard - Council Chambers | Infrastructure - Other | 46,475 | 1,261 | Not commenced |
| 0544 | Install partitioning - Planning/Building area | Buildings | 8,330 | 0 | Not commenced |
| 0554 | 4x Office chairs - Corporate Services. Synergy soft Easy Budgeting software | Furniture & Equipment | 3,900 | 1,795 | Complete |
| 0574 | Changeover CEO, DCEO, MFS vehicles | Plant & Equipment | 104,500 | 106,383 | Complete |
| 0724 | Complete construction - Preston Beach Fire Shed | Infrastructure - Other | 55,900 | 3,277 | In progress |
| 0904 | Furniture for Rangers office. Replace rifle | Furniture & Equipment | 2,400 | 853 | Complete |
| 0914 | Changeover Ranger vehicle | Plant & Equipment | 31,000 | 53,754 | Complete |
| 2254 | Changeover DPS vehicle | Plant & Equipment | 32,000 | 31,760 | Complete |
| 2384 | New niche wall - Drakesbrook Cemetery | Infrastructure - Other | 105,000 | 1,336 | Incomplete |
| 2394 | Upgrade Preston Beach ablutions | Buildings | 70,000 | 0 | Not commenced |
| 2464 | Vertical display fridge | Furniture & Equipment | 5,000 | 0 | Not commenced |
| 3024 | Replace Library air conditioning | Buildings | 18,200 | 0 | Not commenced (possible deferment) |
| 3044 | Purchase DVD display & storage unit, disc repair unit, furniture | Furniture & Equipment | 5,275 | 2,908 | Incomplete |
| 3114 | Lake Preston trail | Infrastructure - Other | 84,500 | 7,780 | Incomplete |
| 3724 | Lighting & loading ramp - Town Oval | Infrastructure - Other | 298,814 | 117,889 | Loading ramp - complete Lighting - In progress |
| 3744 | New seating - Waroona Town Oval, Waroona & Preston Beach | Infrastructure - Other | 15,400 | 10,665 | Incomplete |
| 7104 | Gym extensions | Buildings | 25,000 | 4,600 | In progress |
| 7114 | Purchase spin bikes from lease, lane rope reel & high pressure hose | Furniture & Equipment | 9,650 | 2,640 | High pressure cleaner complete |
| 3184 | Roads to Recovery | Infrastructure - Roads | 253,754 | 158,751 | In progress |
| 3274 | Prepare bicycle network plan | Infrastructure - Other | 10,000 | 7,741 | Almost complete |
| 3284 | Coronation Road bridge. Communications tower - Depot | Infrastructure - Other | 579,120 | 21,234 | Communications Tower - Complete. Bridge to be deferred |
| 3204 | Road works total construction (full pgm \$1,769,839) | Infrastructure - Roads | 582,067 | 87,367 | In progress |
| 3514 | Install chemical shed - Depot | Infrastructure - Other | 9,635 | 7,174 | Complete |
| 3524 | Workshop purchases inc UHF radios | Plant & Equipment | 4,400 | 0 | Not commenced |
| 3554 | Purchase vertimower, changeover MWS vehicle, Toyota Hilux (workshop), Toyota Hilux (spray unit), Ford front deck mower, New Holland mower, Petrol bowser | Plant & Equipment | 177,100 | 89,017 | MWS vehicle complete |
| 1824 | 2 x Air conditioners - Landcare Centre | Buildings | 5,724 | 0 | Not commenced |
| 7714 | Brick paving - South West Hwy | Infrastructure - Other | 30,469 | 23,723 | Complete |
| 4164 | Changeover DCS, MEHBS vehicle | Plant & Equipment | 55,500 | 56,950 | Complete |
| | | | \$2,629,113 | \$798,859 | |

COUNCIL RESOLUTION**OCM13/2/012****MOVED: Cr Mason****SECONDED: Cr Germain****That it be a recommendation to the Council that:**

- 1. The statement of budget review as appended at Appendix 9.4.4A be adopted and amendments to the 2012/13 adopted budget be made accordingly.**
- 2. Authorise the creation of the “Asset Management Renewal Reserve Account” with initial funding of \$99,404**
- 3. Further amend the 2012/13 adopted budget to receive and expend “Community Crime Prevention” funding as follows:
Receiving grant funding \$23,825 (a/c 0923)
Expend capital works \$23,825 (a/c 0934)**
- 4. The 2012/13 adopted budget review for the period 1st July 2012 to 31st January 2013 be received.**

CARRIED BY ABSOLUTE MAJORITY 7/0

The Shire President expressed his appreciation to Mr Laurie Tilbrook and the finance team for their ongoing effort in keeping the Council's books to a very high standard.

| | |
|---|--|
| 9.4.5 SUNDRY DEBTOR BAD DEBT WRITE OFF | |
| Reporting Officer / Officer's Interest: | Kirsty Ferraro, Senior Rates Officer |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner: | Mr Jason Hammond |
| Date of Report: 07.02.2013 | File No.: A3703 |
| Previous Reference: | N/A |
| Statutory/Policy Implications: | Section 6.12 – Local Government Act 1995 |
| Strategic Implications: | Nil |
| Financial Implications: | See below |
| Asset Mgt. & LCC Implications: | N/A |
| Workforce Implications: | N/A |
| Voting Requirements | Absolute Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): | |
| <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 |

PROPOSAL

To submit to Council for approval to write off an outstanding debt totalling \$442.75. All reasonable attempts to recover the monies have not succeeded and further recovery is not considered cost effective.

BACKGROUND

Details of the debt proposed for write off are as follows:

| Date (oldest inv.) | Sundry Debtor | Amount | Reason |
|--------------------|-----------------------|----------|--|
| 28/03/2012 | Jason Stanley Hammond | \$442.75 | <p>The Shire of Waroona initiated private works for the clearing of the backyard at the property of 5 Sutton St Waroona as the property posed a fire danger threat. After the private works had been conducted and the owner invoiced for charges the owner declared bankruptcy and all accounts including rates charges were referred to the Public Trustee for payment.</p> <p>The property in question has now been sold and all rates charges recovered, however, the invoice for private works remains outstanding.</p> |

As bad debt write offs are an operational expense and the Council does not have a provision for doubtful debts, the expense should be allocated to Private Works income account (4323) with the issue of a credit note.



STATUTORY IMPLICATIONS

Section 6.12 (1) (c) of the Local Government Act allows a local government to write off any amount of money. Shire Policy 3.22 (“Write Off Minor Debts”) grants Delegated Authority to the Chief Executive Officer to approve debt write offs including rates on behalf of Council to a maximum of \$50.00. As the reported bad debt is in excess of \$50.00 it is required by Council to resolve to write the bad debt off by absolute majority.

STRATEGIC IMPLICATIONS

N/A

COMMUNITY CONSULTATION

N/A

OFFICER'S COMMENTS

At the time of instigating the private works on the property Council staff had no reason to believe the property owner would not cover the costs and as the condition of the property posed a fire danger risk to neighbours it was essential the work be carried out.

As the owner of the property has declared bankruptcy and the property has now sold there is minimal chance of recovering any of the outstanding costs. Further recovery of the costs is not considered to be cost effective.

COUNCIL RESOLUTION

OCM13/2/013

MOVED: Cr Look

SECONDED: Cr Wright

That in accordance with section 6.12 of the Local Government Act 1995, the Council resolves to write off the bad debt of \$442.75 for private works initiated on the property of Mr Jason Stanley Hammond at 5 Sutton St, Waroona (A3703).

CARRIED BY ABSOLUTE MAJORITY 7/0

9.5 CHIEF EXECUTIVE OFFICER

| | |
|---|---|
| 9.5.1 BUSINESS INCENTIVE GRANTS APPLICATION – NIFTY NOOK, SHOP 3, 61 SOUTH WEST HWY; WAROONA | |
| Reporting Officer / Officer's Interest: | Sian Gair, Community Development Officer |
| Responsible Officer / Officer's Interest | Ian Curley, Chief Executive Officer |
| Proponent: | Angela Back |
| Landowner: | Tash Keen & Clint Atkinson |
| Date of Report: 6 February 2013 | File No.: 98/1 |
| Previous Reference: | Nil. |
| Statutory/Policy Implications: | Nil |
| Strategic Implications: | Strategic Community Plan - Objective 5: ENCOURAGE A DYNAMIC LOCAL ECONOMY |
| Financial Implications: | The allocation for Business Enhancement in the 2012/2013 budget is a total of \$16,000. |
| Asset Mgt. & LCC Implications: | N/A |
| Workforce Implications: | HR requirements will be provided by current staff. |
| Voting Requirements | Simple Majority |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-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 checked="" 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 asked consider approval of a Business Incentive Grant application for two thousand dollars (\$2,000) from Angela Back operator of Nifty Nook, Shop 3, and 61 South Western Highway. The grant is to be used to assist with rent to allow the business owner to concentrate on building a client base.

Weekly rent is \$160.00; therefore the grant would provide approximately 12 weeks support for the operator to establish the business.

BACKGROUND

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

The Nifty Nook opened in the CBD on January 17th 2013 as an art space to run workshops for all ages with a focus on recycling. Nifty Nook will provide after school junior workshops, quirky workshops for adults, birthday parties, school holiday art clubs and sale of recycled art.



FINANCIAL IMPLICATIONS

\$16,000 has been budgeted in Enhancement Grants for the 2012/2013 financial year. The current balance is \$10,695.73. Should the proposal be successful a balance of \$8695.73 would remain for future application in the five months until the end of financial year.

STATUTORY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item contributes to Strategic Community Plan - Objective 5: ENCOURAGE A DYNAMIC LOCAL ECONOMY:

- Acknowledge the importance of the growth of local industries;
- Encourage niche businesses related to the Shire of Waroona's strengths (arts, heritage, farming, caravan and camping)
- Continue the current town centre upgrade to help invigorate local retail;
- Attract economic growth initiatives that align with the Shire of Waroona vision.
- Encourage community and business initiatives to refresh and connect the town centre.

COMMUNITY CONSULTATION

The grants were advertised locally and the program is promoted in the media.

OFFICER'S COMMENTS

The business proprietor has supplied a letter of support from landowners, a detailed report, a completed application form and photographs.

COUNCIL RESOLUTION

OCM13/2/014

MOVED: Cr Germain

SECONDED: Cr Mason

- a) That Council allocate a Business Incentive Grant of two thousand dollars to Angela Back owner of the new business "The Nifty Nook" for payment of rent on Business premises.**
- b) That the Business Incentive Grant guidelines be amended to include that a business will be considered a "new" business provided an application for grant funding is received by the Shire Office within 90 days of the business being opened to the public.**
- c) That Council will continue to include payment of rent as an eligible purpose which grant funds can be used for, and the guidelines include a statement to the effect that Council will not take into consideration whether or not a proposed business will be in competition with existing businesses when considering applications.**

CARRIED 7/0



10. CONFIDENTIAL REPORTS

COUNCIL RESOLUTION
OCM13/2/015
MOVED: Cr Witney
SECONDED: Cr Germain

That the meeting be closed to members of the public to consider an item of a confidential nature, the time being 4.47 pm.

CARRIED 7/0

| | |
|--|---|
| 10.1 PROPOSED POLICY – LEGAL ACTION TO DEFEND COUNCILLORS AND STAFF | |
| Responsible Officer / Officer's Interest | Ian Curley Chief Executive Officer / Nil |
| Proponent: | Shire of Waroona |
| Date of Report: 13 February 2013 | File No.: 111/1 |
| Previous Reference: | N/A |
| Statutory/Policy Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | Various |
| Asset Mgt. & LCC Implications: | Nil |
| Workforce Implications: | Nil |
| Voting Requirements | Absolute 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 checked="" type="checkbox"/> 6 ACHIEVE ACTIVE CIVIC LEADERSHIP |

COUNCIL RESOLUTION
OCM13/2/016
MOVED: Cr Germain
SECONDED: Cr Mason

That Council adopt the following Council Policy –

COUNCIL POLICY – LEGAL ACTION TO DEFEND COUNCILLORS AND STAFF

The Chief Executive Officer (CEO) is authorised to seek legal advice and/or commence legal action against any person or organisation who, by way of personal approaches, written approaches or other such means, seeks to offend, intimidate or threaten individual Councillors or Staff or does anything to undermine the integrity of the Council.

Prior to commencing legal action the CEO is to seek a majority consensus from Councillors. Nothing prevents the CEO from commencing legal action without a consensus if, in the opinion of the CEO, the matter is significantly serious enough to warrant immediate action.

CARRIED BY ABSOLUTE MAJORITY 7/0



COUNCIL RESOLUTION

OCM13/2/017

MOVED: Cr Germain

SECONDED: Cr Witney

That the meeting proceed in public, the time being 4.52 pm.

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

Nil

12.2 OFFICERS

Nil

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.35 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 26 MARCH 2013 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

