



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 23 OCTOBER 2012
(Held at the Waroona Shire – Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.10 pm and welcomed Councillors and Staff present.

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

Cr Noel Dew	Shire President
Cr Larry Scott	Deputy Shire President
Cr John Salerian	Councillor
Cr Craig Wright	Councillor
Cr Trish Witney	Councillor
Cr Christine Germain	Councillor
Cr Lina Look	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy Chief Executive Officer
Mr Louis Fouché	Director Planning Services
Mr Steve Cleaver	Director Community & Strategy
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Cr John Mason	Councillor
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There were no members of the public present at the commencement of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4.1 PUBLIC QUESTION TIME

Nil.

4.2 PUBLIC STATEMENTS

Nil.

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

OCM12/10/110

MOVED: Cr Witney

SECONDED: Cr Wright

That a Leave of Absence be granted to Cr Larry Scott for the November 2012 Ordinary Council meeting.

CARRIED 7/0



6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Look declared an interest affecting impartiality in Item 9.5.4 as a member of the Waroona Catholic Church board.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 25 SEPTEMBER 2012

COUNCIL RESOLUTION

OCM12/10/111

MOVED: Cr Wright

SECONDED: Cr Germain

That the Minutes of the Ordinary Council Meeting held 25 September 2012 be confirmed as being a true and correct record of proceedings.

CARRIED 7/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.

9.2 DIRECTOR COMMUNITY & STRATEGY

Nil.

9.3 DIRECTOR PLANNING SERVICES

9.3.1 LOT 2 SHERIDAN PLACE, WAROONA - APPLICATIONS FOR PLANNING CONSENT FOR BUILDING ENVELOPE VARIATION	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning Services / Nil
Proponent:	James Robert McLachlan and Suzanne McLachlan
Landowner:	James Robert McLachlan and Suzanne McLachlan
Date of Report: 5 October 2012	File No: TP1510
Previous Reference:	TP1359
Statutory/Policy Implications:	Shire of Waroona Town Planning Scheme No. 7 Environmental Protection Authority Guidance Statement No. 3 – Separation distances between Industrial and Sensitive Land Uses Local Planning Strategy 2009 Town Planning Policy 1.0 - Community Consultation Town Planning Policy 5.0 Setbacks and Building Envelopes
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012 Strategy 1 : Manage the Shire of Waroona's Future Growth
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

An application was received for a Building Envelope variation on Lot 2 Sheridan Place, Waroona. The proposed 1317.5m² building envelope is proposed to be located towards the centre of the lot fronting Sheridan Place. The building envelope is proposed to be set back 47m from the Sheridan Place (front), 20.75m from the North side boundary, and 10.75m from the South side boundary and 154m from the rear boundary. See site location plan and site plan at **APPENDIX 9.3.1A**.

A Water Corporation odour buffer dissects the proposed variation of the building envelope through the middle. 499.375m² of the proposed envelope will be located inside the Water Corporation Buffer zone. The plan indicated that the proposed / approved house (currently under construction) will be built within the envelope outside of the buffer zone.

BACKGROUND

There is a specified 42.5m x 31m (1317.5 m²) building envelope on the subject lot. The existing building envelope is set back 47.5m from Sheridan Place (front), 20.75m from the North side boundary, 18.25m from the South side boundary and 154m from the rear boundary.

The topography of the lot is generally flat and it is mainly clear from any significant vegetation excepting mature vegetation buffers running along the North and South side boundaries. A dam exists on the lot within the front setback area.



A Water Corporation odour buffer exists across the majority of the lot. The odour buffer zone extends 500 metres from a Water Corporation Wastewater Treatment Plant that exists on Lot 22 Drake Road, Waroona. The Wastewater Treatment Plant has been identified on the location plan at **APPENDIX 9.3.1B**.

Previous Council Resolution

Council approved a similar application for a Building Envelope variation the subject lot in October 2010 (TP1359 / OCM10/10/154) subject to the following conditions:

1. The variation of the building envelope shall occur in accordance with the plan and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.
2. No habitable structures shall be erected west of the Water Corporation's odour buffer line (as shown on the approved plan). Habitable structures shall only be permitted east of the Water Corporation's odour buffer line.

ADVICE:

- A. Approval of Council is required for the removal of indigenous trees or substantial vegetation except for vegetation which is dead, diseased, dangerous, necessary for any firebreak required by law, for the purpose of access to an approved dwelling or outbuilding or within a defined building envelope and limited to that;
- B. A Building Licence is required for the erection of a residence or outbuilding (exceeding 9m² in area);
- C. Council approval is required for the location of leach drains and septic treatment systems;
- D. Please note that no buildings are to be erected outside the building envelope.

Previous Approvals

A search of Council records indicates that a planning approval for a Building envelope Variation was issued on 4 November 2010 (see Previous Council Resolution). A Building Licence was issued for a house on 30 January 2012. A copy of the previously approved Building Envelope is at **APPENDIX 9.3.1C**.

STATUTORY IMPLICATIONS

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

The lot in question is zoned 'Rural 2 – Irrigated Agriculture' under the TPS.

Clause 4.14.1 lists the objectives and Policies for all Rural zones. These are as follows:

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 Districts economy, whilst



recognising that changes in land use practices will affect land management and the landscape generally.

Council's objectives will therefore be to:

- Permit land uses consistent with achieving the objective.
- Maintain an open rural atmosphere by encouraging generous setbacks.

Clause 4.14.7 states that Council may recommend as a condition of subdivision or require as a condition of development in any rural zone that a guideline plan be prepared which may include building envelopes, conservation and/or tree planting areas, access and strategic firebreak provisions, or any other requirements which the Council may reasonably include and any such plan adopted by Council shall be subject to Clauses 4.15.2 - 4.15.12 of this Scheme.

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

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

Clause 4.15.4 states that subject to any provision of Schedule 2 the approval of Council is required for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is:

- Dead, diseased or dangerous;
- Necessary for any firebreak required by law;
- For the purpose of access to an approved dwelling or outbuildings;
- Within a defined building envelope and limited to that;
- Necessary for the construction of a dwelling, outbuildings and an area of 20 metre width surrounding the dwelling for the purpose of bush fire protection.

STRATEGIC PLANNING IMPLICATIONS

Environmental Protection Authority's Guidance Statement No. 3 – Separation distances between Industrial and Sensitive Land Uses

This Guidance Statement has been developed by the EPA to provide advice to proponents, responsible authorities, stakeholders and the public, about the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a proposal.

Guidance Statement No. 3 recommends that individual buffer case studies are undertaken to ascertain the minimum separation distance between wastewater treatment plants and sensitive land uses, such as residential development.



As no environmental or odour assessment has been undertaken, the Water Corporation considers it appropriate to apply a generic 500-metre buffer around all minor wastewater treatment plants. The original Guidance Statement No. 3 recommended a 500-metre buffer be applied to all wastewater treatment plants, regardless of size.

Local Planning Strategy (LPS) (1999)

The subject lot is located within the Rural Smallholdings sub precinct of the Town Centre Precinct of the LPS. It is an objective of the LPS to consolidate the existing lots that offer hobby farming and lifestyle west of Waroona.

The LPS specifies the following setbacks:

Road: 20m

Side/Rear: 10m

Or within a building envelope indicated on an adopted Subdivision Guide Plan.

Town Planning Policy 5.0 Setbacks and Building Envelopes

Applications for the relaxation or modification of building envelope requirements shall be assessed against the following criteria.

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

Special procedural Consideration

Except where it is deemed that a proposed envelope variation is of a minor nature, unlikely to impact on the amenity of adjoining properties or the locality in general, all applications for the relaxation or modification of setback or building envelope requirements shall be referred to owners and occupiers of adjoining properties, and any comments received given due consideration

COMMUNITY CONSULTATION

The proposed envelope variation was not advertised to adjoining landowners as the modification is of a minor nature, unlikely to impact on the amenity of adjoining properties or the locality in general. (See Special Procedural Considerations -Town Planning Policy 5.0 Setbacks and Building Envelopes).

Internal Referral

Upon referral to the Shire's Building and Health departments the Shires Building Surveyor / Environmental Health Officer stated that there were no issues with the proposal.

Referrals

As the variation concerns a Water Corporation Buffer the proposal was forwarded to the Water Corporation for comment. The Water Corporation has no objection to the proposed changes to the building envelope provided that habitable dwellings are constructed outside of the wastewater treatment plant buffer

See Schedule of Submissions at **APPENDIX 9.3.1D**.

OFFICER'S COMMENTS

The details of the approved application compared to the current proposal are provided below:

	Front Setback (m)	North Setback (m)	South Setback (m)	Rear Setback (m)	Amount within Buffer Area (m ²)
TP1359	47	20.75	18.25	154	658.75
TP1510	47	20.75	10.75	154	499.375

The key differences between the two proposals are a reduced side setback (South) and there will be less of the Building envelope within the Buffer zone.

Environmental Protection Authority's Guidance Statement No. 3 – Separation distances between Industrial and Sensitive Land Uses

During previous consultation, carried out for TP1359, the Water Corporation has indicated that no case study would be undertaken on the subject wastewater treatment plant on Drake Road, given the relative small scale of the plant.

The Water Corporation has stated that it has no objection to the proposal, subject to no habitable structures being erected West of the odour buffer line. (The approved house is being built outside of the buffer zone). Further to this the subject variation proposes 159.375m² less of the building envelope to be located within the buffer zone

Local Planning Strategy

The proposed envelope complies with the setbacks outlined by the LPS.

	LPS Setback (m)	Proposed Setback (m)
Front Setback	20	20.75
North Setback	10	20.75
South Setback	10	10.75
Rear Setback	10	154

Town Planning Policy 5.0

The proposed variation of the building envelope is consistent with Town Planning Policy 5.0 given that it satisfies the criteria in the following manner:

- a) The effect upon adjoining landowners is not considered to be significant as the modification is minor in nature. Although the South side setback is being reduced by 7.5m it will still be greater than the prescribed 10m side setback in the area. (Using this rationale the proposal was not advertised to the adjoining landowners as the modification is considered insignificant in nature.)
- b) A site visit confirmed that the vegetation in the existing and proposed areas of the building envelope is effectively identical.
- c) There will be no negative impact on the general amenity of the streetscape, as the building envelope will remain set back the same distance from the primary road (Sheridan Place).

Conclusion

Given that the impact on the adjoining landowner is considered minor in nature, the Water Corporation have not objected to the proposal, all habitable structures would be required to be erected outside the odour buffer and that the proposed variation is compliant with the relevant provisions of the Scheme, it is recommended that Council approve the application.

COUNCIL RESOLUTION**OCM12/10/112****MOVED: Cr Wright****SECONDED: Cr Look**

That Council, with respect to the application for Planning Consent for the variation of the building envelope at Lot 2 Sheridan Close, Waroona, resolve to approve the application subject to the following conditions:

- 1. The variation of the building envelope shall occur in accordance with the plan 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. No habitable structures shall be erected west of the Water Corporation's odour buffer line (as shown on the approved plan). Habitable structures shall only be permitted east of the Water Corporation's odour buffer line.**
- 3. All future dwellings, outbuildings and other structures shall be developed within the building envelope hereby approved.**

ADVICE:

- A. The applicant is advised that the subject lot is subject to clearing restrictions in accordance with the Shire of Waroona Town Planning Scheme No.7, the approval of Council is required for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is:**
- Dead, diseased or dangerous;**
 - Necessary for any firebreak required by law;**
 - For the purpose of access to an approved dwelling or outbuildings;**
 - Within a defined building envelope and limited to that;**
 - Necessary for the construction of a dwelling, outbuildings and an area of 20m width surrounding the dwelling for the purpose of bush fire protection.**
- B. A Building Licence is required for the erection of a residence or outbuilding (exceeding 9m² in area).**
- C. Council approval is required for the location of leach drains and septic treatment systems.**

CARRIED 7/0

9.3.2 LOT 160 (NO. 4) CLEMENTS PLACE, WAROONA - APPLICATION FOR PLANNING CONSENT FOR SHED AND BUILDING ENVELOPE VARIATION	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner, Greg Delahunty – Town Planner / Nil, Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning Services / Nil
Proponent:	Donald James Boneham
Landowner:	Donald James Boneham
Date of Report: 10 October 2012	File No: TP1505
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 Local Planning Policy 5 – Setbacks and Building Envelopes Local Planning Policy 8 – Moyanup Heights and Lake Moyanup Estate Local Planning Policy 25 – Outbuildings
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012 Strategy 1 – Manage the Shire of Waroona's Future Growth
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

An application has been received for a shed and building envelope variation on Lot 160 (No.4) Clements Place, Waroona. See site location plan at **APPENDIX 9.3.2A**.

The outbuilding is proposed to be clad with Colorbond walls and a Zinalume roof. The outbuilding is to be 9m x 6m (54m²) with a maximum height of 3.64m.

The location of the proposed outbuilding is to be 2.5m from the rear boundary, 16m from the northern side boundary and 19m from the southern side boundary, behind the existing dwelling. This location will not require the removal of any significant vegetation from the lot.

The submitted plans are at **APPENDIX 9.3.2B** and **APPENDIX 9.3.2C**.

BACKGROUND

Lot 160 is a 2156m² lot located on the eastern side of Clements Place in the Moyanup Heights estate. The lot currently contains an existing dwelling and 70m² of outbuildings.

Given that the lot slopes from the south-east to the north-west of the lot, the north-western section of the lot has been retained. A number of trees and shrubs are scattered around the perimeter of the property with little vegetation to the rear of the property abutting Lot 158. Large native trees are located to the north of the proposed building site, in the proximity of the location of the stone pitched retaining wall.



STATUTORY IMPLICATIONS

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

The subject lot is located within the 'Urban 5 – Special Residential' zone under the TPS. A Single House (including outbuildings) is a P use in the Urban 5 zone.

Clause 4.9.2 (b) of the TPS states that where a building envelope is shown on a lot under the provisions of the preceding sub-clause, all buildings must be contained within the building envelope.

Clause 4.9.2 (c) of the TPS states that where no building envelope is shown, all buildings shall be set back a minimum of 10 metres from the front boundary and 5 metres from any other boundary.

Clause 4.9.2 (d) of the TPS states that notwithstanding the provisions of the preceding sub-clauses, Council may permit an alternative building envelope or setback to be defined on a lot if Council is satisfied that the configuration of the lot or site difficulties make the siting of any structure undesirable or unduly difficult and that the location of the proposed building envelope or setback variation will not be detrimental to the protection of the environment or the amenity of the area.

Table 3 of the TPS states that within the Urban 5 – Special Residential zone outbuilding may have a maximum aggregate area of 100m² and a maximum height of 4.2m.

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

Clause 8.2.3 of the TPS states that where Council decides to give notice of an application a period of 21 days shall be allowed for submissions to be received.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

Effective and diligent implementation of the TPS and Council Policies is an important factor in achieving the objectives of the Community Strategic Plan.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS)

The subject lot is located within the Town Precinct of the LPS. Lot 160 is designated Special Residential within the LPS. It is the objective of the Special Residential classification to provide adequate larger lots in proximity to Waroona in locations with good residential amenity and where the environmental impacts can be adequately managed.

A Single House (including outbuildings) is a Primary use in the Special Residential classification.

Local Planning Policy 1 – Community Consultation (LPP1)

LPP1 requires that application for variations to building envelopes be advertised to adjoining owners for a period of 14 days.

Local Planning Policy 5 – Setbacks and Building Envelopes (LPP5)

LPP5 provides guidance in the assessment of proposed variations to approved building envelopes and setback generally.

Policy Statement a) of LPP5 requires the effect of any variation on the amenity of nearby lots in relation to privacy, overshadowing and visual intrusion to be considered.

Policy Statement b) of LPP5 requires the effect any variation may have on the quality or quantity of any remnant vegetation to be considered.

Policy Statement c) of LPP5 requires the effect any variation may have on the general amenity of the locality to be considered.

Policy Statement d) of LPP5 requires the ability of any concerns pertaining to vegetation screening or building design to be addressed through conditions of planning consent to be considered.

Local Planning Policy 8 – Moyanup Heights and Lake Moyanup Estate (LPP8)

Clause 8.0.2 of LPP8 states that all buildings are to be constructed within the building envelope for each lot.

Clause 8.0.2 also states that Council may consider permitting an alternative building envelope configuration or setback to be defined on a lot if Council is satisfied that the configuration of the lot or site difficulties make the siting of any structure undesirable or unduly difficult and that the location of the proposed building envelope or setback variation will not be detrimental to the protection of the environment or amenity of the area.

Clause 8.0.3 of LPP8 states that the size, height and location of outbuildings are to comply with Clause 6.11.1 and Table 3 - Outbuildings of the Scheme. In summary these requirements are:

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

In addition clause 8.0.3 also states that no outbuilding exterior wall may be constructed of zincalume, vivid white or off white (Colorbond) colour.

Local Planning Policy 25 – Outbuildings (LPP25)

Clause 6.3.3 of LPP25 states that on Special Residential / Rural Living / Rural lots containing an approved building envelope, outbuildings are to be located entirely within the building envelope.

Table 1 of LPP25 states that on lots between 2000m² and 4000m² a maximum aggregate outbuilding area of 150m² and a maximum height of 4.2m are permitted.

Clause 6.6.1 a) of LPP25 states that within the Moyanup Heights and Lake Moyanup Estate Policy Area no outbuilding exterior wall may be constructed of Zinalume, vivid white or off white (Colorbond) colour. The use of Zinalume material is however permitted where the impact on adjoining properties and the streetscape will not be significant.

The use of some second-hand materials may be considered by Council where such material is not the primary material and the condition and appearance of such material appears as new.

Policy 25 takes precedence over Policy 8 should any inconsistencies arise.

COMMUNITY CONSULTATION

Community consultation was undertaken in accordance with the requirements of Clause 8.2 of the TPS and LPP1. During the 21 day advertising period one objection to the proposal was received. The submission is detailed in the table of submissions at **APPENDIX 9.3.2D**.

The objection is based on the aggregate size of the outbuildings on the lot and the impact on the amenity of the adjoining lots.

INTERNAL REFERRAL

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

Comments from the Shire's Environmental Health Officer stated that the shed is required to be set back a minimum of 1.8m from any leach drain and that all leach drains are to be protected from vehicle traffic.

OFFICER'S COMMENTS

Outbuilding size

The proposed 54m² outbuilding, in addition to the existing 70m² outbuilding on the lot results in an aggregate outbuilding of area of 124m². Table 3 of the TPS specifies a maximum outbuilding area of 100m² is permitted for lots within the Urban 5 – Special Residential zone. This is inconsistent with the 150m² aggregate area allowed by LPP25 for lots in the 2000m² – 4000m² range. Given the more recent adoption of LPP25 by Council, the provisions applicable to outbuilding size are considered appropriate as listed in that policy. For this reason the proposed aggregate outbuilding area of 124m² is considered appropriate for the lot.

Impact on amenity

The proposed location of the outbuilding will result on some impact on the visual amenity of the adjoining Lot 158 due to the 9m rear wall of the outbuilding being 2.5m from the boundary. The outbuilding will be visible from habitable spaces within the dwelling located on Lot 158. The proposed outbuilding will be located approximately 28m from the dwelling on lot 158 and approximately 30m from the outdoor entertainment area on Lot 161.

The location proposed allows for vehicle access to both the proposed and existing outbuildings while maintaining the more substantial existing native vegetation on site.

Relocating the outbuilding to within the existing building envelope will result in a greater visual impact on Lot 161 to the north. Due to the topography of the area the primary outdoor living area of Lot 161 has a direct, uphill line of site of the building envelope of Lot 160. The fact that Lot 160 is higher than Lot 161 increases the visual impact of any building in the northern portion of the lot.

Vegetation

Lot 160 contains a number of large native trees in the northern portion of the lot. The proposed location of the outbuilding will allow the preservation of these existing trees located within the building envelope. Should the outbuilding be relocated to be within the existing building envelope, at least two of these large trees will be required to be removed.

Conclusion

The proposal will create an additional impact on the amenity of the adjoining Lot 158. However should the outbuilding be located within the approved building envelope, the result will be a greater impact on Lot 161 to the north and require the removal of significant native vegetation. A pragmatic approach to the determination of the application can be achieved by considering the practical needs of the applicant whilst mitigating the impact of the proposed development on the adjoining lots.

A minimum setback of 4m from the eastern boundary will reduce the impact on the adjoining Lot 158 and allow for screening vegetation to be established between the outbuilding and the boundary. A setback of 4m is recommended as an appropriate compromise as it will also allow practicality (including on site manoeuvring) to be maintained on the subject lot. A setback of 4m will result in the western wall of the proposed outbuilding being in line with the eastern wall of the existing outbuilding on the lot, which will still allow for functional access to the existing outbuilding to be maintained.

Therefore it is recommended that the application be approved subject to conditions requiring the proposed outbuilding to be relocated to maintain a minimum setback of 4m and screening vegetation to be established.

COUNCIL RESOLUTION**OCM12/10/113****MOVED: Cr Scott****SECONDED: Cr Wright**

1. That in relation to the proposed Shed and Building Envelope Relocation at Lot 160 (No.4) Clements Place, Waroona Council resolves to approve the application, subject to the following conditions:
 - a) The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Director Planning Services and shall include the following modifications to the submitted plans:
 - i. The proposed outbuilding being relocated to maintain a minimum setback of 4m from the eastern boundary adjoining lot 158
 - b) All future dwellings, outbuildings and other structures shall be developed within the building envelope hereby approved.
 - c) The proposed shed shall be finished in materials and colour schemes that will complement the existing structures on the site and be sympathetic to the amenity of the surrounding local environment to the satisfaction of the Director Planning Services.
 - d) All stormwater and drainage run-off to be contained on site to the specification and satisfaction of the Director Technical Services, or connected to a Council stormwater legal point of discharge.
 - e) The shed shall be suitably screened using vegetation planting so as to limit the impact on the adjoining properties. A landscaping plan detailing size, location and type of vegetation screening shall be submitted for the approval of the Director Planning Services within 60 days of the date of this approval. The landscaping shall consist of mainly mature plantings (minimum of 30 litre pots) and include suitable screening shrub / tree species. The approved landscaping plan shall be implemented within 30 days of the construction of the shed and the screening vegetation shall thereafter be planted, reticulated and maintained in accordance with the approved details to the satisfaction of the Director Planning Services.
 - f) 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. Lot 160 (No.4) Clements Place, Waroona is located in the Lake Moyanup Estate and is therefore subject to the Moyanup Heights and Lake Moyanup Estate – (Urban 5 – Special Residential Zone) Planning Policy (Policy 8.0). All developments are to comply with the requirements of the policy.**
- B. In terms of Clause 4.9.3 of the Shire of Waroona Town Planning Scheme No.7 1996:**
- 1. Clearing or destruction of indigenous trees or other substantial vegetation is not permitted unless with the approval of Council, and approval will only be granted in this respect to areas contained within the building envelope where such is defined for a lot on an approved plan.**
 - 2. Notwithstanding the above, Council may grant approval for the removal of trees which are dead, diseased or dangerous, or which are required to be removed to meet the requirements of creating a fire break under the Bush Fires Act, 1954 -1979 (as amended).**
- C. In relation to condition c), please note that vivid white or off-white (Colorbond) colours are not acceptable in terms of Local Planning Policy 8 – Moyanup Heights and Lake Moyanup Estate. In terms of Local Planning Policy 25 – Outbuildings, Zincalume material is only permitted where the impact on adjoining properties and the streetscape will not be significant.**
- D. In relation to condition e), please refer to Planning Policy 23 – Landscaping in order to prepare the landscaping plans and identify appropriate landscaping species.**
- E. The applicant is advised that no site works shall commence until a Building Approval has been issued by the Shire of Waroona. Further to this any proposed development is to comply with the Building Code of Australia 2009.**

CARRIED 7/0

9.3.3 LOT 6 (NO. 44) HAUB ROAD, LAKE CLIFTON - APPLICATION FOR PLANNING CONSENT FOR EXPANSION OF RESPITE FACILITY	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning Services / Nil
Proponent:	Todd and Margaret Jarvis
Landowner:	Todd Gregory Jarvis and Margaret Jennifer Jarvis
Date of Report: 9 October 2012	File No: TP1509
Previous Reference:	TP1301
Statutory/Policy Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme 7 1996 Local Planning Strategy 2009 Planning Policy 1.0 – Community Consultation
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012 Strategy 4 – Conserve Sensitive Environmental Assets
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

An application has been received for the expansion of the existing Autism Respite Facility on Lot 6 Haub Road, Lake Clifton. Lot 6 is a 4.14 ha lot located on the western side of Old Coast Road, adjacent to Lake Clifton. See site location plan at **APPENDIX 9.3.3A**. The expansion proposes three additional buildings to be joined by a shared roof structure. The buildings proposed include additional accommodation, a kitchen and a sensory room. The existing and proposed buildings are located in the eastern portion of the lot, allowing for a greater separation distance from Lake Clifton.

The proposed buildings are proposed to be constructed of rendered straw bales with a timber clad feature wall, limestone retaining walls and a brick gabion wall on the northern side. A 22.6m² sensory room, a 22.6m² bedroom and a 38.3m² kitchen and bathroom are to be joined by a Colorbond clad roof structure covering a total of approximately 190m². The maximum height of the roof structure is 6.39m.

The new buildings are proposed to be located 58.5m from the front boundary and 20.9m from the southern side boundary of the lot, to the east of the existing buildings. This location will require the removal of small amounts of vegetation from the lot. The subject lot is flat and adjacent to Lake Clifton on its western boundary.

The submitted plans are at **APPENDIX 9.3.3B**.

BACKGROUND

The existing Respite Facility was approved by Council on 27 April 2010 (TP1301). The use has since been operating in the existing house and outbuildings on the lot. There is no record of any objections or complaints against the use since it commenced operation.

PREVIOUS APPLICATIONS

TP1301 – application for Respite Facility approved at Council on 27 April 2010 (OCM10/047).

STATUTORY IMPLICATIONS

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

The subject lot is located within the ‘Rural 3B – Coastal Highway’ zone under the TPS. A Respite Facility is not a use defined under Appendix 1 of the TPS and is not listed in the zoning table.

Clause 4.2.5 of the TPS state that where a use is proposed that does not accord with any of the uses listed in the Zoning Table 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 therefore follow the ‘SA’ procedures of Clause 8.2 in considering an application for approval; or
- c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Clause 6.8.1 and Table 2 of the TPS states that car parking is required, with the number of bays being at the discretion of council.

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

Clause 8.2 of the TPS states that where a use is classified as ‘SA’ a public consultation period of 21 days shall be allowed for submissions to be made on the application.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

The Shire of Waroona Community Strategic Plan Strategy 4 – Conserve Sensitive Environmental Assets aims to protect and enhance the natural features of the Shire, such as Lake Clifton. Therefore in considering any application in the proximity of such an asset, regard must be given to its potential impact on any significant environmental asset.

STRATEGIC PLANNING IMPLICATIONS

Local Planning Strategy (LPS)

The subject lot is located within the Lake Clifton Precinct of the LPS. Lot 6 is designated Rural Smallholdings within the LPS. It is the objective of the Rural Smallholdings classification to consolidate the land between Lake Clifton and the Old



Coast Road to provide smallholding lots that offer agricultural, lifestyle and tourist opportunities.

Tourism uses including Chalets, Farm Stay Accommodation and Restaurant are discretionary uses within the Rural Smallholdings classification.

The LPS requires minimum setbacks for development of 50m from the road front and 10m from any side boundary. On site effluent disposal systems are required to be set back a minimum of 150m from the high water mark of Lake Clifton and 20m from the edge of the Vasse soil landform.

Planning Policy 1.0 – Community Consultation (LPP1)

LPP1 requires that where a use not listed is considered to have a local impact, consultation with the adjoining land owners will be undertaken for a period of 21 days.

COMMUNITY CONSULTATION

Where an undefined use is deemed to be consistent with the objectives of the zone no public consultation is required.

Where it is deemed that an undefined use may be consistent with the objectives of the zone, public consultation is required to be undertaken in accordance with Clause 8.2 and Planning Policy 1.0 of Town Planning Scheme No. 7.

INTERNAL REFERRAL

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

Comments from the Shire's Environmental Health Officer stated that any on site effluent disposal system is to be an ATU system.

OFFICER'S COMMENTS

The previous application TP1301 provides a precedent for the deemed acceptability of the use on the lot. Given that there have been no ongoing issues since the commencement of the use, it is considered that the use is appropriate for the locality.

The proposed expansion will allow for a greater capacity in a facility which provides a valuable service to the community. The proposed buildings are set back in accordance with the requirements of the TPS and the LPS.

Given the requirement for ATU systems to be used on the subject lot and the proposed buildings being located well beyond the 150m setback from Lake Clifton required by the LPS, the proposal is not deemed to create any detrimental impact on the lake ecosystem.

The additional facilities will create some additional traffic to and from the site, however considering the size of the lot and the infrequent and small amount of traffic generated, it is not considered that the proposal will create a detrimental impact on the area with regard to vehicle movements. Parking and pick up and drop off facilities are easily able to be accommodated on the lot.

The subject lot is fully screened from Old Coast Rd by the heavily vegetated buffer between Old Coast Rd and Haub Rd. Existing on site vegetation provides substantial screening of the proposed buildings to the north. The adjoining lot 7 to the south is heavily vegetated adjacent to the proposed building location, providing visual screening to that lot. The proposed buildings are to be constructed and finished to a high standard and will complement the existing buildings on the lot.

The proposal is an extension of a use which has been operating harmoniously on the lot and does not create any detrimental impact on the locality in relation to traffic, noise, environmental impact or the amenity of the area.

It is therefore recommended that Council determine that the proposed use is consistent with the objectives of the Rural 3B zone and delegate powers of decision making to the Chief Executive Officer subject to no adverse submissions being received during the specified advertising period.

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

COUNCIL RESOLUTION**OCM12/10/114****MOVED: Cr Witney****SECONDED: Cr Germain**

That in relation to the proposed extension of a Respite Facility at Lot 6 (No. 44) Haub Road, Lake Clifton Council resolves to:

- 1. Determine in accordance with Clause 4.2.5 of the Shire of Waroona Town Planning Scheme No.7 1996, that the use may be consistent with the objectives of the Rural 3B – Coastal Highway zone.**
- 2. Advertise the proposal in accordance with the Shire of Waroona Local Planning Policy 1.0 and follow the ‘SA’ procedures in accordance with Clause 8.2 of the Shire of Waroona Town Planning Scheme no.7. 1996, in considering an application for planning approval.**
- 3. Delegate powers of decision making in relation to the application to the Chief Executive Officer provided no adverse submissions are received during the specified advertising period, subject to the following conditions:**
 - a) The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - b) The material, finishing and colour schemes used on the extensions to the respite facility shall complement the existing structures on site to the satisfaction of the Director Planning Services.**
 - c) The maximum number of clients on site shall not exceed 12 at any one time.**
 - d) All stormwater and drainage run-off to be contained on site to the specification and satisfaction of Council, or connected to a Council stormwater legal point of discharge.**
 - e) 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

- i. 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 structures are to comply with the Building Code of Australia 2012.**
- ii. On site effluent disposal systems are required to be set back a minimum of 150m from the high water mark of Lake Clifton.**

CARRIED 7/0

9.3.4 DRAFT FOREST MANAGEMENT PLAN 2014 - 2023	
Reporting Officer / Officer's Interest:	Louis Fouché – Director Planning Services / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning Services / Nil
Proponent:	Conservation Commission
Landowner:	Crown
Date of Report: 5 October 2012	File No: 48/3
Previous Reference:	N/A
Statutory/Policy Implications:	<p><i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <p>Conservation and Land Management Act 1984 Environmental Protection Act 1986 Planning and Development Act 2005 Western Australian Planning Commission Act Land Administration Act 1997 Bush Fires Act 1954 Emergency Management Act 2005 Soil and Land Conservation Act 1945 Mining Act 1987 Petroleum and Geothermal Energy Resources Act 1967 Biosecurity and Agricultural Management Act 2007 Agriculture and Related Resources Protection Act 1976 Rights in Water and Irrigation Act 1914 Country Areas Water Supply Act 1947 Metropolitan Water Supply and Drainage Act 1909 Water Agencies (Powers) Act 1984 Waterways Conservation Act 1976 Aboriginal Heritage Act 1972 Heritage of Western Australia Act 1990 Peel Region Scheme Shire of Waroona Town Planning Scheme 1996 State Planning Policy 2.1 Peel – Harvey Coastal Plain Catchment State Planning Policy 2.6 State Coastal Planning 1998 State Planning Policy 2.9 Water Resources 2006 Coastal and Lakelands Planning Strategy 1999 Forest Management Plan 2004-2013 Yalgorup National Park Management Plan 1995 -2005 Peel-Yalgorup Ramsar Management Plan Natural Resource Management Plan for Peel-Harvey Catchment 2005 Peel Waterways Economic Development and Recreation Management Plan 2002 Shire of Waroona Local Planning Strategy 2009</p>
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012 - Strategy 4: Conserve Sensitive Environmental Assets
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The Conservation Commission released the *Draft Forest Management Plan (FMP) 2014-2023* for public comment until 7 November 2012. The Draft plan covers a total land area of 2.5 million Ha within the region from Lancelin in the north to Denmark in the south. Nearly 62% of this total land area is in existing or proposed conservation reserves or other protected areas.

The main goals set out in the Draft Plan are to:

- Conserve biodiversity
- Recognise and protect Aboriginal and other Australian cultural heritage
- Sustain the health, vitality and productive capacity of ecosystems
- Protect soil and water resources
- Sustain the contribution to global carbon cycles
- Produce a wide range of social, cultural and economic benefits valued by the community according to the principles of ecologically sustainable forest management.

A copy of the Executive Summary in the FMP document is attached as **APPENDIX 9.3.4A**.

Background

Building on the current *Forest Management Plan 2004-2013*, the Draft FMP proposes changes to improve biodiversity conservation. Among these improvements is the proposed addition of 4,000 Ha to Whicher National Park, near Busselton. The South-west forests include water supply catchment areas, the source of native timber industries, and a major destination for recreation and tourism with a significant heritage.

The Draft FMP covers the following land vested in the Conservation Commission:

- Indigenous State forest and timber reserves, including State forest classified as a forest conservation area.
- Nature reserves, national parks, conservation parks and other land referred to in section 5(1)(g) and (h) of the CALM Act that has a conservation purpose.
- State forest and timber reserves planted with exotic species. The application of the plan to these areas is limited to specific proposed operations (management activities) labelled for Plantations and 'Other exotics'.

The document is set out under the following key headings:

- Biological diversity
- Ecosystem health and vitality
- Soil and water
- Climate change and carbon cycles
- Productive capacity
- Heritage
- Socio-economic benefits
- Plan implementation and management

The Draft FMP sets out measures to protect forest values and balance the forest's uses which requires healthy forests that are resilient to the climate change. The Draft



plan also includes a range of alternative measures on which public feedback is sought, with two scenarios for calculating the sustained timber yield from State forest and timber reserves.

Included in the Draft FMP are 123 operations proposed to be undertaken (management activities), each with its own Key Performance Indicator (KPI), performance measure and performance target/s.

Once the public consultation period concludes, submissions will be analysed and considered in the preparation of a proposed final plan, which will be assessed by the Environmental Protection Authority (EPA). The EPA's assessment report and the proposed final plan will be submitted to the Minister for Environment. It is anticipated that the final *Forest Management Plan 2014-23* will come into force in early 2014.

The Conservation Commission is also currently drafting a more detailed Swan Coastal Plain South Draft Management Plan. This management plan will provide overview of the key values and threats to over 80 existing DEC managed reserves and over 20 proposed reserves. The plan will be a strategic document providing management direction for key issues requiring resolution during the 10 year lifespan of the plan.

Previous Council Resolutions

At its Ordinary Meeting of 15 February 2011, Council considered correspondence received from Friends of Ramsar Action Group for the Yalgorup Lakes Environment (FRAGYLE) and resolved as follows:

“That in relation to the correspondence from FRAGYLE regarding the Yalgorup National Park, Council advises FRAGYLE and the Department for Environment and Conservation that it supports:

- 1. The protection of environmental values in the Yalgorup Lakes and surrounding area through the expansion of the Yalgorup National Park by the voluntary acquisition of private land adjacent to the lakes in accordance with the Regional Open Space and Waterways boundaries of the Peel Region Scheme.*
- 2. The amalgamation of private land adjoining the Yalgorup Lakes into the Yalgorup National Park with National Park status in accordance with the Regional Open Space and Waterways boundaries of the Peel Region Scheme.*
- 3. The opening and making available of the Yalgorup National Park to the public as an Ecological, Educational and Recreational Park where appropriate.”*

Community Consultation

The public consultation regarding the Draft Forest Management Plan is conducted by the State Government (Conservation Commission).



Statutory Implications

Environment Protection and Biodiversity Conservation Act (1999) (Commonwealth)

The Act protects matters of National Environmental Significance, including the ecological character of Ramsar wetlands, threatened ecological communities, listed threatened species and migratory species. (The provisions of this Act are not triggered by forestry operations).

Planning and Development Act 2005

Section 126 (1) states that if a region planning scheme delineates land comprised in a local planning scheme as a reserve for any public purpose, then the local planning scheme is amended to reflect the reservation under the region planning scheme.

Section 177 describes when compensation is payable if land is reserved for a public purpose.

Bush Fires Act 1954

Regulates the control of bushfire and prescribed fire.

Emergency Management Act 2005

Prescribes the State Government's responsibilities in terms of emergency management arrangements including the maintenance of emergency response plans.

Soil and Land Conservation Act 1945

Addresses conservation of soil and land by mitigating the effects of erosion, salinity and flooding.

Mining Act 1987

Regulates mineral exploration and mining operations not included in State Agreement areas.

Petroleum and Geothermal Energy Resources Act 1967

Authorises exploration and production of petroleum exploration and production in State land and onshore waters.

Biosecurity and Agricultural Management Act 2007

Requires the DEC to responsibly manage pathogens that cause forest diseases in its reserves.

Agriculture and Related Resources Protection Act 1976

Regulates the control of weeds.

Rights in Water and Irrigation Act 1914

Water Allocation Plans and Source Protection Plans are prepared by the Department of Water in liaison with the Water Corporation under this legislation.

Country Areas Water Supply Act 1947

Provides protection of water resources in Country areas.

Metropolitan Water Supply and Drainage Act 1909

Provides protection of water resources in Metropolitan areas.

Water Agencies (Powers) Act 1984

Enables the responsible minister to make regulations for water resources and water quality protection.

Waterways Conservation Act 1976

Controls the construction of infrastructure and the disposal of material in estuarine waterways.

Aboriginal Heritage Act 1972

Specifically focussed on the protection of sites and values significant to Aboriginal heritage.

Heritage of Western Australia Act 1990

Provides protection to sites and values with state significant heritage.

Land Administration Act 1997

Provides for the reservation and leasing of reserves.

Peel Region Scheme (PRS)

Clause 2 (2) states that reserved land means land reserved under the scheme for a public purpose. Clause 5 (a) states that the purpose of the scheme is to provide for the reservation and protection of land for regional; transport, conservation, recreation and public uses.

Clause 6 (c) states that the aim of the scheme is to protect as regional open space, the regions coastal foreshores, the foreshores of the Serpentine, Murray and Harvey rivers and the Peel inlet and Harvey Estuary as well as other areas of regional conservation significance and areas for regional recreational facilities.

Clause 10 stipulates what land reserved under the scheme can be used for, including the following public purposes:

- Regional open Space - to protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access.



- State Forest – to recognise State Forests.
- Waterways – to recognise permanently inundated inland and coastal lands below the high water mark, and existing and proposed water canals.

Lake Clifton, Pollard, Preston, Yalgorup, Moyanup, Navarino and Kabbamup are all reserved as Waterways under the PRS. Significant portions of land in the Shire are reserved for Regional Open Space (including Yalgorup National Park, Buller Nature Reserve and Lane Pool Reserve). State Forest reservations are located to the east of the Forest Highway and along the scarp to the west of Lane Pool Reserve. A Special Control Area is located around the Samson Brook Dam to protect the water catchment.

Part 6 of the Peel Region Scheme deals with the Development of Land and Clause 18 states that subject to clause 19 and 20, a person may not commence or carry out development on a reserved land unless that person has first applied for and obtained the planning approval of the commission under Part 7.

Town Planning Scheme No. 7

Part III of Town Planning Scheme No. 7 deals with Scheme Reserves. Clause 3.1 states that land shown as Reserves on the Scheme Maps, and the legend thereon, are lands reserved under the Scheme for the purposes shown on the Scheme Maps. The Peel Region Scheme reservation is reflected on Town Planning Scheme Map No.7, which designates the site in question as Regional Open Space and Waterways.

Policy Implications

The area affected by the Forest Management Plan is subject to a raft of strategic plans. Some key documents are discussed below.

State Planning Policy 2.1 Peel – Harvey Coastal Plain Catchment

The Peel-Harvey coastal plain catchment policy ensures that land use changes within the Peel-Harvey estuarine system likely to cause environmental damage to the estuary are brought under planning control and prevented.

The objectives of this policy are to:

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



State Planning Policy 2.6 State Coastal Planning 1998

The policy addresses land use planning and development issues specifically as they relate to the protection and management of the coast. The policy requires strategic plans to guide local planning, development setbacks for protection against coastal processes such as erosion and storms, and the provision of coastal foreshore reserves. Guidance is provided on determining setbacks. The preparation of coastal planning strategies or coastal foreshore management plans in partnership with the broader community is also strongly advocated.

The policy provides high order guidance for decision-making on coastal planning matters and applies statewide. Implementation will be through local government town planning schemes, and regional and local strategies.

State Planning Policy 2.9 Water Resources 2006

This policy is directly related to the overarching sector policy SPP 2 Environment and Natural Resources policy and provides clarification and additional guidance for consideration of water resources in land use planning. The objectives of this policy are to:

- protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;
- assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and
- promote and assist in the management and sustainable use of water resources.

Yalgorup National Park Management Plan 1995 -2005

The Yalgorup National Park Management Plan was developed by the then Department of Conservation and Land Management and addresses issues related to management directions, conservation, recreation, community relations, commercial uses, research and plan implementation.

The Peel-Yalgorup Ramsar Site Management Plan

The Peel-Yalgorup Ramsar Site Management Plan aims to maintain the ecological character of the wetland environment that is an important part of Mandurah and the Peel-Harvey Region, by encouraging wise use of the wetland and its resources. The Peel-Yalgorup Ramsar wetland covers 26,000 hectares and comprises four sub-systems, the Peel Inlet, Harvey Estuary, the McLarty Lakes and the Yalgorup Lakes.

Natural Resource Management Plan for Peel-Harvey Catchment 2005

The *Natural Resource Management Plan for Peel-Harvey Catchment* was prepared by the Peel-Harvey Catchment Council (PHCC) to provide a framework for addressing natural resource management (NRM) issues across the whole of the catchment. It



builds upon a considerable history of community involvement in landcare and natural resource management within the catchment, fostered by various government agencies.

Peel Waterways Economic Development and Recreation Management Plan 2002

The goal of the study prepared by the Water and Rivers Commission was to develop an Economic Development and Recreation Plan for the Peel Waterways which will provide for clear and planned use of the waterways and related land based activities.

Shire of Waroona Local Planning Strategy 2009

With regards to the Local Planning Strategy the Yalgorup National Park is located in the Lake Clifton and Coastal Precincts within an area designated as Open Space, Recreation, Conservation and Forestry.

Strategic Plan Implications

Strategy 4 in the Shire of Waroona Strategic Community Plan 2012 is to conserve sensitive environmental assets. This will be achieved through the following sub-strategies:

4.1 Promote the significant natural features of the shire, including:

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

4.2 Acknowledge the importance of protecting these assets through:

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

Officer's Comments

Given the total area covered in the FMP covers a substantial portion of the state, some general comments are provided on the Draft Plan, with specific comments on the plan where it affects the reserves or land in the Shire directly.

The Shire of Waroona is predominantly located in the Swan Coastal Plain South and the Jarrah Landscape Management Units of the FMP.

In terms of Draft FMP proposals, the following changes are proposed to the category of the land / reserve:

ID	Locality Name	Area (Ha)	Proposal	Status
52	Clifton South	560	State Forest to National Park.	In progress.
53	McLarty	660	State Forest to National Park.	In progress.
54	Marrarup	20	Unallocated Crown Land to Nature Reserve.	In progress.
55	Lane Pool	220	Miscellaneous to S.5(1)(g).	In progress.
56	Icy Creek (Lane Pool)	180	Unallocated Crown Land to S.5(1)(g).	In progress.

Note: Changes to localities 52 - 53 and 56 were proposed in earlier FMPs, while locality 54 was proposed in the Regional Forest Agreement (RFA).

The proposed changes to the category of land management in the FMP as reflected in the summary table above are supported. No significant implications in terms of land use are expected and the level of control by the State Government of these areas is generally improved by the proposed measures.

The Yalgorup Lakes and National Park are subject to a raft of federal, state and local government legislation, policies, strategies and management plans as indicated earlier in the report.

It is clear from the above documents that the Yalgorup Lakes and National Park are located in an ecological and sensitive biodiverse environment, which is recognised by the Ramsar Convention on wetlands, the reservations in the Peel Region Scheme and Shire of Waroona Town Planning Scheme as well as designations in the Shire of Waroona Local Planning Strategy. The conservation of these areas is imperative in order to ensure the preservation of the various sensitive fauna and flora species found in the area.

Different components of the subject area are managed by different government agencies including the Department of Environment and Conservation as well as the Peel-Harvey Catchment Council. Management Boards are responsible for the management of the various management plans that affect the Yalgorup Lakes and National Park.

The Draft FMP appears to be primarily focused on conservation, which in itself is admirable, however the plan pays little attention to education, recreation and tourism (under Socio Economic benefits). Given the growth proposed in the State Government's Directions 2031, appropriate planning needs to occur to accommodate an increase of half a million people in Perth and Peel and a total city population of 3.5 Million people.

It is inevitable that state forests will have to accommodate for environmental research and education as well as recreation and tourism. Allocating 13 pages in a total of 241 to Socio economic benefit indicates that this area is totally undervalued and the principle of integrated / interrelated planning is not pursued amongst all government agencies.

The New Zealand Department of Environment and Conservation for instance is an example of a government department which understand its wider responsibility to the community as a whole. This department successfully undertakes environmental conservation, forestry, environmental education and research as well as operating a range of tourism and recreation facilities. For this to succeed in WA, adequate funding and resourcing needs to be allocated to the Department of Environment and Conservation. Ignoring the future demands of the population around the states forest may have dire future social consequences.

Being located within easy commuting distance from the Perth Metropolitan area, the Yalgorup National Park lends itself towards opportunities for an ecological research and educational centre as well as a recreational park that is developed sensitively to include more accommodation as well active and passive recreation facilities. Opportunities for walking, cycling and bridle trails should be further explored.

It is further important that where harvesting occurs in state / timber forests that the necessary measures are in place to ensure that the impact on residential and recreational land uses is minimised.

The necessary steps also need to be taken to minimise visual impact of tree removal as a result of harvesting (i.e. through retaining screening planting towards public views.

Other impacts on local government relate to the impact of timber trucks on roads within its jurisdiction, which may require management agreements with the local government. This is also relevant to areas where mining occurs within state forests.

It is further imperative that the necessary liaison and consultation with local government occurs in relation to prescribed burning, as well as other fire management (including firebreaks) and emergency management. The preparation of Regional Fire Management Plans is supported.

Dieback, weed and pest management is essential to ensure the health of the forest as well as mitigating the spread thereof to surrounding areas. Again these areas should not only be noted in the FMP, but need to be adequately funded and resourced in order to be effectively managed by the DEC.

COUNCIL RESOLUTION**OCM12/10/115****MOVED: Cr Look****SECONDED: Cr Wright**

That in relation to the Draft Forest Management plan, Council advises the Conservation Commission that:

- 1. The primary focus on conservation in the document is admirable and is generally supported.**
- 2. The changes proposed to the category of the land / reserve in the Draft Plan is supported for the following localities:**
 - a) Clifton South - ID 52.**
 - b) McLarty - ID 53.**
 - c) Marrarup - ID 54.**
 - d) Lane Pool - ID 55.**
 - e) Icy Creek (Lane Pool) – ID 56.**
- 3. The attention to Socio – Economic benefits in the document is not considered to be adequate in light of the following:**
 - a) The full extent of this section of the document is limited in comparison to the content of the rest of the document, which does not sufficiently reflect the principles of sustainability.**
 - b) The extent of land / reserves affected by the Draft Plan is extensive when considered within the context of Directions 2031 and should therefore reflect the needs of the state’s future population in terms of environmental education, research, recreation and tourism.**
- 4. Council recommends the opening and making available of the Yalgorup National Park to the public as an Ecological, Educational and Recreational Park where appropriate.**
- 5. Where harvesting occurs in state / timber forests, the necessary guidelines should be in place to ensure that the impacts on residential and recreational land uses are minimised including limiting the visual impact of tree removal as a result of harvesting (i.e. through retaining screening planting towards public views).**
- 6. It is imperative that the necessary liaison and consultation with local government occurs in relation to prescribed burning, as well as other fire management (including firebreaks) and emergency management.**
- 7. The preparation of Regional Fire Management Plans is supported.**

- 8. Dieback, weed and pest management are considered to be essential to ensure the health of the forest as well as mitigating the spread thereof to surrounding areas.**
- 9. Measures noted in the FMP should be adequately funded and resourced in order to be effectively managed by the Department of Environment and Conservation.**

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: 17/10/2012	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.4.1

<u>COUNCIL RESOLUTION</u>		
OCM12/10/116		
MOVED: Cr Witney		
SECONDED: Cr Look		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7024 – 7052	\$16,949.62
Trust (Cheque/EFTs)	EFT 15039 & 15098	\$1,317.35
Electronic Transfers Municipal Fund	EFT 15038 – 15181	\$300,522.80
Direct Wages	01/9/2012 – 30/9/2012 inclusive	\$168,726.00
GRAND TOTAL:		<u>\$487,515.77</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 30 SEPTEMBER 2012	
Reporting Officer / Officer's Interest:	Tamara Olsson – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 17/10/2012	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.4.2**COUNCIL RESOLUTION****OCM12/10/117****MOVED: Cr Scott****SECONDED: Cr Witney**

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

CARRIED 7/0

9.4.3 ANNUAL AUDIT 2011/2012	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 16.10.12	File No: 15/1
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995 and Audit Regulations
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

PROPOSAL

The Council's annual audit for 2011/12 has now been finalised by the Council's auditor Mr Tim Partridge from AMD Bunbury.

The auditor has advised that the accounts have been presented to a very high standard with no areas of concern in relation to statutory compliance.

Details of management issues, suggestions etc are contained within a separate report and are addressed on an ongoing basis. Staff are pleased to advise that no issues requiring Council's attention were identified during the audit.

A copy of the 2011/12 Annual Accounts together with the audit report are attached at **APPENDIX 9.4.3.**

Following adoption of the official audit report the document and Annual Financial Statements will be presented to the Electors.

It is also a requirement that a copy of the audit report and Financial Statements be forwarded to the Dept of Local Government.

BACKGROUND

The Council is required to prepare its annual accounts by September 30 each year. This is followed by formal acceptance of the Audit report and subsequent incorporation of the audit report into the Annual Report which is to be presented to the Electors.

COMMUNITY CONSULTATION

In accordance with Statutory requirements of both the Local Government Act 1995 and Audit Regulations.



Officer Comments

A full set of the audited Annual Financial Statements will be included within the “Annual Report” which is to be presented to Electors at the Annual meeting of Electors to be held on Tuesday 18th December 2012 (following the December Ordinary Council meeting).

The Councils Finance and Audit Committee are also required to meet with the Auditor on an annual basis. This is expected to take place immediately prior to the December Ordinary Council meeting.

COUNCIL RESOLUTION

OCM12/10/118

MOVED: Cr Look

SECONDED: Cr Witney

1. **That the Annual Financial Statements for the books of account for the Shire of Waroona, for the 2011/2012 financial year, as appended be received.**
2. **That the Audit Report for the books of account for the Shire of Waroona, for the 2011/12 financial year, as appended be received.**
3. **That the Council records its appreciation to the Manager Financial Services and all Finance staff on the excellent presentation of the Council’s accounts.**

CARRIED 7/0

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 DECEMBER, JANUARY & FEBRUARY COUNCIL MEETINGS /ANNUAL ELECTORS MEETING	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer/Nil
Date of Report: 12.10.2012	File No: 35/1
Previous Reference:	OCM 11/10/127 (October 2011)
Statutory/Policy Implications:	Council policy 1.13
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

To set the date and time for the December 2012 Council meeting and the 2012 Annual Electors Meeting, and consider the need for a January 2013 meeting.

Background

The December 2012 Council meeting is scheduled for Tuesday 25 December 2012 which is the Christmas day public holiday and it is recommended that the meeting be held one week prior to the scheduled day, on Tuesday 18 December 2012 commencing at 4.00pm.

It is suggested that the Annual Electors Meeting be held at 6.00pm on the same day as the December Council meeting, as occurred last year.

The January 2013 Council meeting is scheduled for Tuesday 23 January 2013. Council, generally, does not hold a January meeting and brings forward the February meeting. If urgent business arising during this period a Special Council meeting can be held.

COUNCIL RESOLUTION**OCM12/10/119****MOVED: Cr Scott****SECONDED: Cr Salerian**

That Council give public notice of the following schedule for coming meetings:

- 1. December 2012 Council meeting to be held on Tuesday 18 December 2012 commencing at 4:00pm.**
- 2. 2011/12 Annual Electors meeting to be held on Tuesday 18 December 2012 commencing at 6:00pm.**
- 3. No January 2013 Council meeting be held.**
- 4. February 2013 Council meeting to be held on Tuesday 19 February 2013 commencing at 4.00pm.**

CARRIED 5/2

**For the Motion: Crs Scott, Salerian, Dew, Wright, Witney
Against the Motion: Crs Germain & Look**



COUNCIL RESOLUTION

OCM12/10/120

MOVED: Cr Witney

SECONDED: Cr Look

That item 9.5.2 lie on the table until after consideration of item 9.5.3, 9.5.4 and 9.5.5.

CARRIED 7/0

9.5.3 BUSINESS INCENTIVE GRANT APPLICATION	
Reporting Officer / Officer's Interest:	Ian Curley Chief Executive Officer Naomi Purcell Community Development Officer
Responsible Officer / Officer's Interest	Ian Curley Chief Executive Officer
Proponent:	Andrew Dewar
Landowner:	Kathy and Phillip Rogerson
Date of Report:	15 th October 2012 File No.: 98/1
Previous Reference:	OCM10/10/165
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The allocation for Business Enhancement in the 2012/2013 budget is a total of \$16,000.
Voting Requirements	Simple Majority

PROPOSAL

To consider an application for a Business Incentive Grant of two thousand dollars (\$2,000) from Andrew Dewar of Aunty Jack's Videos who is proposing to relocate his business into a vacant premises:- 53A and B South Western Highway shown at **APPENDIX 9.5.3**. The grant is to assist with internal shop fit out for the business premise, signage and rent.

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.

Aunty Jack's Videos has been in operation for 20 years, 6 of those with its current owners. This business currently provides DVD hire, music, cards and wrap, confectionary lines, sunglasses and hats, children's entertainment arcadia machines, ice cream, slushies, disc cleaning service, accessories and is the only local TRANSWA agency. The new retail premise will provide existing services and an expanded range and variety of candy, Limited Edition Prints, skin care products and a gift basket service for festive seasons. The introduction of EFTPOS and credit facilities will be a great asset to the business and they would aim to add two internet booths for weekend and after hour's use that is otherwise unavailable in town.

COMMUNITY CONSULTATION

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

OFFICER'S COMMENTS

The business has supplied letters and documentation to support their application, however, the application does not meet the criteria of the 2012/13 grants in that the



current premises will be vacated and an existing vacant building occupied. An extract of the grant criteria is printed below –

Eligibility Criteria

*The funding is available for business's intending to locate into vacant premises in the Waroona CBD fronting **South Western Highway** - from McDowell Street to Parnell Street; **Fouracre Street** – from Millar Street to Coronation Road; **Millar Street** - from Fouracre Street to SW Highway and **Coronation Road** - from SW Highway to the Railway line; (See Attachment A for more details).*

- *In addition to the above, to be eligible you must be–*
- *a new business intending to occupy a vacant commercial premises in the above area.*
- *in existing business, not currently located in the Waroona CBD, but intending to occupy a vacant commercial premises in the above area; or*
- *an existing business currently located in the Waroona CBD intending to expand their business into a vacant commercial premises in the above area whilst maintaining their existing business premises. It is not intended to provide funding to relocate from one commercial premises to another.*

COMMITTEE RECOMMENDATION

**MOVED Cr Salerian
SECONDED Cr Look**

That the Small Grants Committee recommend to Council that the application for \$2000 Business Incentive Grant from Andrew Dewar for the purpose of re-locating the current video/confectionery business located in the IGA complex to 53A/B South Western Highway not be approved as it does not meet the guidelines criteria relating to the re-locating of existing businesses.

CARRIED 3/0

9.5.4 BUSINESS INCENTIVE GRANT APPLICATION	
Reporting Officer / Officer's Interest:	Ian Curley Chief Executive Officer Naomi Purcell Community Development Officer
Responsible Officer / Officer's Interest	Ian Curley Chief Executive Officer
Proponent:	John Ferraro
Landowner:	Catholic Archbishop of Bunbury
Date of Report:	16 th October 2012 File No.: 98/1
Previous Reference:	OCM10/10/165
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The allocation for Business Enhancement in the 2012/2013 budget is a total of \$16,000.
Voting Requirements	Simple Majority

PROPOSAL

To consider an application for a Business Incentive Grant of two thousand dollars (\$2,000) from John Ferraro who is proposing to open a new business as a frozen Seafood Shop into his currently leased premises:- 78 South Western Highway shown at **APPENDIX 9.5.4**. The grant is to assist with internal shop fit out for the business premise and signage.

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 applicant proposes to open a new frozen seafood business into these premises – Waroona Seafood. He is the current lease holder of the premises formally the Waroona Bakery – now closed. The applicant has lodged an application for Registration as a Food Premises under the Food Act of 2008 with the Shire of Waroona as at 11/10/2012 (approval pending).

COMMUNITY CONSULTATION

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

OFFICER'S COMMENTS

Consideration in this funding round should be given to this applicant. The Committee needs to be aware that a visiting fish van often operates from a site adjacent to the Visitor's Centre.

COMMITTEE RECOMMENDATION

**MOVED Cr Salerian
SECONDED Cr Look**

That the Smalls Grants Committee recommend to Council approval of a \$2000 Business Incentive Grant to John Ferraro for the purpose of opening a frozen seafood shop at Lot 78 South Western Highway, and that the CEO be authorised to release the funds when satisfied that the applicant has received relevant approvals for the proposed business.

CARRIED 3/0

9.5.5 BUSINESS INCENTIVE GRANT APPLICATION	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil Naomi Purcell, Community Development Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer / Nil
Proponent:	Danielle Wilson
Landowner:	Kathy and Phillip Rogerson
Date of Report:	15 th October 2012 File No.: 98/1
Previous Reference:	OCM10/10/165
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The allocation for Business Enhancement in the 2012/2013 budget is a total of \$16,000.
Voting Requirements	Simple Majority

Proposal

To consider an application for a Business Incentive Grant application of two thousand dollars (\$2,000) from Danielle Wilson of C to Scarp Fashions who is proposing to relocate her business into a vacant premises:- 53A South Western Highway shown at **Appendix 5.1.3**. The grant is to assist with internal shop fit out for the business premise, signage and rent.

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.

C to Scarp Fashion is a local business selling ladies and children's clothing, shoes and accessories. They propose to move location due to end of lease and associated issues. The new retail premise at 53A South West Highway is a building with a bigger floor space and opportunities for expanding the business. They will sublet this premises from Aunty Jack's Video store.

Community Consultation

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

Officer's Comments

The business has supplied letters and documentation to support their application. Consideration in this funding round should be given to this applicant.

Officer's Comments

This application should be considered in conjunction with the application from A Dewar. The business has supplied documentation to support their application, however, the application does not meet the criteria of the 2012/13 grants in that the current premises will be vacated and an existing vacant building occupied. An extract of the grant criteria is printed below –

Eligibility Criteria

*The funding is available for business's intending to locate into vacant premises in the Waroona CBD fronting **South Western Highway** - from McDowell Street to Parnell Street; **Fouracre Street** – from Millar Street to Coronation Road; **Millar Street** - from Fouracre Street to SW Highway and **Coronation Road** - from SW Highway to the Railway line; (See Attachment A for more details).*

- *In addition to the above, to be eligible you must be–*
- *a new business intending to occupy a vacant commercial premises in the above area.*
- *in existing business, not currently located in the Waroona CBD, but intending to occupy a vacant commercial premises in the above area; or*
- *an existing business currently located in the Waroona CBD intending to expand their business into a vacant commercial premises in the above area whilst maintaining their existing business premises. It is not intended to provide funding to relocate from one commercial premises to another.*

COMMITTEE RECOMMENDATION

MOVED Cr Salerian
SECONDED Cr Look

That the Small Grants Committee recommend to Council that the application for \$2000 Business Incentive Grant from Danielle Wilson for the purpose of re-locating the current ladies fashion business from cnr Coronation Rd and South Western Highway to 53A South Western Highway not be approved as it does not meet the guidelines criteria relating to the re-locating of existing businesses.

CARRIED 3/0

COUNCIL RESOLUTION**OCM12/10/121****MOVED: Cr Witney****SECONDED: Cr Germain**

That Council adopts, en bloc, the recommendations from the Small Grants Committee meeting held on 23 October 2012, as follows:

- 1. That the Small Grants Committee recommend to Council that the application for \$2000 Business Incentive Grant from Andrew Dewar for the purpose of re-locating the current video/confectionery business located in the IGA complex to 53A/B South Western Highway not be approved as it does not meet the guidelines criteria relating to the re-locating of existing businesses.**
- 2. That the Smalls Grants Committee recommend to Council approval of a \$2000 Business Incentive Grant to John Ferraro for the purpose of opening a frozen seafood shop at Lot 78 South Western Highway, and that the CEO be authorised to release the funds when satisfied that the applicant has received relevant approvals for the proposed business.**
- 3. That the Small Grants Committee recommend to Council that the application for \$2000 Business Incentive Grant from Danielle Wilson for the purpose of re-locating the current ladies fashion business from cnr Coronation Rd and South Western Highway to 53A South Western Highway not be approved as it does not meet the guidelines criteria relating to the re-locating of existing businesses.**

CARRIED BY EN BLOC RESOLUTION 5/2

For the Motion: Cr's Witney, Germain, Salerian, Look & Dew

Against the Motion: Cr's Scott & Wright



COUNCIL RESOLUTION**OCM12/10/122****MOVED: Cr Witney****SECONDED: Cr Salerian****That item 9.5.2 be taken from the table and considered.****CARRIED 7/0****9.5.2 2012 REVIEW OF COUNCIL POLICY MANUAL, DELEGATIONS REGISTER AND CODE OF CONDUCT FOR ELECTED MEMBERS AND STAFF**

Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer/Nil	
Date of Report:	16.10.12	File: 111/1
Previous Reference:	26 October 2010 & Nov 2011	
Statutory/Policy Implications:	Council is required to review the Policies and Delegations once in every financial year.	
Strategic Implications:	Policies may form part of Council's strategic vision.	
Financial Implications:	Nil	
Voting Requirements	Absolute Majority	

Proposal

To review Council Policies, review and endorse Delegations to the Chief Executive Officer and re-adopt Council's Code of Conduct for Elected Members and Staff.

Officer's Comments

1. Council's Policy Manual - a number of minor changes are proposed for Council's policies listed at **Appendix 9.5.2A**. The list is to be read in conjunction with the current Policy Manual.
2. The Delegations Register list at **Appendix 9.5.2B** contains only delegations that have previously been authorised by Council and are recommended for re-endorsement. No new delegations are proposed.
3. The Council's Code of Conduct for Elected Members and Staff listed at **Appendix 9.5.2C** is recommended for re-adoption without modification.

Community Consultation

N/A

COUNCIL RESOLUTION**OCM12/10/123****MOVED: Cr Witney****SECONDED: Cr Germain**

That Council review and endorse the modifications to the Council Policy Manual and adopt the new Policies as proposed at *Appendix 9.5.2A*, endorse the Delegations Register included at *Appendix 9.5.2B* and re-adopt the Council's Code of Conduct for Elected Members and Staff included at *Appendix 9.5.2C*.

CARRIED BY ABSOLUTE MAJORITY 7/0

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

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

12.1 ELECTED MEMBERS

Nil.

COUNCIL RESOLUTION**OCM12/10/124****MOVED: Cr Germain****SECONDED: Cr Witney**

That the meeting be closed to members of the public in accordance with Section 5.23(2)(d) of the Local Government Act 1995 to discuss an item of a confidential nature relating to a private citizen, the time being 5.15 pm.

CARRIED 7/0**COUNCIL RESOLUTION****OCM12/10/125****MOVED: Cr Witney****SECONDED: Cr Germain**

That the meeting resume in public, the time being 5.24 pm.

CARRIED 7/0**12.2 OFFICERS**

Nil.



13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.32 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 27 NOVEMBER 2012 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER
.....
DATE

