



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**TUESDAY 23 AUGUST 2016**  
**(Held at the Shire of Waroona Council Chambers)**

## TABLE OF CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENTS.....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED .....	3
3.	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	3
4.1	PUBLIC QUESTION TIME .....	3
4.2	PUBLIC STATEMENTS .....	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
6.	DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS.....	4
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS .....	4
8.	CONFIRMATION OF MINUTES .....	4
8.1	ORDINARY COUNCIL MEETING – 26 JULY 2016 .....	4
8.1	SPECIAL COUNCIL MEETING – 2 AUGUST 2016.....	4
9.0	REPORTS OF OFFICERS AND COMMITTEES .....	4
9.1	DIRECTOR TECHNICAL SERVICES.....	5
9.1.1	WAROONA MAIN STREET DRAINAGE IMPROVEMENTS.....	5
9.1.2	CLOSURE OF PORTION OF KYAMBA ROAD, HAMEL & LANDOWNERS CONSENT FOR SUBDIVISION APPLICATION .....	8
9.2	DIRECTOR DEVELOPMENT SERVICES .....	11
9.2.1	APPLICATION OF THE COMMON SEAL OF THE SHIRE OF WAROONA TO AUTHORISE THE WITHDRAWAL OF CAVEAT ON LOT 52 ON STRATA PLAN 52193 .....	11
9.2.2	REALLOCATION OF FUNDS - RISK AND INSURANCE RESERVE ACCOUNT.....	14
9.2.3	LOT 160 (NO. 4) CLEMENTS PLACE, WAROONA – PLANNING CONSENT FOR BUILDING ENVELOPE RELOCATION & ENCLOSED LEAN-TO .....	19
9.2.4	SUBDIVISION – LOT 505 CORONATION ROAD, WAROONA .....	29
9.2.5	LOT 1, SOUTHERN ESTUARY ROAD, LAKE CLIFTON - 24 LOT SUBDIVISION .....	35
9.3	DEPUTY CEO/DIRECTOR CORPORATE SERVICES .....	46
9.3.1	ACCOUNTS FOR PAYMENT .....	46
9.3.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 31 JULY 2016 .....	47
9.3.3	LEASE OF COUNCIL PROPERTY – SHED – ST VINCENT DE PAUL.....	48
9.3.4	HISTORY BOOK PRODUCTION.....	50
9.4	CHIEF EXECUTIVE OFFICER.....	53
10.	CONFIDENTIAL REPORTS.....	53
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING .....	53
12.	NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION .....	53
12.1	ELECTED MEMBERS.....	53
12.2	OFFICERS .....	53
13.	CLOSURE OF MEETING .....	53

## 1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.03 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 Christine Germain	Councillor
Cr John Salerian	Councillor
Cr Laurie Snell	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO / Director Corporate Services
Mr Patrick Steinbacher	Director Technical Services
Mr Louis Fouche	Director Development Services
Mr Leonard Long	Manager Development Services
Mr Chris Dunlop (from 4.20pm)	Senior Town Planner
Mrs Sue Cicolari	Executive Support Officer

### APOLOGIES

Cr John Mason	Councillor
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There were two members of the public at the commencement of the meeting.

### LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Trish Witney	Councillor
Cr Craig Wright	Councillor

## 3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

### 4.1 PUBLIC QUESTION TIME

Mr Jonathon Clark (Representing John and Joy Clark), 44 Russell Drive, Waroona

The following questions were asked in relation to item 9.2.3 in the Agenda -

1. Is the Land Owner currently running or planning to run a business on his property?

Mr Long advised that there were no approvals for a business at the premises and there were no applications before Council.

2. Is creating a Light Industrial Area on Clements street conducive to the overall look and feel of Waroona? Especially since the area is zoned as Urban 5 – Special Residential Zone.

Mr Long advised that the current approvals for sheds on urban properties are for domestic purposes.



## 4.2 PUBLIC STATEMENTS

Mr Jonathon Clark (Representing John and Joy Clark), 44 Russell Drive, Waroona

Made a public statement in relation to item 9.2.3 of the Agenda.

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Snell declared an interest affecting impartiality in Item 9.3.4, as author of the History book.

## 7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

## 8. CONFIRMATION OF MINUTES

### 8.1 ORDINARY COUNCIL MEETING – 26 JULY 2016

**COUNCIL RESOLUTION**

**OCM16/08/077**

**MOVED: CR GERMAIN**

**SECONDED: CR SNELL**

**That the Minutes of the Ordinary Council Meeting held 26 July 2016 be confirmed as being a true and correct record of proceedings.**

**CARRIED 5/0**

### 8.1 SPECIAL COUNCIL MEETING – 2 AUGUST 2016

**COUNCIL RESOLUTION**

**OCM16/08/078**

**MOVED: CR SCOTT**

**SECONDED: CR SNELL**

**That the Minutes of the Special Council Meeting held 2 August 2016 be confirmed as being a true and correct record of proceedings.**

**CARRIED 5/0**

## 9.0 REPORTS OF OFFICERS AND COMMITTEES

## 9.1 DIRECTOR TECHNICAL SERVICES

<b>9.1.1 WAROONA MAIN STREET DRAINAGE IMPROVEMENTS</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 4 August 2016	File No.: 46/1
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management &amp; Sustainability</u>"</b>	

### **PROPOSAL SUMMARY**

A section of Waroona's main street has proved susceptible to flooding during heavy rain events causing inflow of stormwater into private properties adjacent. The purpose of this item is to present to the Works & Services Committee (Meeting held on Monday 8<sup>th</sup> August) and now Council a proposal to mitigate the risk of flooding to the adjacent private properties during significant rain events.

### **BACKGROUND/INITIAL COMMENTS**

The owners and tenants of the businesses adjacent to the subject section of the main street have approached the Shire on numerous occasions following relatively heavy rainfall events, concerned about the inflow of stormwater into their front doors. This has obvious negative ramifications and the owners and tenants are understandably unhappy.

The causes of the problems stem from a combination of factors, namely:

- Lack of drainage capacity both upstream on Thatcher Street and in the section of the main street drainage itself
- Low kerb profile along the subject section
- Incorrect slope of footpath which falls towards the properties rather than away

The problems occur during periods of relatively heavy rainfall which seem to occur two or three times a year. These events do not always cause inflow into private property but the potential remains, depending on the duration and intensity of the rainfall event. The lack of drainage capacity results in overland flows once the underground drainage is full and as Thatcher Street is relatively steep, the flows gain speed.

Officers are concerned that should a very significant rainfall event occur, which is only a matter of time, the resultant property damage may be substantial.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

## **REFERRALS**

Nil

## **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability”

## **FINANCIAL ISSUES/IMPLICATIONS**

\$30,000 has been included in the 2016/17 budget to carry out the proposed works, should they meet with Committee and Council approval.

## **POLICY ISSUES/IMPLICATIONS**

Nil

## **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

Nil

## **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The proposal appended at **Appendix 9.1.1** is a concept plan drawn up by Coates Civil Consulting that will deal with the various issues as they stand.

The major contributing factor is stormwater overflow running down Thatcher Street and across the main street at speed. This stormwater appears to split into two flows, one diverting towards Coronation Road and one heading towards the shop frontages. Both flows are not ideal however it is the latter which is of the greatest concern. The Southernmost drainage pit on the main street (shown on the plan as replaced with a new double side entry pit (SEP)) is currently a single entry and pit which not only does not offer enough inflow capacity but is also thought to not fully charge its outlet pipe which therefore is flowing under its full capacity.

These factors, coupled with the stormwater shedding off the main street itself, the low kerb, and incorrect footpath slope, is causing water to back up and ultimately flow into the shop frontages.

The concept plan deals with these issues in the following ways:

- Doubling up of the existing single Southernmost pit and entry to allow greater inflow, storage and to fully charge the downstream pipe
- Installation of additional drainage elements which will split the inflow and reduce concentration around one point as is currently the case
- Construction of a low wall to provide a physical barrier to the Thatcher Street flows and also to allow the footpath to be reconstructed with a fall in grade away from the shop frontages.

Officers sought the Committee's approval for these works as they will alter the appearance of the main street precinct. It is felt, however that the works will be aesthetically pleasing and materials will be chosen and endorsed by the Works Committee prior to installation.

It should be pointed out however that the solution presented here will reduce the risk involved with typical heavy rainfall events experienced perhaps two or three times a year. It may not cope with a significant rainfall event such as a ten or even five year event (i.e. a rainfall event so large it can be expected to occur once in ten or once in five years). In such events, property damage is not uncommon even in areas that usually are not affected.

There are also exacerbating factors in play in this particular situation. Thatcher Street is a massive catchment area in terms of sealed area alone and there is simply not enough drainage capacity (both in terms of the physical size of the elements of the existing drainage network and also a complete lack of drainage network in some areas) to cope with even minor rainfall events, meaning much of the stormwater that is directed to Thatcher Street flows overland down the street. This is the stormwater that is contributing to the issue subject to this item. Add in the steep grade of Thatcher Street and the problem is again multiplied. Additionally, the drainage network in the main street itself is in some places at capacity or undersized.

Officers see the works subject to this item as 'stage one' of a larger strategy required to address the issues posed by Thatcher Street both in this location and in others. Retrofitting underground drainage is a complex and expensive exercise.

An added positive is that the wall will push pedestrian traffic to the South so that it is forced to use the crossing already in place there and reduce the number of users cutting directly across the intersection.

Should this proposal meet with Committee and Council approval a detailed design will be drafted by Coates Civil Consulting for construction.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.1.1</b>
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### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL RESOLUTION**

**OCM16/08/079**

**MOVED: CR SNELL**

**SECONDED: CR GERMAIN**

**That the drainage improvement works shown as a concept on Appendix 9.1.1 be endorsed by Council for construction in 2016/17.**

**CARRIED 5/0**



<b>9.1.2 CLOSURE OF PORTION OF KYAMBA ROAD, HAMEL &amp; LANDOWNERS CONSENT FOR SUBDIVISION APPLICATION</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher – Director Technical Services / Nil
Responsible Officer / Officer's Interest:	Patrick Steinbacher – Director Technical Services / Nil
Proponent:	Christopher Dunlop
Landowner:	State of Western Australia
Date of Report: 9 February 2015	File No.: 132/1
Previous Reference:	OCM16/06/057
Policy Implications:	Nil
Statutory Implications:	Land Administration Act 1997
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	Cost of Advertising – Included in Operational Budget
<i>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme 4: Society / Community Wellbeing: Maintain a Strong sense of community; Effective Community Wellbeing</i>	

### **PROPOSAL SUMMARY**

Council is requested to consider a written proposal from a landowner adjoining Kyamba Road at Lot 84 Riley Road, Hamel requesting that a portion of the road be closed and the disposal thereof be negotiated between the proponent and the Department of Lands to facilitate the subdivision of the proponent's lot.

A copy of the location plan of the subject land is at **Appendix 9.1.2A**.

Council is also requested to consider providing landowners consent to the associated application for subdivision approval relating to the land subject of the road closure and the adjacent Lot 84.

A copy of the proposed plan of subdivision is at **Appendix 9.1.2B**.

### **BACKGROUND / INITIAL COMMENTS**

The subject road is currently undeveloped and void of vegetation. The land is flat and has historically been used for grazing.

At its meeting of 28 June 2016 Council resolved:

*“That in relation to the request for the closure of the subject portion of Kyamba Road, Council resolves:*

- 1. To initiate the closure of portion of the road by publicly advertising the proposal in accordance with Section 58 of the Land Administration Act 1997.”*

Since that time the proposal has been advertised in accordance with the Land Administration Act, with no submissions being received.

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## **STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS**

### **Land Administration Act 1997 (the Act)**

Section 58 of the Act sets out the process required to be undertaken for closing a road.

Section 74 of the Act provides the Minister with the powers to sell Crown land.

Section 87 deals with 'Minister may convey in fee simple or lease Crown land for subsequent amalgamation with adjoining land' and states that *"if the Minister considers that a parcel of Crown land is unsuitable for retention based on good land use and planning principles, the Minister may, by order amalgamate that parcel with the adjoining land"*.

### **Shire of Waroona Town Planning Scheme 7 1996 (TPS)**

The TPS sets out the statutory provisions for the development of Lot 84, which is zoned Rural Smallholdings under the TPS.

## **POLICY / PROCEDURAL ISSUES / IMPLICATIONS**

Nil.

## **PLANNING – STRATEGIC IMPLICATIONS**

### **Shire of Waroona Strategic Community Plan 2014/15-2023/24**

This item relates to achieving Theme 4: Society / Community Wellbeing: Maintain a Strong sense of community; Effective Community Wellbeing.

### **Shire of Waroona Local Planning Strategy 2009 (LPS)**

The LPS provides provisions in relation to the subdivision and development of Lot 84. Lot 84 is designated as Rural Smallholdings with a minimum lot size of 2ha by the LPS.

## **COMMUNITY CONSULTATION**

Community consultation has been undertaken in accordance with Section 58 of the Land Administration Act 1997, with no submissions being received during the consultation period.

## **FINANCIAL ISSUES / IMPLICATIONS**

Cost of Advertising – included in operational budget.

## **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The road in question is an unconstructed road and is not identified for construction as part of the Shire's forward planning. The road is not required for permeability of the locality in order to access adjoining lots.

The proposed application for subdivision will be referred to the Shire as part of the assessment process of the Department of Planning, at which time the Shire will fully assess the proposal and respond to the Department accordingly.

<b>Appendices Attached:</b> Yes	<b>Appendices Numbers:</b> 9.1.2 A & B
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**VOTING REQUIREMENTS**

Simple Majority.

**COUNCIL RESOLUTION****OCM16/08/080****MOVED: CR SCOTT****SECONDED: CR SNELL**

**That in relation to the request for the closure of the subject portion of Kyamba Road and landowners consent for the subdivision of a portion of Kyamba Road and Lot 84 Riley Road, Hamel, Council resolves:**

- 1. Pursuant to Section 58 (1) of the Land Administration Act 1997 to make a request to the Minister for Lands to close the area of Kyamba Road as shown in Appendix 9.1.2A.**
- 2. To provide landowners consent to the application for subdivision of Lot 84 Riley Road, Hamel, as shown on the plan of subdivision at Appendix 9.1.2B.**
- 3. Authorise the Chief Executive Officer to sign any relevant application forms in relation to (2) above.**

**CARRIED 5/0**

Mr Dunlop entered the meeting, the time being 4.20 pm.

## 9.2 DIRECTOR DEVELOPMENT SERVICES

<b>9.2.1 APPLICATION OF THE COMMON SEAL OF THE SHIRE OF WAROONA TO AUTHORISE THE WITHDRAWAL OF CAVEAT ON LOT 52 ON STRATA PLAN 52193</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; No Interest
Proponent:	Kingpoint Holdings PTY LTD
Landowner:	Kingpoint Holdings PTY LTD
Date of Report: 10/8/2016	File No.: TP880
Previous Reference:	SCM05/152 of 31/10/2005
Policy Implications:	Council Policy 1.26 – Application of Shire of Waroona Common Seal
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	

### **PROPOSAL SUMMARY**

Council is requested to consider the withdrawal of a caveat on Lot 52 on Survey Strata Plan 52193, which relates to Footprints Resort in Preston Beach. The withdrawal of the caveat has been requested by the mortgager of the property in order to enable the registration of the mortgage on the title.

In order for the caveat to be withdrawal the common seal of the Shire of Waroona is required to be applied to the appropriate documents. As this issue may potentially arise in the sale of other lots that are subject to the same caveat Council is requested to consider providing an enduring resolution that will enable the common seal to be applied should such a situation arise in the future.

### **BACKGROUND/INITIAL COMMENTS**

At the Special Council Meeting of 31 October 2005 Council approved the development of the Footprints resort at Preston Beach. Condition 21 of the approval required a legal agreement between the Shire and the developers of the resort stating:

*“A Legal Agreement being signed between the Shire and the Developer/Strata Company binding them to an annual contribution of Ten thousand dollars (\$10,000) plus increase to the CPI, to the Shire for the purpose of the Volunteer Ranger Service.”*

This agreement was registered as a caveat on the titles of the strata lots subject to a deed of agreement being entered into by the Shire and the Strata Company.

The caveats registered on the titles acted as a temporary method of enforcement of the legal agreement until the strata company was established and a deed of agreement between the Shire and the strata company entered into to replace the legal agreement between the Shire and the developer.



In 2009 a deed of agreement between the Shire and the strata company was signed as a replacement for the legal agreement between the Shire and the developer. As the deed between the Shire and the strata company superseded the legal agreement subject of the caveats, the caveats are no longer required on the titles of the subject lots.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

See Legal Issues.

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 6 “Active Civic Leadership, Good Governance, & Excellence in Management”.

### **FINANCIAL ISSUES/IMPLICATIONS**

A number of financial implications resulted from the original legal agreement between the Shire and the developer, including the payment of an annual contribution by the developer towards the provision of a volunteer ranger service in Preston Beach. All aspects of the original legal agreement have been superseded by the deed of agreement between the Shire and the strata company, including the aforementioned contribution.

All costs associated with the removal of the caveat are to be borne by the purchaser of the lot.

### **POLICY ISSUES/IMPLICATIONS**

Council Policy 1.26 – Application of Shire of Waroona Common Seal requires that the application of the seal be in accordance with a resolution of Council and is witnessed by the Shire President and Chief Executive Officer.

### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

### **LEGAL ISSUES/IMPLICATIONS**

Officers have liaised with Council’s solicitors to ensure that the requirements of the legal agreement subject of the caveat have been fulfilled by the signing of the deed between the Shire and the strata company. The removal of the caveats will not impact the ongoing operation of the deed.

### **COMMUNITY CONSULTATION**

Nil

### **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The removal of the caveat will not impact the continued operation of the deed of agreement between the Shire and the strata company which made the caveat redundant. As such it is recommended that Council authorise the application of the Common Seal as required for the removal of the caveat.

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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### **VOTING REQUIREMENTS**

Absolute Majority

### **COUNCIL RESOLUTION**

**OCM16/08/081**

**MOVED: CR SNELL**

**SECONDED: CR GERMAIN**

**Pursuant to Council Policy 1.26 – Application of the Shire of Waroona Common Seal, and in relation to the application of the Shire of Waroona Common Seal to documents authorising the withdrawal of the caveat on Lot 52 on Strata Plan 52193, Council resolves:**

- 1. To authorise the application of the Shire of Waroona Common Seal to documents required for the withdrawal of the caveat; and**
- 2. To extend the authorisation to documents for the removal of caveats on any lot under Strata Plan 52193 as may be required in the future.**

**CARRIED BY ABSOLUTE MAJORITY 5/0**

<b>9.2.2 REALLOCATION OF FUNDS - RISK AND INSURANCE RESERVE ACCOUNT</b>	
Reporting Officer / Officer's Interest:	Leonard Long – Manager Development Services; No Interest.
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services; No Interest
Proponent:	Shire of Waroona.
Landowner:	Lot 1733 Hill Street, Waroona, is owned by the Crown and vested with the Shire of Waroona. Lot 41 Hesse Street, Waroona, is owned by the Shire of Waroona.
Date of Report: 15 August 2016	File No.: 126/2, 153/4
Previous Reference:	N/A
Policy Implications:	<i>Policy 7.3 – Management of Risk on Recreation Equipment or at Recreation Facilities. Policy 5.13 – Occupational Safety and Health. Policy 3.3 – Purchasing and Procurement. Policy 3.7 – Purchase Order – Authority for issue.</i>
Statutory Implications:	<i>Local Government Act 1995. Occupational Safety and Health Act 1984</i>
Strategic Implications:	<i>See heading below.</i>
Financial Implications:	<i>See heading below.</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>Theme 5. Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving Built/acquired Assets, &amp; Infrastructure; Financial Proficiency &amp; Sustainability.</i>	

### **PROPOSAL SUMMARY**

Council is requested to authorise the reallocation of a total of \$14,500 allocated under the current 2016/17 budget to the Risk and Insurance Reserve account 456700. The transfer of these funds to the Recreation and Aquatic Centre and Other Governance Costs accounts will ensure that essential Occupational Safety and Health as well as Risk Mitigation matters in relation to Shire buildings are addressed.

### **BACKGROUND/INITIAL COMMENTS**

In December 2012, LGIS through Royal Life Saving WA undertook an audit of the Waroona Recreation and Aquatic Centre, with specific reference to the aquatic facility. This audit provided the Shire with important information to ensure that the Aquatic Centre is operated in accordance with the Code of Practice for the Operation of Aquatic Facilities.

The Shire's Administration Building's fire protection systems and equipment also require routine servicing in order to comply with Australian Standard AS 1852 – 2012.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil.



## **REFERRALS**

Nil.

## **STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS**

The relevant Strategic Community Plan issue area is theme 5, “Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving Built/acquired Assets, & Infrastructure; Financial Proficiency & Sustainability.”

## **FINANCIAL ISSUES / IMPLICATIONS**

It is proposed that the funds to cover the expenditure of those items identified in this report will be transferred from Council’s Risk and Insurance Reserve. The transfer from the Risk and Insurance Reserve may be offset by the Members Dividend payment which generally occurs during the month of October and is transferred into the Reserve at year end. If this does not cover the cost then a further budget amendment will be completed during the half yearly budget review in February 2017

## **POLICY ISSUES / IMPLICATIONS**

### **Policy 7.3 – Management of Risk on Recreation Equipment or at Recreation Facilities.**

‘That Council minimise the opportunities for litigation and reduction of insurance costs by preparing a Risk Management Program based on daily reporting by the Public, Councillors and Employees of the Council, of risks. Regular inspection of facilities and equipment. Council and Employees will adopt a practise of preventing equipment, facilities and natural resources from failing or developing problems, and where failures and problems occur, an immediate Program of Rectification is to be instituted. Council occasional and regular works programs will take into account the times when Public and Hirers use Recreation Facilities ensuring that users have access free of machinery, maintenance equipment, watering pipes / hoses and sprinklers, and that identified potential danger are fenced off and sign posted with warning signs.’

### **Policy 5.13 – Occupational Safety and Health**

‘The Shire of Waroona will ensure that the occupational safety and health needs of employees is not compromised, while striving to reduce lost time injuries through a general and ongoing awareness by all towards hazard identification and accident prevention within the workplace.’

### **Policy 3.3 – Purchasing and Procurement (PP 3.3).**

In terms of PP 3.3, when considering expenditure between \$7,501 and \$24,999, it is required to seek at least two (2) verbal or written quotations. As such the Shire has obtained estimates on what the required work will cost.

### **Policy 3.7 – Purchase Order – Authority for issue. (PO 3.7)**

In terms of PO 3.7 the Manager Development Services has the authority to issue orders for capital works and repairs purchases up to \$10,000 in consultation with the Director Development Services, and minor purchases / supplies associated with building / health activities subject to ensuring the availability of funds.

The funds requested to be transferred is for a number of matters to be rectified / provided by various contractors / suppliers. No one purchase order will exceed the authorisation limit of the Manager Development Services.

## **STATUTORY ISSUES / ENVIRONMENT/IMPLICATIONS**

### **Occupational Safety and Health Act 1984**

#### s19. Duties of employers

- (1) *An employer shall, so far as is practicable, provide and maintain a working environment in which the employees of the employer (the **employees**) are not exposed to hazards and in particular, but without limiting the generality of the foregoing, an employer shall —*
- (a) *provide and maintain workplaces, plant, and systems of work such that, so far as is practicable, the employees are not exposed to hazards; and*
  - (b) *provide such information, instruction, and training to, and supervision of, the employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards; and*
  - (c) *consult and cooperate with safety and health representatives, if any, and other employees at the workplace, regarding occupational safety and health at the workplace; and*
  - (d) *where it is not practicable to avoid the presence of hazards at the workplace, provide the employees with, or otherwise provide for the employees to have, such adequate personal protective clothing and equipment as is practicable to protect them against those hazards, without any cost to the employees; and*
  - (e) *make arrangements for ensuring, so far as is practicable, that —*
    - (i) *the use, cleaning, maintenance, transportation and disposal of plant; and*
    - (ii) *the use, handling, processing, storage, transportation and disposal of substances, at the workplace is carried out in a manner such that the employees are not exposed to hazards.*
- (2) *In determining the training required to be provided in accordance with subsection (1)(b) regard shall be had to the functions performed by employees and the capacities in which they are employed.*

### **Local Government Act 1995**

The Local Government Act 1995, part 6, Division 2, S6.2(4) provides information on what is required to be incorporated into a budget, which is to be approved by Council. Any amendment to the approved budget is required to be approved by Council.

#### S6.2

- (4) *The annual budget is to incorporate –*
- (a) *particulars of the estimated expenditure proposed to be incurred by the local government; and*
  - (b) *detailed information relating to the rates and service charges which will apply to land within the district including –*
    - (i) *the amount it is estimated will be yielded by general rate; and*
    - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and*

- (c) *the fees and charges proposed to be imposed by the local government; and*
- (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
- (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
- (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.5(9) of the local government act; and*
- (g) *such other matters as are prescribed.*

### **LEGAL ISSUES / IMPLICATIONS**

See statutory issues.

### **COMMUNITY CONSULTATION**

Nil.

### **OFFICER'S FINAL COMMENTS / CONCLUSIONS**

The Shire has a duty of care as well as being legislatively required to ensure that all required precautions are taken to ensure the safety of the public and its employees using the Recreation and Aquatic Centre and the Administration Building.

The audit undertaken by LGIS through Royal Life Saving WA in 2012 identified issues to be addressed in order to comply with the Code of Practice for the Operation of Aquatic Facilities. Since the audit, a number of these issues were addressed although some matters are still to be finalised, including:

- Upgrading of the depth markers;
- Signage identifying deep water and shallow water;
- Facility entry signs;
- Pipe work in the plant room to indicate flow direction and contents of pipe;
- Dump shower and eyewash to be provided;
- Hazchem signage; and
- Engineering certification regarding the waterslide.

The servicing of the Shire's Administration Building's fire protection systems and equipment is essential in order to comply with Australian Standard AS 1852 – 2012.

It is therefore recommended that a total of \$14,500 be reallocated from the Risk and Insurance Reserve Account 456700 to the Recreation and Aquatic Centre and Other Governance Costs accounts to ensure that essential Occupational Safety and Health and relevant Risk Mitigation matters in relation to Shire buildings are addressed.

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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**VOTING REQUIREMENTS**

Absolute Majority.

**COUNCIL RESOLUTION**

**OCM16/08/082**

**MOVED: CR GERMAIN**

**SECONDED: CR SALERIAN**

1. That Council amend the 2016/17 Adopted Budget as follows:
  - a. Authorise the transfer of \$14,500 from the Risk and Insurance account 456700 to account 171350;
  - b. Increase the expenditure to Building Maintenance account 171620 (AQ02) by \$6,500;
  - c. Increase the expenditure to Recreation & Aquatic Centre Building Capital account 171040 by \$5,000; and
  - d. Increase the expenditure to Admin Office Maintenance account 103420 by \$3,000.

**CARRIED BY ABSOLUTE MAJORITY 5/0**

<b>9.2.3 LOT 160 (NO. 4) CLEMENTS PLACE, WAROONA – PLANNING CONSENT FOR BUILDING ENVELOPE RELOCATION &amp; ENCLOSED LEAN-TO</b>	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long – Manager Development Services; No Interest
Proponent:	Donald James Boneham
Landowner:	Donald James Boneham & Xiorong Liang
Date of Report: 13 July 2016	File No.: TP1874
Previous Reference:	TP1505
Policy Implications:	Local Planning Policy 1 – Community Consultation Local Planning Policy 5 – Setbacks and Building Envelopes Local Planning Policy 25 – Outbuildings
Statutory Implications:	Building Act 2011 Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997 Peel Regional Scheme 2003; Shire of Waroona Town Planning Scheme No. 7 of 1996;
Strategic Implications:	Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2014/15-2023
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</b>	

### **PROPOSAL SUMMARY**

The proposal is for an un-approved enclosed lean-to and a building envelope relocation to incorporate the enclosed lean-to and two proposed open sided lean-tos on the subject lot.

The applicant proposes to build an open sided lean-to off the existing 9m by 6m shed. The lean-to will be 1.9m by 6m with a wall height of 2.4m and a ridge height of 2.8m. The applicant also proposes to add a further open sided lean-to, to the 9m by 6m shed. This structure will be 3m by 1.9m, with a wall height of 2.5m and a ridge height of 3m.

The applicant has already built an enclosed lean-to on the approved 10m by 7m shed. This lean-to is 3m by 10m with a wall height of 2.4m and a ridge height of 3m. Details of the construction materials and colour scheme have not been provided.

The overall enclosed outbuildings area taking into account the two approved sheds and the enclosed lean-to will total 154m<sup>2</sup>. Plans relating to the application can be seen in **Appendix 9.2.3A**.

## **BACKGROUND / INITIAL COMMENTS**

The subject lot slopes gently upwards from west to east. There is an approved single house, two sheds and two patios on the lot. The applicant advised that the property sustained some vegetation damage (including new vegetation established towards the eastern property boundary) in the January 2016 bushfires. In this regard a recent site visit has confirmed the fire damage.

A condition of the previous planning consent (TP1505) required the establishment and maintenance of landscape screening between the building envelope and the eastern boundary. This condition continues to be in force as part of the previous approval.

A location plan can be seen in **Appendix 9.2.3B**.

### **Previous Applications**

TP1505 for Shed and Building Envelope Relocation approved 15/11/2012.

2001075 Building Permit for Single House

2002055 Building Permit for Shed and Patio

2004189 Building Permit for Patio

## **PLANNING – STRATEGIC IMPLICATIONS**

### **Local Planning Strategy (LPS)**

The subject lot is located within the Waroona Town Precinct of the LPS. It is the aim of the Shire to provide for the enhancement and the planned expansion of the Waroona town site.

Within the LPS the subject lot is designated as Special Residential. The objective of this is to provide adequate larger residential lots in proximity to Waroona in locations with good residential amenity and where the environmental impacts can be adequately managed.

### **INTERNAL REFERRALS**

The proposal has been referred to the various internal departments, with the following comments having been received:

- Building Department – The Shire’s Building Department requires a Retrospective Building Permit for the built enclosed lean-to and the proposed lean-tos will also require a Building Permit.
- Health Services – The Shire’s Health Department requires the setbacks to septic system to be maintained or an engineer to verify that foundations/ leach drains and tanks will not be adversely effected.
- Technical Services Directorate – The Shire’s Technical Services Directorate requires 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 Shire of Waroona.

## **STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS**

### **Shire of Waroona Strategic Community Plan 2014/15-2023/24**

This item contributes towards achieving Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

## **FINANCIAL ISSUES / IMPLICATIONS**

Fees have been paid in accordance with approved Fees and Charges, including the retrospective fee.

## **POLICY ISSUES / IMPLICATIONS**

### **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.

### **Local Planning Policy 5 – 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.

### **Local Planning Policy 25 – Outbuildings (LPP25)**

LPP25 allows for up to 150m<sup>2</sup> floor area for outbuildings, further to this Table 2, Notes: 1, states:

*A discretionary allowance of an extra 5% on the maximum floor area and maximum ridge height may be considered in cases where the stated maximum floor area allowed is unworkable for the location of a specific outbuilding or a higher ridge height is required to allow a specific outbuilding design. (Including the accommodation of standard designs and squaring off of the outbuilding).*

## **STATUTORY ISSUES / ENVIRONMENT/IMPLICATIONS**

### **Environmental Protection Act 1986 (EPA Act)**

The EPA Act 1986, provides for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment. Section 79 of the act specifically relates to 'unreasonable noise emissions from premises'. Specifics in relation to this are found within the Environmental Protection (Noise) Regulations 1997, which are made under the Act.

### **Environmental Protection (Noise) Regulations 1997**

The Environmental Protection (Noise) Regulations operate as a prescribed standard under the EPA Act and set limits on noise emissions.

In this case Section 14, 'Equipment used on residential premises' states:

(1) In this regulation —

***specified equipment*** means any item of equipment which requires the constant presence of an operator for normal use.

(2) [Regulation 7](#) does not apply to noise emitted from residential premises from the use of specified equipment on any day if —

(a) the specified equipment is used in a reasonable manner; and

(c) the noise resulting from the use of that specified equipment on those premises, having regard to the duration of the noise emission, the frequency of similar noise emissions from those premises and the purpose for which the equipment is used, does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of premises receiving the noise; and

(d) the specified equipment is used —

(i) between 0700 hours and 1900 hours on Monday to Saturday inclusive; or

(ii) between 0900 hours and 1900 hours on a Sunday or public holiday.

### **Building Act 2011**

Section 9 states:

A person must not do building work unless —

(a) a building permit is in effect for the building work; or

(b) a building permit is not required for the building work under Part 5 or regulations or an order mentioned in Part 5 Division 1; or

- (c) the work is done in accordance with a building order; or
- (d) the work is done in the course of taking action under section 118(2). Penalty:
  - (a) for a first offence, a fine of \$50 000;
  - (b) for a second offence, a fine of \$75 000;
  - (c) or a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.

#### Peel Region Scheme (PRS) 2003

Clause 12, Purposes of zones, states:

Land is classified into zones under the Scheme for the following purposes:

- (a) Urban – to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

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

The subject lot is located within the 'Urban 5 – Special Residential' zone of the Shire of Waroona Town Planning Scheme No. 7 (TPS 7) and is subject to Clause 4.6 of TPS 7, which relates specifically to that zoning.

Clause, 4.9.1 Objectives and Policies states:

*Council's objective is to permit residential development of suitable land in order to provide for a range of residential opportunities and lot sizes in the Waroona Townsite area. Council policies will therefore be to:*

- *require that development proposals are appropriate to the physical, locational and landscape conditions of the zone;*
- *recommend to the Commission that subdivision should be in accordance with a subdivision guide plan adopted by Council and approved by the Commission;*
- *adopt Scheme and Strategy provisions which ensure that a satisfactory level of amenity is maintained within the zone.*

Clause 4.9.2 Building Envelopes. (d) States:

*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.*

An 'Outbuilding' is defined in the TPS as 'an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling'.



Clause 6.11 Outbuildings, states:

*6.11.1 Unless otherwise approved by Council, the size and height of outbuildings shall comply with the provisions of Table 3.*

*Table 3 states the maximum floor area for Urban 5 is 100m<sup>2</sup>.*

Clause 6.13, Discretion to Modify Development Standards, states:

Except for development in respect of which the *Residential Design Codes* apply under this Scheme, if a development the subject of an application for Planning Consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or on such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and properly planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliant will not have any adverse effect upon the occupiers or users of the development or the property or the inhabitants of the locality or upon the likely future development of the locality; and
- c) the spirit and purpose if the requirement or standard will not be unreasonably departed from thereby.

### **LEGAL ISSUES / IMPLICATIONS**

See Statutory Issues.

### **COMMUNITY CONSULTATION**

The proposal was advertised to all adjoining neighbours in accordance with LPP1. A submission was received expressing concern over the proposal and is summarised as follows, see **Appendix 9.2.3C** – Adjoining Landowner Submission.

The current sheds would be sufficient for domestic storage:

The use of the shed and lean-tos if approved may only be for domestic purposes, and in the opinion of the Shire officers potential impacts on the surrounding properties can be managed.

Previous Council Resolution conditioned inter alia “that all future dwellings, outbuildings and other structures shall be developed within the building envelope ....”

The applicant has the right to submit a further development application including a retrospective application to the Shire for consideration. Every application must be considered on its merits and must ensure proper and orderly planning is attained.

The planning application appears to exceed the aggregate shed area of 150m<sup>2</sup>.

The total floor area of the proposal which excludes the proposed un-enclosed lean-to is 154m<sup>2</sup>, which does comply with the 5% variation permitted by LPP 25.

Concerns regarding noise and lack of screening:

As the property has no approved use other than residential, the noise emanating from the sheds should be limited to noise generally associated with residential uses, as such noise generation is regulated by the *Environmental Protection (Noise) Regulations 1997*.

With regard to the impact of the visual amenity, the area of expanded building envelope and the additional enclosed lean-to in particular is not considered to have a significant impact on adjoining properties when compared to the existing approved development on the property. A landscaping condition (requiring landscaping on the eastern property boundary) is in force from the previous planning consent, which should assist with the addressing of concerns relating to adjoining property visual amenity issues.

**OFFICER'S FINAL COMMENTS / CONCLUSIONS**

Peel Region Scheme (PRS) 2003

The proposed building envelope relocation and outbuildings meets the requirements under the urban zone definition within the PRS, specifically the community facility land use.

TPS 7

The proposed Building Envelope Relocation and lean-tos are considered to be incidental to the existing development and use of the subject lot, which meets the objective of the Urban 5 – Special Residential zone.

The TPS defines an outbuilding as being 'enclosed'. The two (2) approved sheds and the enclosed lean-to total an overall floor area of 154m<sup>2</sup>. Whilst the overall outbuilding floor area does not meet the TPS requirement for a maximum floor area of 100m<sup>2</sup>, Council has the ability to approve an alternative maximum floor area in terms of *Clause 6.13 Discretion to modify standards* in the TPS. The proposed 154m<sup>2</sup> floor area is in accordance with LPP25 as explained below. .

LPP 5 – Setbacks & Building Envelopes

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

- a) The proposal received a submission in relation to privacy, and visual intrusion. The proposed building envelope variation is not encroaching as close to the boundary as the existing shed is located, however to mitigate any potential privacy and visual intrusion issues a landscaping condition has been recommended.
- b) The proposed development is not clearing any existing vegetation on the subject lot, however a landscaping condition has been added requiring landscaping on the lot boundary.
- c) There will be no significant impact on the general amenity of the streetscape, as the proposed variation will facilitate development generally to the rear of the lot.

- d) The area of expanded building envelope and the additional enclosed lean-to in particular will not have a significant impact on adjoining properties when compared to the existing approved development on the property. In relation to the enclosed lean-to and related expansion of the building envelope, the eastern façade of the shed is extended 3m closer to the adjoining property (separated by 7m). This lean-to is located within the same viewscape as the existing shed when viewed from the adjoining property. The same Colorbond material and colour scheme have been used on the enclosed lean-to and the two existing sheds on the property.

A landscaping condition (requiring landscaping on the eastern property boundary) is also in force from the previous planning consent, which should assist with the addressing of concerns relating to adjoining property visual amenity issues.

#### LPP 25 – Outbuildings

The enclosed outbuildings (two sheds and proposed enclosed lean-to) total 154m<sup>2</sup> which complies with the standards of LPP 25 – Outbuildings, allowing for a discretionary 5% allowance as per clause 6.5 Standards “Table 1” of LPP 25 – Outbuildings in addition to the 150m<sup>2</sup> allowance in Table 1.

The existing lean-to is enclosed and the proposed lean-tos are open sided. The TPS defines an outbuilding as being enclosed, and therefore the floor area of the proposed lean-tos is not included in the total outbuilding space.

#### Local Planning Strategy (LPS)

The proposal meets the objective of the Special Residential precinct, as the outbuildings are incidental to the existing development.

#### Conclusion

The proposed building envelope will move 3m closer to the eastern boundary fence where the enclosed retrospective lean-to has been built within the same viewscape as the existing shed that it is attached to.

It is recommended that Council grant approval for the retrospective lean-tos and building envelope relocation located on Lot 160 (No. 4) Clements Place, Waroona subject to the appropriate conditions.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.3 A,B,C</b>
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#### VOTING REQUIREMENTS

Simple Majority.

**COUNCIL RESOLUTION****OCM16/08/083****MOVED: CR SCOTT****SECONDED: CR GERMAIN**

**That in relation to the proposed Building Envelope relocation and enclosed lean-to on Lot 160 (No. 4) Clements Place, Waroona, Council resolves to approve the application, 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 Shire of Waroona.**
- 2. Building materials are to be of a standard and colour scheme complementing and blending in with the existing development on the property and the amenity of the area.**
- 3. All future dwellings, outbuildings and other structures shall be developed within the building envelope hereby approved.**

**Advice Notes:**

- 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. The applicant is advised that no site works shall commence until a Retrospective 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 2014.**
- D. The applicant is advised that compliance is required with the Environmental Protection (Noise) Regulations 1997 at all times, specifically in relation to section 14 – Equipment used on residential premises.**
- E. The applicant is advised that Condition 5 (Landscape Management) on the Planning Consent TP1505 issued 25 October 2012 is an on-going requirement of the previous approval.**

**CARRIED 5/0**

<b>9.2.4 SUBDIVISION – LOT 505 CORONATION ROAD, WAROONA</b>	
Reporting Officer / Officer's Interest:	Sarah Park, Student Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; No Interest
Proponent:	De Nada Surveys
Landowner:	Charles Hull Contracting Co Pty Ltd
Date of Report: 8 August 2016	File No.SD153839
Previous Reference:	N/A
Policy Implications:	State Planning Policy 2.5 - Agricultural and Rural Land Use Planning State Planning Policy 3.7 – Planning in Bushfire Prone Areas Development Control Policy 1.1 - Subdivision of Land General Principles Development Control Policy 3.4 - Subdivision of Rural Land
Statutory Implications:	Planning and Development Act 2005 Dampier to Bunbury Pipeline Act 1997. Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

### **PROPOSAL SUMMARY**

This application proposes to subdivide Lot 505 into two lots, Lot 800 and 801. Creating Lot 800 with an area of 6.913ha and Lot 801 for the constructed portion of Coronation Road with an area of 3686m<sup>2</sup>.

The application is referred to Council as the proposed subdivision does not comply with the minimum lot size specified in the Shire of Waroona Local Planning Strategy 2009.

### **BACKGROUND / INITIAL COMMENTS**

A Western Australian Planning Commission referral was received for an application to subdivide Lot 505 Coronation Road, Waroona. See site location plan at **APPENDIX 9.2.4A** and proposed plan of subdivision at **APPENDIX 9.2.4B**.

The subject lot is located at the intersection of Coronation Road and Appleby Road and contains part of Coronation Road that was constructed as part of a previous realignment project undertaken by the Shire. The lot is currently undeveloped with the exception of Western Power infrastructure. The lot is flat and covered in mature native vegetation with the exception of cleared Western Power easements and Coronation Road.

The Coronation Road reserve Clearing Permit 801/1 was issued for Lot 505 by the Department of Environment and Conservation on 20 April 2007.



## **STRATEGIC PLANNING IMPLICATIONS**

### **Local Planning Strategy (LPS) 2009**

The subject lots are classified as General Agriculture in the LPS. The LPS provides for a minimum lot size of 80ha in the General Agricultural area.

Whilst the proposed subdivision is not consistent with the Local Planning Strategy with regard to lot size it is in line with the Local Planning Strategy's 'Transport Considerations' which states:

*"There will need to be connection between the Peel Deviation Road and Waroona. The most logical route is via Williamson, Dorsett and Coronation Roads. All three roads will require upgrading and realignment to remove some dangerous corners."*

## **REFERRALS**

The proposal has been circulated to all the Shire's internal departments of which none have any concerns with the proposal.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

### **Shire of Waroona Strategic Community Plan 2014/15-2023/24**

Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land - Council's diligent assessment of subdivision applications is integral to this theme.

## **FINANCIAL IMPLICATIONS**

Nil.

## **POLICY IMPLICATIONS**

### **State Planning Policy 2.5 - Agricultural and Rural Land Use Planning**

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

Section 4. – Objectives of this policy, states:

- a) To protect rural land from incompatible uses by:
  - i) requiring comprehensive planning for rural areas;
  - ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
  - iii) providing investment security for the existing and future primary production sector.
- b) To promote regional development through provision of ongoing economic opportunities on rural land.
- c) To promote sustainable settlement in, and adjacent to, existing urban areas.
- d) To protect and improve environmental and landscape assets.

- e) To minimise land use conflicts.

#### State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas.

#### Development Control Policy 1.1 - Subdivision of Land - General Principles

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

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

#### Development Control Policy 3.4 - Subdivision of Rural Land

Section 6 of DC Policy 3.4 states:

*'In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances':*

- 'c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources'.*

## **STATUTORY IMPLICATIONS**

### **Peel Region Scheme (PRS) 2003**

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

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

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

No guidance is given by the Peel Region Scheme as to appropriate lot sizes in the Rural zone.

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

The subject lot is located within the ‘Rural 1 – General Agriculture’ zone under the Shire of Waroona Town Planning Scheme No. 7.

Clause 4.14.1 Objectives & Policies of the TPS states:

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 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 4.14.7 - Guideline Plan of the TPS states:

Council may recommend 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.

**LEGAL ISSUES/IMPLICATIONS**

See statutory issues.

**COMMUNITY CONSULTATION**

Community consultation was not required nor sought for this application.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The application proposes the subdivision of Lot 505 into two (2) lots. The proposed lots are to be 3686m<sup>2</sup> and 6.913ha in size. The proposed subdivision is not in accordance with the 80ha minimum required by the Local Planning Strategy. However, provision is made under section 6 (c) of WAPC Development Control Policy 3.4 for the creation of lots to allow for the efficient provision of utilities and infrastructure - in this case the creation of a separate lot for Coronation Road reserve. The creation of the additional lot will not impact on the development potential of the parent lot and does not create the capacity for additional dwellings.

**Bushfire Prone Area**

The land subject of the application is classified as bushfire prone according to the Bushfire Prone Area map, published by the Department of Fire and Emergency Services on 20 May 2016. The lot does not contain any habitable development and therefore this classification is not considered significant to this application at this stage.

**Dampier – Bunbury Gas Pipeline**

The Dampier-Bunbury Gas Pipeline is located approximately 800m to the west of the subject land.

**Remnant Vegetation and Threatened Fauna Buffer**

The impact the constructed road would have on the remnant vegetation would have been addressed through the granting of the Clearing Permit, issued by the Department of Environment and Conservation on 20 April 2007.

Notwithstanding the approved clearing permit, remnant vegetation remains to the north and south of the constructed portion of road which also has an impact on the threatened fauna buffer.

It is recommended that Council responds to the Western Australian Planning Commission stating its support of the application.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.4A &amp; B</b>
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**VOTING REQUIREMENTS**

Simple Majority.

**COUNCIL RESOLUTION**

**OCM16/08/084**

**MOVED: CR GERMAIN**

**SECONDED: CR SNELL**

**That in relation to the application for the subdivision of Lot 505 Coronation Road, Waroona, Council resolves that the Western Australian Planning Commission be advised of Council's support of the application for the subdivision of the lot into two (2) lots for the purpose of the Coronation Road reserve.**

**CARRIED 5/0**

<b>9.2.5 LOT 1, SOUTHERN ESTUARY ROAD, LAKE CLIFTON - 24 LOT SUBDIVISION</b>	
Reporting Officer / Officer's Interest:	Lucy Lyster, Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; No Interest
Proponent:	Ausurv Surveyors Pty Ltd
Landowner:	James Frank Trembath
Date of Report: 8 August 2016	File No.: SD153947
Previous Reference:	SD137762 – OCM08/143 – 22 July 2008
Policy Implications:	State Planning Policy 2.5 – Agricultural and Rural Land Use Planning Development Control Policy 3.4 – Subdivision of Rural Land WAPC Development Control Policy 1.1 – Subdivision of Land – General Principles
Statutory Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 1996
Strategic Implications:	Draft South Metropolitan Peel Sub-Regional Planning Framework Draft Perth and Peel Green Growth Plan for 3.5 million Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	Nil.
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

### **PROPOSAL SUMMARY**

A Western Australian Planning Commission subdivision application referral was received for a twenty four (24) lot subdivision of Lot 1, Southern Estuary Road, Lake Clifton.

The application proposes to subdivide Lot 1 into 24 lots, 22 of which are over 2ha each and two larger wetland protection lots which are 10.74ha and 22.51ha. Access to the lots is proposed via a subdivision road to be constructed through the subdivision from Rakali Drive and back around to Southern Estuary Road.

Building envelopes and a Bushfire Management plan have been submitted as part of the application.

A location and site plan can be found in **Appendix 9.2.5A**.

### **BACKGROUND/INITIAL COMMENTS**

Lot 1, Southern Estuary Road, Lake Clifton is located north of Lake Clifton Road, on the eastern side of Southern Estuary Road. The lot is 80.1386 ha, is generally flat and covered in remnant vegetation and wetlands. The lot is currently accessed via Rakali Drive and Southern Estuary Road.



The original subdivision was for 36 lots (lots 1 and 2) and was supported by Council at its Ordinary Council Meeting of 25 October 2011 (ref SD137762), and subsequently by the Western Australian Planning Commission on 10 November 2011.

This approval has lapsed and therefore a new application has been sought. See previously adopted Subdivision Guide Plan in **Appendix 9.2.5B**.

## **PLANNING – STRATEGIC / POLICY IMPLICATIONS**

### **Draft South Metropolitan Peel Sub-Regional Planning Framework**

The draft framework considers where future homes and jobs will be located; what community and social infrastructure will be required; better integrated use of existing infrastructure; protection of important environmental assets and critical services; and staging and sequencing of future development.

The subject lot is classed as Rural Residential within the draft framework.

### **Draft Perth and Peel Green Growth Plan for 3.5 million (Green Growth Plan)**

The Green Growth Plan delivers a comprehensive environmental program for the protection of both Commonwealth matters of national environmental significance and State environmental values.

The subject lot is designated as Rural Residential class of action within the Green Growth Plan.

### **State Planning Policy 2.5 - Agricultural and Rural Land Use Planning**

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

Section 4. – Objectives of this policy, states:

- a) To protect rural land from incompatible uses by:
  - i) requiring comprehensive planning for rural areas;
  - ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
  - iii) providing investment security for the existing and future primary production sector.
- b) To promote regional development through provision of ongoing economic opportunities on rural land.
- c) To promote sustainable settlement in, and adjacent to, existing urban areas.
- d) To protect and improve environmental and landscape assets.
- e) To minimise land use conflicts.

### **State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)**

SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas.

SPP3.7 requires that subdivision proposals in bushfire prone areas be implemented in accordance with and endorsed fire management plan.

### **WAPC Development Control Policy 1.1 Subdivision of Land – General Principles**

Objectives of Development Control Policy 1.1 include:

- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- To ensure a comprehensive and coordinate approach to the subdivision of urban expansion areas in metropolitan Perth, regional centres and country towns.
- To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.
- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.

### **WAPC Development Control Policy 3.4 Subdivision of Rural Land (DC Policy 3.4)**

Section 6 of DC Policy 3.4 states:

*'In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances':*

- '(c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources'.*

### **Local Planning Strategy 2009 (LPS)**

Lot 1 is located within the Lake Clifton Precinct of the LPS and is designated Rural Residential. The objective of the Rural Residential zone under the LPS is to provide areas that will offer lifestyle blocks with good amenity and in locations where environmental impacts can be minimised.

The LPS states that a minimum lot size within the Peel-Harvey Catchment is 2ha with an average of 3ha.

## **REFERRALS**

The Shire's Director of Technical Services provided recommended conditions from the WAPC Model Subdivision conditions of approval that have been included in the officer's recommendation.

## **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

### **Shire of Waroona Strategic Community Plan 2014/15-2023/24**

This item contributes towards achieving Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

## **FINANCIAL ISSUES/IMPLICATIONS**

Future road infrastructure to be constructed by the subdivider will become a maintenance responsibility and additional lots will generate additional rates revenue.

## **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

### **Peel Region Scheme (PRS)**

The subject lot is zoned Rural under the PRS. The purpose of the Rural zone under the PRS is as follows:

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

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

The subject lot is located within the 'Rural 6 – Rural Residential' zone under the TPS. The objective of the Rural Residential zone is:

*To select and appropriately zone areas wherein subdivision and development of small holdings will be permitted to provide for such uses as rural-residential and hobby farms, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.*

*Council's policies will therefore be to:*

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

No lot size provisions are provided for the Rural Residential zone as a whole.

Schedule 2 of the TPS sets out provisions specific to Lot 1. The provisions relating to subdivision are as follows:

- (i) *The objective of Council is to ensure that development occurs with the least possible detrimental effect on the rural landscape and the wetland on the property. In order to achieve that objective the EPP wetland will be preserved and set aside on a separate lot and approval to develop any of the lots resulting from subdivision of the balance of Lot 3 must demonstrate adequate concern for the environment and ecology of the area.*
- (ii) *Subdivision shall generally be in accordance with a subdivision guide plan adopted by Council, or any variation of that plan approved by Council and the Western Australian Planning Commission. The minimum lot size shall not be less than 2 hectares.*
- (iii) *No clearing of native vegetation shall be undertaken, except where the clearing occurs within a building envelope, or is necessary for the provision of a road pavement, driveway access, essential services, firebreaks required by law, or to remove vegetation which is dead, diseased or dangerous. In the case vegetation considered by the landowner to be dead, diseased or dangerous, an application to Council seeking the removal of that vegetation shall be supported by a report from an appropriately qualified arborist.*
- (iv) *Conventional on-site effluent disposal systems shall not be permitted and only Health Department of WA approved alternative treatment units or other modified systems using amended soil to attenuate nutrients may be used.*
- (v) *A maximum 1,384m<sup>2</sup> building and development envelope area shall be permitted.*
- (vi) *Use of reflective or white cladding material on buildings in exposed positions shall be prohibited.*
- (vii) *Rainwater tanks shall be required for domestic water supply, Groundwater bores shall only be permitted where it can be proven there will be no reduction in the water level of the wetland.*
- (viii) *The clearing of native vegetation in, or the filling or excavation of, the Wetland Protection Area is prohibited.*
- (ix) *The subdivider shall prepare a Fire Management Plan to be approved by Council and the Fire Emergency Services of Western Australia. Fire management is to be in accordance with the approved Fire Management Plan for the site. Any further development of the site is to comply with the requirements of the Fire and Emergency Services of Western Australia and the Western Australian Planning Commission publication Planning For Bushfire Protection.*
- (x) *Buildings are to be constructed in accordance with Australian Standards AS 3959-2009: Construction of Buildings in Bushfire Prone Areas (as amended) or subsequent editions (as amended).*

- (xi) *The keeping of stock where permitted shall require the prior written approval of Council and shall be restricted to the building envelope. Approval to keep stock shall not exceed the stocking rates recommended by the Department of Agriculture and Food WA on the area of cleared land, not the total lot size. Stocking rates shall be set at those for dry pasture with no importation of feed allowed.*
- (xii) *The subdivider to prepare and implement Wetland, Weed and Mosquito Management Plans as conditions of subdivision approval.*

### **LEGAL ISSUES/IMPLICATIONS**

See Statutory Issues.

### **COMMUNITY CONSULTATION**

Public consultation is not required for this application as the Shire of Waroona acts only as a referrals body to the WAPC.

### **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

#### TPS

The proposed subdivision is considered to be in accordance with the objectives of the Rural Residential zone.

Fire management is proposed to be implemented in accordance with the submitted Fire Management Plan. A condition of approval has been recommended requiring the FMP to be deemed acceptable by the Department of Fire and Emergency Services and thereafter implemented on the site.

#### LPS

The proposed subdivision accords with the required minimum lot size recommended by the LPS.

In accordance with the LPS, the lot is within the Peel – Harvey Catchment and therefore septic systems are to be no closer than 100m from any watercourse or wetland and a 2m minimum separation from the highest known groundwater level. Alternative Treatment Units are to be provided where the setback is less than 100m. No septic system will be permitted closer than 50m of any watercourse or wetland. A condition requiring a drainage management plan is recommended.

#### Access

Access to the proposed lots will be provided via the internal subdivision road and the construction of Rakali Drive and run around to Southern Estuary road is proposed. This will allow for access from two roads.

#### Drainage

Given the subject lot is located within the Peel - Harvey Catchment area a drainage management plan will be required.

### Protection of Vegetation

Other factors noted in the WAPC referral include the protection of conservation category wetlands, threatened ecological communities, remnant vegetation and threatened fauna habitat. These issues have been thoroughly explored during the consideration of the scheme amendment to zone the land Rural Residential and preparation of the associated subdivision guide plan. Further high level consideration of the appropriateness of the proposed subdivision has been undertaken in the preparation of the Draft Green Growth Plan and Draft Sub-Regional Planning Framework, both of which identify the subject lot for development in the form proposed.

### Acid Sulphate Soils

The subject lot is identified as having areas of moderate and high risk of acid sulphate soils according to mapping published by the Department of Planning. A condition of approval has been recommended requiring the assessment and management of acid sulphate soils as part of the development of the proposed lots.

### Conclusion

Given the proposal accords with the Draft South Metropolitan Peel Sub-regional Planning Framework, the LPS, TPS and the previously approved subdivision guide plan, the application is recommended for approval subject to appropriate conditions and advice notes.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.5A&amp;B</b>
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### **VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

That in relation to the application for the subdivision of Lot 1, Southern Estuary Road, Lake Clifton, Council resolves that the Western Australian Planning Commission be advised of Council's support of the application for the subdivision of the lot into twenty four (24) lots, subject to the following conditions and advice notes:

1. (B8) Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government).
2. (B9) The subdivider making suitable arrangements with the Local Government to ensure the prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme that relates to the use and management of the land. (Local Government).
3. A mosquito management plan being prepared, approved and implemented to the satisfaction of the Western Australian Planning Commission. (Western Australian Planning Commission).
4. A weed management plan being prepared, approved and implemented to the satisfaction of the Western Australian Planning Commission. (Western Australian Planning Commission).
5. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Department of Fire and Emergency Services. (Department of Fire and Emergency Services).
6. (F8) A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

*'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land'. (Western Australian Planning Commission).*

7. (T1) Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government).

8. (T2) Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
  - a) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and
  - b) temporary turning areas are provided to those subdivisional roads that are subject to future extensionto the satisfaction of the Western Australian Planning Commission. (Local Government).
9. (T11) All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy/ DC 2.6 Residential Road Planning/ DC 4.1 Industrial Subdivision. (Local Government).
10. (T16) The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government).
11. (T20) Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government).
12. (T23) Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government).
13. (D1) Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
  - a) lots can accommodate their intended use; and
  - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government).
  - c) (D2) Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan. (Local Government).

- d)** (D3) Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government).
- e)** (D4) The land being filled, stabilised, drained and/or graded as required to ensure that:
- a) lots can accommodate their intended development; and
  - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
  - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system, (Local Government).
- f)** (D5) Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and in the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).
- g)** (D8) Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005. (Local Government).
- h)** (AM5) A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
- “This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.”*  
(Western Australian Planning Commission).
- i)** (EN8) An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Environment and Conservation).

**j)** (F2) Information is to be provided to demonstrate that the measures contained in the bushfire management plan by Working on Fire Australia PTY LTD dated 05/05/2016 that address the following:

- a. Establish a bushfire emergency access way and signpost;
- b. Erect an estate water tank in accordance with SPP 3.7;
- c. Establish cleared building envelopes (2000m<sup>2</sup>); and
- d. Establish lot firebreaks.

Advice:

1. (Ta3) In regard to Condition 8, the landowner / applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.
2. (Da1) Condition 14 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Department of Water 2008).
3. (ENa1) Condition 20 makes reference to an "acid sulphate soils self-assessment form". This form can be downloaded from the Western Australian Planning Commission's website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

The "acid sulphate soils self-assessment form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline can be obtained from the Department of Environment and Conservation's website at: [www.dec.wa.gov.au](http://www.dec.wa.gov.au).

### **COUNCIL RESOLUTION**

**OCM16/08/085**

**MOVED: CR SNELL**

**SECONDED: CR SALERIAN**

1. That consideration of Item 9.2.5, lie on the table until the September 2016 Ordinary Council meeting to allow for a site inspection to be conducted by Councillors; and
2. That an extension of time in responding to the application be sought from WAPC to allow the undertaking of a site inspection, and consideration by Council at their September Ordinary Council meeting.

**CARRIED 4/1**

**For the Motion: Cr's Snell, Salerian, Germain & Dew  
Against the Motion: Cr Scott**



**9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.3.1 ACCOUNTS FOR PAYMENT</b>	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 10/08/16	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.1</b>
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**COUNCIL RESOLUTION****OCM16/08/086****MOVED: CR SALERIAN****SECONDED: CR GERMAIN****That Vouchers numbered:**

<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
<b>Municipal</b>	<b>Cheques 8343 - 8359</b>	<b>\$97,593.61</b>
<b>Trust (Cheque/EFTs)</b>	<b>EFT 22990, 23072 Chqs: 11097</b>	<b>\$60,418.23</b>
<b>Electronic Transfers Municipal Fund</b>	<b>EFT 22991 to 23196</b>	<b>\$1,103,558.02</b>
<b>Direct Wages</b>	<b>01/07/2016 – 31/07/2016 inclusive</b>	<b>\$163,478.00</b>
<b>Direct Debits</b>	<b>01/07/16 – 31/07/16</b>	<b>\$2,369.78</b>
<b>GRAND TOTAL:</b>		<b><u>\$1,427,417.64</u></b>

**and attached at Appendix 9.3.1 be endorsed.****CARRIED 5/0**

<b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 31 JULY 2016</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/8/16	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.2</b>
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**COUNCIL RESOLUTION****OCM16/08/087****MOVED: CR GERMAIN****SECONDED: CR SCOTT**

**That the Monthly Statements of Financial Activity for the period 1 July 2016 to 31 July 2016 be received and noted.**

**CARRIED 5/0**

<b>9.3.3 LEASE OF COUNCIL PROPERTY – SHED – ST VINCENT DE PAUL</b>	
Reporting Officer / Officer's Interest:	John Crothers, CCP/Project Officer
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable at this time
Landowner:	Shire of Waroona
Date of Report: 16 August 2016	File No.: 88/3: Legal Document No. 126
Previous Reference:	
Policy Implications:	None
Statutory Implications:	Section 5 of Strategic Community Plan
Financial Implications:	Minimal
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 “Asset Management – Responsible Stewardship of Council Assets”</b>	

### **PROPOSAL SUMMARY**

For Council to adopt a new Lease proposal to be entered into with the St Vincent De Paul Society (WA) Incorporated, with regard to the use of a portion of Council property, being Lot 79, number 93 South West Highway, Waroona [lease of Shed at rear of Landcare building].

### **BACKGROUND/INITIAL COMMENTS**

A 5 year Lease Agreement was entered into in 2011, and a new lease needs to be adopted. The new agreement proposal is the same as that which was adopted in 2011 and is attached at **Appendix 9.3.3**.

### **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable

### **REFERRALS**

None Applicable

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 5 “Asset Management – sub-item 5.07 Responsible Stewardship of Council Assets”.

### **FINANCIAL ISSUES/IMPLICATIONS**

There are no significant financial implications emanating from this proposal.

### **POLICY ISSUES/IMPLICATIONS**

There are no policy issues or implications emanating from this report.

### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

There are no statutory issues or environment implications emanating from this report.

**LEGAL ISSUES/IMPLICATIONS**

There are no legal issues or implications relating to this matter.

**COMMUNITY CONSULTATION**

No community consultations are seen as being necessary on this matter.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

A Council resolution on the proposed Lease is now sought.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.3</b>
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**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION**

**OCM16/08/088**

**MOVED: CR SNELL**

**SECONDED: CR SALERIAN**

- 1. That the proposed Lease Agreement with the St Vincent De Paul Society Incorporated for the lease of a portion of Lot 79, 93 South West Highway, be adopted;**
- 2. That the Common Seal of Council be affixed to the Lease Agreement;**
- 3. That the Shire President and CEO be authorised to sign and complete all matters relating to this Lease Agreement.**

**CARRIED 5/0**

<b>9.3.4 HISTORY BOOK PRODUCTION</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Deputy CEO / Director Corporate Services; Nil Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO / Director Corporate Services; Nil Interest
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 19 August 2016	File No.: 72/2
Previous Reference:	Nil
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>No.3 Strong Sense of Community &amp; Community Wellbeing Activities</i>	

### **PROPOSAL SUMMARY**

The Council is requested to consider the granting of delegated authority to the CEO to approve production of the Council's updated history book "Drakesbrook Days and Waroona Years".

### **BACKGROUND / INITIAL COMMENTS**

Updating and reprinting of the history book has been under consideration for several years but has been delayed by the lack of funds.

Council staff over a period of 3 financial years were able to ensure that the book productions could go ahead by the accumulation of Reserve account funds.

The Council recently adopted 2016/17 budget now contains sufficient funds for production to proceed.

In the meantime Cr Snell (as author) has been busy collating the updated information. Staff have assisted wherever possible.

### **PLANNING – STRATEGIC IMPLICATIONS**

N/A

### **REFERRALS**

N/A

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 3 "Maintain a Strong Sense of Community".

### **FINANCIAL ISSUES/IMPLICATIONS**

The Council's adopted budget contains funds of \$18,500 to ensure completion of the history book update. These funds (up to the actual final cost) will be transferred from a Reserve Account at year end.

Importantly, accountability for each book (whether sold or donated) will be required. This is to ensure that sufficient funds are accumulated and then available to assist the next update. It is likely that sales will only be made from the Visitor Centre and Shire office or by special arrangement (bulk on-selling).

#### **POLICY ISSUES/IMPLICATIONS**

Nil

#### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

#### **LEGAL ISSUES/IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Cr Snell in her capacity as author of the book has conducted all necessary consultation to ensure the book is as accurate as possible.

#### **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

It is necessary to consider a delegation to the CEO for final production and printing of the book.

To assist with the production of drafts, designs etc, staff have been negotiating with a supplier in Perth Metro and as a result have obtained draft quotes which are shortly to be refined at an in-person meeting.

It is considered necessary and advantageous to remain with this printer to complete the project as considerable development of the updated book has been done in consultation with this printer and the printer is best placed to complete the project and it will not be practicable to obtain a comparative quote. As such, Council is requested to waive the requirement under "Purchasing and Procurement Policy" (Policy 3.3) to seek 2 verbal or written quotes for the work.

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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#### **VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM16/08/089**

**MOVED: CR GERMAIN**

**SECONDED: CR SALERIAN**

**That the Chief Executive Officer be granted delegated authority to approve production and printing of the Council’s History book “Drakesbrook Days and Waroona Years” in accordance with 2016/17 adopted budget estimates without the requirement under Council Policy 3.3 to obtain two (2) verbal or written quotes to undertake the work.**

**CARRIED BY ABSOLUTE MAJORITY 5/0**

**9.4 CHIEF EXECUTIVE OFFICER**

Nil

**10. CONFIDENTIAL REPORTS**

Nil.

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

Nil

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

**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 4.40 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 27 SEPTEMBER 2016 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

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

