



**Date: 20 October 2016**

**To: Shire President  
All Councillors**

**Copy: Directors  
Staff**

## **ORDINARY COUNCIL MEETING NOTICE AND AGENDA**

**An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 25 October 2016 at 4.00pm to consider and resolve the matters set out in the attached Agenda.**

A handwritten signature in black ink, appearing to read 'Ian Curley', is placed on a light blue rectangular background.

**IAN CURLEY  
CHIEF EXECUTIVE OFFICER**

## **PUBLIC QUESTION TIME**

**AND**

## **PUBLIC STATEMENT TIME**

1. The order of business allows for a Public Question time and a Public Statement time at the beginning of the Meeting. The Presiding Member will announce these times.
2. If you wish to ask a Question or make a Statement about an Agenda Item BEFORE it is considered then it should be made at the Public Question and Public Statement Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time and Receiving Public Statements.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

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# **AGENDA**

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**
3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**  

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
- 8.1 **ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2016**

## **OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting held 27 September 2016 be confirmed as being a true and correct record of proceedings.**

- 9.0 **REPORTS OF OFFICERS AND COMMITTEES**

**9.1 DIRECTOR TECHNICAL SERVICES**

<b>9.1.1 REQUEST FOR COUNCIL ASSISTANCE – FOREST EDGE RECREATION CAMP</b>			
Reporting Officer / Officer's Interest:	Patrick Steinbacher,	Director	Technical Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher,	Director	Technical Services; No Interest
Proponent:	Shire of Waroona		
Landowner:	Shire of Waroona		
Date of Report: 12/10 2016	File No.:	131/2	
Previous Reference:	Nil		
Policy Implications:	Nil		
Statutory Implications:	Nil		
Strategic Implications:	Nil		
Financial Implications:	See heading below		
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): 5.20 Services – Other</b>			

**PROPOSAL SUMMARY**

The Shire of Waroona has received a request from Forest Edge Recreation Camp to assist in the bitumen sealing of an internal road as part of their rebuilding works following the 2016 fire event.

**BACKGROUND/INITIAL COMMENTS**

The owners of Forest Edge Recreation Camp sent a letter to the Shire dated 1 August 2016 which set out a number of matters including a request to the Shire to assist with the bitumen sealing of an internal road within their property:

*“When the Shire sealed Weller Rd, several years back, they assisted FE [Forest Edge] by providing labour to extend it to the dorm while FE paid for the materials. Post fire, the new BAL [Bushfire Attack Level] requirements meant moving the Forest Edge dormitory to a safer location. Road works in this new area will be necessary later this year to accommodate customer traffic.*

*FE employ 25 people locally. Since 95% of the business has been destroyed, FE has received most support from people and businesses outside of Waroona to assist with rebuilding the camp. We ask Council, to please give consideration to assisting with the sealing of approximately 90m of road for the access of future buses/traffic to the camp.”*

**PLANNING – STRATEGIC IMPLICATIONS**

Nil

**REFERRALS**

Nil

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**



This issue comes under the SCP No 5 “5.20 Services - Other”

**FINANCIAL ISSUES/IMPLICATIONS**

Nil

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

It would appear that the original works to seal the internal road took place while Shire resources were adjacent to Forest Edge engaged in the construction of Weller Road, and therefore it would have been a fairly straightforward and cost effective matter for the Shire crew to extend their works into the property, particularly if Forest Edge were meeting the cost of the materials. It is assumed that this proximity was a significant factor in negotiating the eventual outcome.

The 2016/17 Works program includes road construction projects in Preston Beach, Dorsett, Somers, and Buller Roads, none of which are in the vicinity of Forest Edge and therefore do not offer the same level of convenience in terms of proximity. Further, current predictions show the Works program winding up in May 2017 which is relatively late in the construction season and does not offer much in the way of flexibility for taking on extra work via either in kind or under a private works arrangement.

Therefore, from a purely logistical and time management point of view, officers advise that the Shire is not in a position to offer assistance in terms of a contribution from its road construction crew.

Council may wish to consider other forms of contribution should it feel that the request has merit, however there are currently no funds in the 2016/17 Works budget to cover the cost of such contribution.

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

Simple Majority



**OFFICER RECOMMENDATION**

**That Council, following a request from the owners of Forest Edge Recreation camp dated 1 August 2016, advise the owners of Forest Edge Recreation Camp that it is not in a position to offer assistance with regards to the direct construction of internal access roads within private property.**

<b>9.1.2 BUDGET AMENDMENT – WAROONA FOOTBALL OVAL DRAINAGE WORKS</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 12/10 2016	File No.: 126/1
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	See heading below
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): 5.01 Plan and Effect appropriate Maintenance of Assets</b>	

### **PROPOSAL SUMMARY**

During repair works to remedy a recent failure of a stormwater drainage pipe located under the Waroona town oval, it was determined that the pipe is virtually unserviceable in its current condition and will likely lead to further failures which could compromise the oval surface and the safety of users. This report presents the matter to Council, discusses possible remedies and recommends a solution and budget amendments that will allow the solution to be funded in the 2016/17 budget.

### **BACKGROUND/INITIAL COMMENTS**

The stormwater pipe subject to this matter is shown in **ATTACHMENT 9.1.2**. The pipe was installed some decades ago to provide additional drainage to the street network to the East of the oval precinct. The pipe sections are constructed from a now superseded fibrous cement material which is not as robust as the current reinforced concrete pipes used commonly today. Over the years the flow of water has gouged out the bottom of the pipe such that for much of its length there is little or no base to the structure. Compounding this problem is the failure of most of the joints between the pipes.

The pipe has been a problem for some years and has caused a number of 'sinkholes' in the oval surface – usually caused by the failure of a joint, which allows the surrounding soil to be drawn into the pipe by the movement of the water within the pipe, which in effect excavates a cavity around the failure. When the latest failure was repaired, the problem with the base of the pipe was discovered which was later verified by videoing with a specialised camera which was drawn through the length of the pipe and showed the extent of the problem.

Officers feel that the pipe is well past its serviceable life and repairs or replacement is now necessary. To this end, officers have investigated three possible solutions and have received quotes from suitably qualified contractors for these:

1. Replace with new pipe on an alignment around the oval playing surface so as to avoid disturbance to the oval turf
2. Replace with new pipe on the same alignment



3. Line the existing pipe with a suitable product

**PLANNING – STRATEGIC IMPLICATIONS**

Nil

**REFERRALS**

Nil

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

This issue comes under the SCP No 5 “5.01 Plan and Effect appropriate Maintenance of Assets”

**FINANCIAL ISSUES/IMPLICATIONS**

Costs for the three solutions as listed above are:

1. Approximately \$105,000 (determined from quote + Shire crew and plant time)
2. Approximately \$110,000 (determined from quote + Shire crew and plant time + turf reinstatement costs)
3. Quoted \$76,617 (say \$77,000)

Funds for these works have not been included in the 2016/17 budget therefore, should the works meet with Council approval, funds will need to be sourced from elsewhere in the budget.

To cover the costs, it is recommended that the funds be sourced by:

1. Deferring the purchase of a replacement for the existing Kubota tractor until 2017/18 (net funds realised: \$52,000)
2. Reducing the budget for the Elliott Street drainage works by the remaining \$25,000 required.

Reduce Kubota replacement exp.	\$70,000
Reduce Kubota trade in income	-\$18,000
Reduce Elliot Street drainage exp.	<u>\$25,000</u>
<b>TOTAL</b>	<b><u>\$77,000</u></b>

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil



**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Option three, that of relining the pipe, has several advantages other than the obvious cost saving. The relining can take place with no disturbance to the ground surface above the pipe, it can be completed in one day and does not require input by the Shire crew. There will be some loss in capacity due to the necessity that the liner be slightly smaller in diameter than the original pipe however it is thought that this will not be a problem particularly when viewed against the benefits of this option.

Interflow, the company who provided the quote for the works, is an established company with a proven product. Referees were consulted as part of the investigation into this matter and were unanimously positive about the service and products offered by this contractor. Therefore given these facts above, officers are comfortable to recommend that the works be awarded to Interflow and to further recommend that the budget be amended in order to fund the works.

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

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Award the works for the relining of the Waroona Town Oval stormwater pipe to Interflow based on their quote of \$76,617, and**
- 2. Amend the 2016/17 adopted budget as follows;**
  - a) Decrease the expenditure of account 135540 – Plant and Equipment purchases by \$70,000**
  - b) Decrease the income of account 135750 – Proceeds of Sale by \$18,000**
  - c) Decrease the expenditure of account 120140 (Job US12) Elliott Street Drainage by \$25,000**
  - d) Increase the expenditure of account 120140 (Job Number to be created) by \$77,000**



<b>9.1.3 ANNUAL CLOSURE OF PRESTON BEACH GREENWASTE SITE</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 13/10 2016	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): 5.04 Effect Responsible Stewardship of Council owned/controlled Assets</b>	

**PROPOSAL SUMMARY**

The purpose of this item is to present for Council consideration of a proposal to temporarily close the Preston Beach greenwaste area for a period each year to coincide with the summer high fire risk season.

**BACKGROUND/INITIAL COMMENTS**

Preston Beach residents are currently able to access the greenwaste area near the beach carpark for the purpose of disposing of suitable vegetation to later be used for dune brushing purposes. At times the volumes of greenwaste can be relatively high, and as it dries it presents an increased fire risk.

There has been one instance of the vegetation being set alight already this year, and were this to happen during periods of high, extreme or catastrophic fire danger the results could be devastating.

The proposal is to close the greenwaste area between 15 December and 15 March each year and install a sign directing residents to the Buller Road Refuse Disposal Facility.

**PLANNING – STRATEGIC IMPLICATIONS**

Nil

**REFERRALS**

Nil

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

This issue comes under the SCP No 5 “5.04 Effect Responsible Stewardship of Council owned/controlled Assets”



**FINANCIAL ISSUES/IMPLICATIONS**

Minimal one-off cost of signage.

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Should the proposal to close the greenwaste area meet with Council approval the closure will be advertised locally, well before the commencement date.

Leading up to the commencement date the vegetation will be removed to the dunes by the usual contractor so that the area can be left clear and empty for the duration of the closure.

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

Simple Majority

**OFFICER RECOMMENDATION**

**That Council approve the annual closure of the Preston Beach greenwaste disposal area between the dates of 15 December to 15 March each year; effective as of 2016.**

<b>9.1.4 PRESTON BEACH PUBLIC ACCESSWAY UNAPPROVED GATES</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 13/10 2016	File No.: 87/1
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): 5.04 Effect Responsible Stewardship of Council owned/controlled Assets</b>	

### **PROPOSAL SUMMARY**

The purpose of this item is to deal with the matter of unapproved gates across a public access way (PAW) in Preston Beach.

### **BACKGROUND/INITIAL COMMENTS**

The subject PAW is located between Nos. 10 and 12 Bouvard Place in Preston Beach (**Appendix 9.1.4A**). The gates are simple affairs constructed of 'weld mesh' and block both ends of the PAW, lining up more or less with the front and rear boundaries of the adjacent properties.

The existence of the gates were brought to officers' attention by the owners of No. 10 Bouvard Place who are aggrieved by the gates for various reasons, the main ones being that the existence of the gates and the use of the PAW land by No. 12 as effectively an extension of their yard means the fence between No. 10 and the PAW is currently being treated as a shared fence between two private neighbours when this is not actually the case; and that the gates block access to the reserve behind the properties which is a concern in terms of maintenance to rear fences, etc as well as access for emergency vehicles such as firefighters.

It should be pointed out that the current owners of No 12 purchased the property only this year and were not originally responsible for the erection of the gates. However they have indicated their desire to keep the gates in place as the property has 'evolved' with the gates in place – anecdotal evidence suggests they have been in place for perhaps 10 years – therefore there is no barrier between No. 12 and the PAW, meaning the PAW is effectively a de facto extension to their yard, and it also provides access to the shed at the rear of the property. They have also pointed out that the land behind the subject properties falls away steeply and therefore is not conducive to vehicular access.

As part of the investigation into the desirability or otherwise of gates across Preston Beach PAWs in general, advice was sought from the Preston Beach Volunteer Bushfire Brigade who have confirmed that they do not support the approval of gates across any PAW in Preston Beach (**Appendix 9.1.4B**).

The owners of No. 12 have been contacted by letter in mid-August 2016 and were given 30 days from the date of that letter to remove the gates or apply for approval. A number of follow up emails were received and sent with regards to their options. They have been given the advice that while Council can (under the **Error! Use the Home tab to apply Name Of Act/Reg to the text that you want to appear here.**) technically approve the gates that Council would be very unlikely to grant approval given the objection to the gates by the owners of No 10 and the advice from the Bushfire Brigade.

The last correspondence with the owners of No 12 was an email from the DTS to them dated 9 September 2016.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

This issue comes under the SCP No 5 “5.04 Effect Responsible Stewardship of Council owned/controlled Assets”

### **FINANCIAL ISSUES/IMPLICATIONS**

Nil

### **POLICY ISSUES/IMPLICATIONS**

Officers have taken the decision that a Policy is required to deal with this matter and this is presented for Council consideration under a separate item.

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

Nil

### **COMMUNITY CONSULTATION**

Nil

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

Although officers sympathise with the owners of No 12 who have inherited this issue, it remains that the gates have not been approved and would unlikely to gain approval should an application be submitted. Further, they are enclosing a PAW which is public land which should be available for access by the public and emergency vehicles.

Officers have no particular problem with adjacent owners improving PAWs and even using them as access to their backyards however it is felt that they should be open for access at all times. It is noted that the land behind the subject properties is difficult to access, because of the nature of the terrain, however this is not seen as sufficient cause to close the PAW.



In the case of No 12, should the gates be removed it will leave them with no barrier between their yard and public land however, while unfortunate, this is a direct result of the property relying on the 'blocking off' of the PAW for yard security rather than constructing a fence on the boundary as should have been the case.

In light of these points, officers recommend that the owners of No. 12 be directed to permanently remove the gates in writing within 14 days of notification, and that should the gates not be removed by the owner then Council will take steps to remove them.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.1.4A &amp; B</b>
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### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**That Council advise the owners of No. 12 Bouvard Place Preston beach that the gates across the PAW adjacent to their property are unapproved structures and that they shall be removed within 14 days of notification. Should the gates remain after the 14 days then Council will take steps for their removal.**

<b>9.1.5 POLICY – PRESTON BEACH PUBLIC ACCESSWAYS</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 13/10 2016	File No.: 87/1
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): 5.04 Effect Responsible Stewardship of Council owned/controlled Assets &amp; 6.02 Pursue high Professional Governance actions: Regular Reviews of Policies, Local Laws, Delegations of Authority, &amp; various Management Plans</b>	

### **PROPOSAL SUMMARY**

The purpose of this item is to bring for Council consideration a Policy regarding the installation of gates or similar barriers across public access ways (PAWs) in Preston Beach.

### **BACKGROUND/INITIAL COMMENTS**

Recent events involving gates across a PAW in Preston Beach and associated investigations into the matter have revealed a need for a Policy to ensure that PAWs are kept open for public, Shire and emergency access at all times.

A draft Policy document is appended at **APPENDIX 9.1.5**.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

This issue comes under the SCP No 5 “5.04 Effect Responsible Stewardship of Council owned/controlled Assets” and “6.02 Pursue high Professional Governance actions: Regular Reviews of Policies, Local Laws, Delegations of Authority, & various Management Plans”

### **FINANCIAL ISSUES/IMPLICATIONS**

Nil



**POLICY ISSUES/IMPLICATIONS**

Should Council approve the Policy it will be included in Council's Policy Manual under section 5 "Engineering and Roads".

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The main driver for the decision to create this Policy came from the advice from the Preston Beach Volunteer Bushfire Brigade's advice that they would prefer to see PAWs remain open so as to provide as much access as possible for their operations. However, as the name suggests they are intended also for public access and should therefore remain accessible without a valid reason for their being restricted.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.1.5</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council adopt the draft Policy "Preston Beach Public Access Ways"**

<b>9.1.6 WAROONA CRICKET OVALS – CORRESPONDENCE FROM THE WAROONA CRICKET CLUB REGARDING THE CONDITION OF THE CRICKET OVALS.</b>	
Reporting Officer / Officer's Interest:	Murry Bracknell – Manager Works and Services / Nil. Leonard Long - Manager Development Services / Nil
Responsible Officer / Officer's Interest:	Patrick Steinbacher - Director Technical Services / Nil
Proponent:	Not Applicable
Landowner:	Vested to the Shire of Waroona by the Crown.
Date of Report: 6 May 2016	File No.: 126/2
Previous Reference:	Not Applicable
Policy Implications:	Policy 1.31: Asset Management. Policy 7.1: Control and Management of Council Property. Policy 7.3: Management of Risks on Recreation equipment or at Recreation Facilities.
Statutory Implications:	Local Government Act 1995 Council's Local Government Property Local Law 2014
Strategic Implications:	N/A
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 4: <i>Society and community wellbeing</i>; and Theme 5: <i>Assets, Resources, Financial Management &amp; Sustainability</i>.</b>	

### **SUMMARY**

A letter has been received by the Shire from the Waroona Cricket Club (WCC) regarding the maintenance of both the top and bottom cricket ovals. (See **Appendix 9.1.6**). The matter has been presented to the Recreation Advisory Committee at its meeting of 5 October 2016 for consideration.

### **BACKGROUND / INITIAL COMMENTS**

The WCC has written to the Shire expressing concerns regarding the maintenance of both the top and bottom cricket ovals with specific reference to the state of the oval after the Rodeo event held in March this year. The WCC has further states that due to the unsatisfactory weed control the ovals are in an undesirable playing state. As a result of insufficient drainage on the ovals the WCC has had to request that their first five (5) games of the season are not played at the oval.

The Shire's Parks, Gardens and Reserves team consist of three (3) full time team members and one (1) part time team member. This team is responsible for the maintenance of all the Shire's parks, gardens and reserves and currently allocates 6.3% of their time to the maintenance of the cricket ovals. Fifty percent (50%) of the works undertaken on the cricket ovals is by contractors or contract services.

It should also be noted that the Shire does not do any maintenance of the turf wickets, which is done / arranged by the WCC.



**PLANNING – STRATEGIC IMPLICATIONS**

Nil.

**REFERRALS**

Nil.

**STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS**

The one relevant Strategic Community Plan issue area is theme number 5 “Assets, Resources, Financial Management and Sustainability“. This theme involves responsible stewardship of assets, effective resource supervision and pursuit of best practice financial management and sustainability.

The other relevant theme is Theme 4: Society and community wellbeing. Strategies for future actions under this theme include the provision of recreation facilities.

**FINANCIAL ISSUES / IMPLICATIONS****Annual Fees:**

In terms of Council’s adopted fees and charges for 2016/17, the Senior Cricket Club is charged \$1,133 and the Junior Cricket Club is charged \$567 per annum for the use of the cricket ovals.

In the 2015/16 financial year a total of \$61,691 was spent on the maintenance of the ovals.

- General maintenance:	\$6,059
- Water service:	\$2,511
- Power:	\$9,379
- Reticulation maintenance:	\$17,528
- Harvey Water:	\$5,992
- Turf maintenance:	\$8,494
- Tree maintenance:	\$338
- Mowing:	\$9,155
- Fertiliser:	\$2,234

**Net Maintenance Costs:**

The net maintenance cost of the cricket ovals (after receipt of annual oval user fees) is \$59,991.

**POLICY ISSUES / IMPLICATIONS****Policy 1.31: Asset Management**

The key objective of this policy is to ensure that services delivered by the Shire of Waroona continue to be sustainably delivered. This will be achieved by ensuring that the Infrastructure Assets used to support the service delivery continue to function to the level of service determined by Council.

### Policy 7.1 – Control and Management of Council Property

Council may lease, hire or agree to the use of other Council Property. Use of all Council Property will be governed by Council's Local Government Property Local Law and any other policies and procedures regarding its use.

Council may negotiate an arrangement between a particular user group, for that group to be responsible for certain areas of maintenance or replacement of equipment pertaining to use of their particular area.

### **STATUTORY ISSUES**

#### Local Government Act 1995

Section 6.16 of the Act enables local governments to impose fees and charges. Section 3.5 of the Act provides legislative power to local governments to make local laws.

#### Council's Local Government Property Local Law 2014.

The Local Law provides the local authority with the ability to manage and determine the use of its land.

### **LEGAL ISSUES / IMPLICATIONS**

See Statutory Issues.

### **COMMUNITY CONSULTATION**

Nil.

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

The WCC has identified the following issues that in their opinion could impact on the safety of their players and the local community.

*Following the rodeo in March 2016, the sand (used for the rodeo) was not spread as planned*

The sand for the rodeo event was to be removed / spread by others. Given that this did not occur, Shire staff completed the removal and spreading of the sand following the rodeo. The existing oval surface where the sand for the event was spread was uneven, which following grading left a depressions with sand over the surface of the turf. The extra depth of sand over these areas of turf and a cold winter has left some small areas of the turf slow to recover. Once the warmer weather eventuates the affected areas of turf should recover.

The turf wicket is the responsibility of the cricket club. The wicket area was flagged off for the event with no effect from the event or the subsequent sand removal and spreading works. Following the event the Easterly wind blew some sand over the surface of the wicket which has not been removed.

*Weed Control on both ovals is unsatisfactory*



The Shire undertakes weed control through an approved contractor annually, which generally occurs in November / December or as required. Weed control for the current financial year has not yet been done. Due to the unusually wet winter season mowing of the oval had to be postponed until mid / late September 2016. The later start to mowing of the ovals may have contributed to the oval appearing to have more weeds than usual.

*The drainage on the ovals is insufficient*

Both ovals are effected by water logging in some parts through winter due to the variance and poor drainage quality in the soil types used in construction as well as the lack of surface and subsoil drainage. The top oval has some subsoil drainage pipes installed which has some effect on removal of water from the subsoil. The lower oval has no subsoil drainage installed.

To rectify the drainage of both ovals will require considerable reconstruction works and cost. These works would require a capital fund upgrade of the existing facility. A scope of works and costings for these works can be obtained if required.

**Conclusion**

The item has been presented to the Recreation Advisory Committee (RAC) at its meeting of 5 October 2016. The RAC recommends that a written response be provided to the Waroona Cricket Club setting out the maintenance schedule for the 2016 / 2017 financial year and the maintenance costs of the cricket ovals. The potential facility upgrade options to address drainage issues on the ovals, potential cost implication and suggested funding of such works should be considered by Council after further investigation by officers.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>Appendix 9.1.6</b>
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**VOTING REQUIREMENTS**

Simple Majority.

**RECREATION ADVISORY COMMITTEE RECOMMENDATION**

- 1. That in relation to the correspondence from the Waroona Cricket Club regarding the condition of the cricket ovals:**
  - a. A written response be provided to the club setting out the maintenance schedule for the 2016 / 2017 financial year as well as the maintenance costs of the cricket ovals.**
  - b. Council canvasses potential options to address drainage issues on the ovals for further consideration.**

## 9.2 DIRECTOR DEVELOPMENT SERVICES

<b>9.2.1 FINAL ADOPTION OF AMENDMENT NO. 34 – INCLUSION OF LOT 524, LOOK ROAD, WAROONA IN SCHEDULE IV OF TOWN PLANNING SCHEME NO.7</b>	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil
Responsible Officer / Officer's Interest	Leonard Long – Manager Development Services / Nil
Proponent:	Rowe Group
Landowner:	John James Look
Date of Report: 12 October 2016	File No.: TPS7A34
Previous Reference:	(OCM15/08/082)
Policy Implications:	State Planning Policy No. 2.1 – Peel Harvey Coastal Plain Catchment (SPP 2.1) State Planning Policy No. 2.5 – Land Use Planning in Rural Areas (SPP 2.5) Draft State Planning Policy 4.1 – Industrial Buffer Policy Waroona North Structure Plan 2007
Statutory Implications:	Planning and Development Act 2005 Environmental Protection Act 1986 Planning and Development Regulations (Local Planning Schemes) 2015 Planning & Development Regulations 2009 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No.7
Strategic Implications:	Draft South Metropolitan Peel Sub-Regional Planning Framework Shire of Waroona Local Planning Strategy 2009 Shire of Waroona Community Strategic Plan 2014/15 – 2023/24
Financial Implications:	Amendment fees as per Planning and Development Regulations 2009 & Fees & Charges Schedule.
<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 seeks the final adoption of Scheme Amendment 34 (TPS7A34) to Town Planning Scheme No.7. The adoption of TPS7A34 involves the inclusion of Lot 524 Look Road, Waroona into Schedule IV (Additional Uses) under the Shire of Waroona Town Planning Scheme No.7 (TPS7) to enable the existing industrial use of the site for the purposes of repairing, modifying and maintaining large and heavy vehicles, plant and equipment.



See site location plan at **APPENDIX 9.2.1A** and amending documents at **APPENDIX 9.2.1B** and proposed structure plan at **APPENDIX 9.2.1C**.

### **BACKGROUND / INITIAL COMMENTS**

The subject site is located on Look Road, Waroona, approximately 4km north of the Waroona town site. See site location map at **APPENDIX 9.2.1A**. Access to the subject site is via Look Road, which connects to Hall Road.

Lot 524 is 111ha and is cleared established farmland. Existing improvements on the site include various farm sheds, a single house and a machinery workshop.

The use of the site for industrial purposes has been established for a considerable time, during initial investigations and review of Shire records no evidence of existing non-conforming use rights confirming the use having been lawfully established could be found.

Council resolved to initiate the amendment at the Ordinary Council Meeting held on 25 August 2015 (OCM15/08/082).

### **Previous Council Resolutions**

At its Ordinary Meeting held 25 August 2015 Council resolved:

- A. *Initiates the Amendment to Town Planning Scheme No. 7 in accordance with Appendix 9.2.1, subject to the following changes:
  - i) *The Outline Development Plan being modified to reflect the needs of the current area of operation of the industrial use of the site.**
- B. *Refer the above Amendment to Town Planning Scheme No.7 to the Environmental Protection Authority (EPA) pursuant to section 81 of the Planning and Development Act 2005.*
- C. *Refer the Amendment to Town Planning Scheme No. 7 to the Western Australian Planning Commission for consent to advertise in accordance with Regulation 13 (2) of the Town Planning Regulations 1967.*
- D. *Advertise the amendment in accordance with the Town Planning Regulations 1967 should the EPA advise that the amendment does not require assessment and approval to advertise is granted by the Western Australian Planning Commission.*

### **Previous Applications**

Nil.

### **STATUTORY IMPLICATIONS**

### Planning and Development Act 2005

Section 75 of the Act states that a local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

Section 81 of the Act states that when a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA —

- (a) Written notice of that resolution; and
- (b) Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.

Section 84 of the Act states that after compliance with sections 81 and 82, a local planning scheme prepared or adopted, or an amendment to a local planning scheme prepared or adopted, by a local government, is to be advertised for public inspection in accordance with the regulations.

### Environmental Protection Act 1986

Section 48A of the Act requires local governments to refer all scheme amendment proposals to the Environmental Protection Authority for assessment prior to public consultation.

### Planning and Development (Local Planning Schemes) Regulations 2015

Part 5 deals with amending Local Planning Schemes.

Division 2 of Part 5, sets out the process for complex amendments to the local planning scheme.

Section 37, 38 and 42 of the Regulations details the requirements of advertising a complex scheme amendment. With a minimum period of 60 days for submissions.

Section 39 details the requirement of the land owner to pay costs of publication.

Sections 40 and 41 deal with submissions and consideration of submissions in relation to proposed scheme amendments.

Section 43 deals with incorporating environmental conditions.

Sections 44, 45, and 46 details where complex amendments are to be referred to the commissions and the commission to make recommendations to the minister.



Part 4 of Schedule II to the Regulations sets out the process for the consideration and adoption of structure plans.

#### Planning and Development Regulations 2009

Part 7 of the Regulations prescribes Local government planning charges.

Regulation 48 prescribes fees applicable to scheme amendments and structure plans.

Regulation 48 (8) states “If the local government —

- (a) decides not to initiate the local planning scheme amendment or the adoption of a structure plan; or
- (b) decides to discontinue the preparation or adoption of a local planning scheme amendment or the adoption of a structure plan, moneys paid by the applicant to the local government for the planning service and not expended by the local government on the provision of that service must be refunded to the applicant.”

#### Peel Region Scheme 2003

The subject area is zoned Rural under the Peel Region Scheme.

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

“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”.

#### State Planning Policy No. 2.1 – Peel Harvey Coastal Plain Catchment (SPP 2.1)

The subject land is located within the Peel-Harvey Coastal Plain Catchment as depicted on the Shire of Waroona TPS 7 maps. The land is subject to the provisions of SPP 2.1. The objectives of the policy are:

- *to improve the social, economic, ecological, aesthetic and recreational potential of the Peel-Harvey Coastal Plain Catchment;*
- *to ensure that changes to land use within the catchment of the Peel Harvey estuarine system are controlled so as to avoid and to minimise environmental damage;*
- *to balance environmental protection, with the environmental viability of the primary sector;*
- *to increase high water using vegetation cover within the Peel Harvey Coastal Plain Catchment; and*
- *to reflect the environmental objectives in Environmental Protection Policy (Peel-Harvey Estuarine Systems) 1992, to prevent land use that is likely to result in excessive nutrient export into the drainage system.*



SPP 2.1 (Clause 6.5), makes provision for Industrial development in the catchment as follows:

6.5.1 Proposals to develop land for industry, where the industrial process would create liquid effluent, must include provision for connection to a reticulated sewerage system.

6.5.2 Works approvals and licences will be required from the EPA where the proposal has a wastewater discharge or falls within the list of scheduled premises under Part V of the Environmental Protection Act. Some types of industrial development may require an impact assessment under Part IV of the Environmental Protection Act.”

The site is not connected to a reticulated sewerage system and is serviced by an onsite effluent disposal systems. The applicant has indicated that maintenance and repairs associated with the proposed amendment are to be undertaken in such a manner that liquid and solid wastes are contained, treated and disposed of appropriately offsite.

#### State Planning Policy No. 2.5 – Land Use Planning in Rural Areas (SPP 2.5)

The objectives of SPP 2.5 are:

- 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.*

Section 5.1 (a) of SPP 2.5 requires that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme.

#### Draft State Planning Policy 4.1 – State Industrial Buffer Policy (Draft SPP 4.1)

Clause 6.2 of Draft SPP 4.1 states that when preparing local planning strategies, local planning schemes and amendments, consideration shall be given to:

- i) managing and minimising the potential for land use conflict between industry and / or essential infrastructure and sensitive land uses;



- ii) timely and accurate identification of industry and essential infrastructure which require buffers; and
- iii) ensuring that proposals which in the opinion of the WAPC:
  - restrict the operation of important activities in industrial zones,
  - present substantial and deleterious off-site impact on the amenity, health, safety and security of the industrial area,
  - inhibit the location of industries and activities with less off-site impact and risk towards the periphery of the industrial zone,
  - limit the ability of the protected industry or infrastructure to achieve the ultimate planned capacity and operating efficiency;

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

The subject site is currently zoned Rural 1 – General Farming under TPS7.

The objective of the rural zones is stated as follows:

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

*Council’s 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 4.15.3.”*

Some industry uses, including cottage, rural, noxious, hazardous and extractive industries are able to be approved within the General Farming zone, however general, service and light industries are not permitted.

#### EPA Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Land Uses

Guidance statement No. 3 establishes recommended separation distances between industry types and sensitive land uses defined under Draft SPP 4.1. These buffer distances are based on generic industry (and other activities which generate offsite impacts) types and profiles.



In the context of Guidance Statement No. 3 the uses which form part of the existing land uses for the site recommend the following buffer distances:

Industry	Description	Impacts	Recommended Buffer Distance
Metal Fabrication	Sheet metal, structural metal and iron and steel products – up to 50,000 tonnes per year	Noise Dust	500m-1000m
Motor Body Works	Including panel beaters	Noise Dust Odour	200m
Automotive Spray Painting	Liquid paint is directed onto automotive surfaces by airless, compression, electrostatic or other methods	Noise Dust Odour	200m

### **STRATEGIC PLANNING IMPLICATIONS**

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

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

#### Draft South Metropolitan Peel Sub-Regional Planning Framework (DSMPSRPF)

Lot 524 is identified by the DSMPSRPF for preservation as rural land. It is an objective of the DSMPSRPF to:

*“promote employment opportunities and increase the number of people who live and work within the sub region with a focus on employment within the strategic metropolitan centres and key strategic industrial centres while maximising the use of existing infrastructure.”*

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

The subject site is located within the Agricultural Precinct and is classified as General Agriculture. It is Councils objective to provide for the continued use of the area for a range of agricultural pursuits and low key tourist establishments.

#### Waroona North Structure Plan 2007

Lot 524 is located within the Waroona North Structure Plan Area. The structure plan identifies Lot 524 as Intensive Agriculture.

### **COMMUNITY CONSULTATION**

Pursuant to regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 the amendment was publicly advertised as follows:

- A notice placed in the Harvey-Waroona Reporter (26 July 2016), and
- Letters sent to Government agencies and surrounding landowners.

Within the allocated advertisement period no public submissions were received.



## **EXTERNAL REFERRAL**

Comments have been received from the following government / referral agencies:

### **Department of Environment and Regulation (DER)**

DER has no comment on this matter in reference to regulatory responsibilities under the *Environmental Protection Act 1986* and the *Contaminated Sites Act 2003*.

### **Department of Planning (DoP)**

DoP have provided advice as to the required processing of the amendment.

### **Department of Agriculture and Food Western Australia (DAFWA)**

DAFWA has no objection to the proposal.

### **Main Roads Western Australia (MRWA)**

MRWA has no objection to the proposal. Advice has been provided on the Traffic Impact Statement provided in support of the proposal that will be relevant to the consideration of any application for planning consent.

## **INTERNAL REFERRAL**

Comments from the Shire's Internal Departments in relation to Environmental Health and Building issues are relevant to any application for planning consent that may be submitted in relation to the use of the site and will be sought should such an application be made in the future.

## **FINANCIAL ISSUES / IMPLICATIONS**

Amendment fees have been received as per the Planning and Development Regulations 2009 and Council's Fees and Charges Schedule.

## **OFFICER RECOMMENDATION**

The principles of orderly and proper planning dictate that industrial development should be carefully planned for and approached from a strategic viewpoint to ensure consistency with the broader planning framework and strategic objectives of the Shire and the WAPC. Strategic planning of this nature also ensures a coordinated approach to access, service provision and minimising the detrimental impacts on amenity.

In order to protect the rural use of land and ensure that industrial development takes place in the manner for which it has been strategically planned, proposals for industrial development are required to be located in areas that have been identified by the Shire, WAPC and service providers as suitable within the planning framework.

The inconsistency of the proposed amendment with the planning framework including the Local Planning Strategy and by extension, SPP 2.5 dictates that the proposed amendment should not be supported as it is not in accordance with proper and orderly planning.

However, should Council believe this application is unique in that it is from a business that has been in continuous operation since the 1990s (some 20 years) operating from an existing farm and has expanded from the servicing of farming machinery to now include mining machinery. Due to the longevity of the business it represents a valuable employment opportunity for up to 15 employees in the area.

In the early 2000s the Council undertook extensive studies in an effort to establish an industrial zoned precinct outside of the Waroona town site as this was identified as an important economic driver for this Shire, but was ultimately unsuccessful in its endeavours. This demonstrated its keen desire to promote and attract industrial business opportunities in this district.

From a planning perspective it is recommended that the proposal not be supported as it contradicts a number of Local and State policies. However, Council may wish to adopt the scheme amendment thereby affording the landowner / applicant the opportunity to have the application fully considered by the Western Australian Planning Commission, who are responsible for the final approval of the proposed scheme amendment by the Minister.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.1A,B C</b>
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### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

1. That Council in accordance with regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves not to support the amendment to the local planning scheme, for the following reason:
  - a. The proposal is inconsistent with the planning framework including the Local Planning Strategy.

**ALTERNATIVE RECOMMENDATION:**

**That Council:**

1. Pursuant to regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, supports for final approval, without modifications, Amendment 34 to the Shire of Waroona Town Planning Scheme No. 7 1996 to include Lot 524, Look Road into Schedule IV (Additional Uses) as per Appendix B, to enable the existing industrial use of the site for the purposes of repairing, modifying and maintaining large and heavy vehicles, plant and equipment.
  - a. Pursuant to regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015, forwards all required documentation to the Western Australian Planning Commission, seeking final approval of the Minister for Planning, and
  - b. Authorise the Shire President / Deputy Shire President and the Chief Executive Officer / Deputy Chief Executive Officer to sign and seal the Amendment documents in accordance with Policy 1.26.
2. Pursuant to Part 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015:
  - a. Recommends approval of the structure plan (as per Appendix C) for Lot 524 Look Road, Waroona, without any modifications, and
  - b. Forwards a copy of the structure plan to the Western Australian Planning Commission for approval.

<b>9.2.2 LOT 6 (NO. 309) LANDWEHR ROAD, WAROONA – APPLICATION FOR PLANNING CONSENT FOR EXTRACTIVE INDUSTRY (SAND) AND EXTRACTIVE INDUSTRY LICENCE</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:	Tillbrook Nominees Pty Ltd
Landowner:	Tillbrook Nominees Pty Ltd
Date of Report: 10 October 2016	File No.: TP1782 / EI33
Previous Reference:	OCM15/10/116 of 27 October 2015
Policy Implications:	<ul style="list-style-type: none"> <li>• Local Planning Policy 1 – Community Consultation;</li> <li>• Local Planning Policy 15 – Extractive Industry.</li> <li>• Council Policy 5.3 – Policy for Over Design Freight Usage of Shire of Waroona Road Network</li> </ul>
Statutory Implications:	<ul style="list-style-type: none"> <li>• Planning and Development Act 2005;</li> <li>• Planning and Development (Local Planning Schemes) Regulations 2015;</li> <li>• Local Government Act 1995;</li> <li>• Local Government(Administration) Regulations 1996;</li> <li>• Dampier to Bunbury Pipeline Act 1997;</li> <li>• Environmental Protection Act 1986;</li> <li>• Environmental Protection (Noise) Regulations 1997;</li> <li>• Shire of Waroona Town Planning Scheme No. 7 1996;</li> <li>• Shire of Waroona Extractive Industries Local Law 1999;</li> <li>• Environmental Protection Authority Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005;</li> <li>• Peel Region Scheme 2003;</li> <li>• Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002;</li> <li>• State Planning Policy 2.1 – Peel Harvey Coastal Plain Catchment.</li> </ul>
Strategic Implications:	<ul style="list-style-type: none"> <li>• Draft South Metropolitan Peel Sub-Regional Planning Framework 2015</li> <li>• Shire of Waroona Community Strategic Plan 2014/15 – 2023/24</li> <li>• Local Planning Strategy 2009</li> </ul>
Financial Implications:	Road Maintenance developer contributions.
<p><b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b>  <i>Theme 1: Local Economy - Managing our Future Growth.</i>  <i>Theme 2: Environment – Conserving our Unique Environment</i>  <i>Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</i></p>	

## **PROPOSAL SUMMARY**

An application has been received for the review of the conditions of the Planning Consent and Extractive Industry Licence granted by Council at its meeting of 27 October 2015.

The requested amendments to the Planning Consent are as follows:

- Condition 7 to be amended to limit the depth of excavation to 1m above maximum groundwater level in lieu of the 2m separation previously approved.
- Condition 10 to be amended to limit excavation to 10m from property boundaries in lieu of the 40m previously required.

The requested amendments to the Extractive Industry Licence are as follows:

- Condition 7 to be amended to limit the depth of excavation to 1m above maximum groundwater level in lieu of the 2m separation previously approved.
- Condition 10 to be amended to limit excavation to 10m from property boundaries in lieu of the 40m previously required.

The requested amendments to the conditions of approval will ensure that the Planning Consent and Extractive Industry Licence issued by Council are consistent with the Planning Consent issued by the Department of Planning under the Peel Regions Scheme.

Location and site plans are at **APPENDIX 9.2.2**.

## **BACKGROUND / INITIAL COMMENTS**

Anecdotal evidence suggests that the site was previously operated as an extractive industry for a period ending in 1985, however no formal record of any approval of such an operation has been located.

Lot 6 is located within the infrastructure corridor and contains easements for the Dampier to Bunbury Natural Gas Pipeline and Western Power. The proposed area of extraction straddles the pipeline easement, but does not include either the existing easement or the proposed 20m widening of that easement currently being negotiated between the land owner and Department of Lands.

At its meeting of 27 October 2015 Council resolved to approve applications for planning consent and extractive industry licence for the proposed development.

A separate Planning Consent is required from the Western Australian Planning Commission in terms of the Peel Region Scheme, which was issued by the Commission on 5 August 2016. Condition 7 of that approval limits excavation to a depth of 1m above maximum groundwater level and the approved plan shows a minimum setback of excavation of 10m from the lot boundary.

## **PLANNING – STRATEGIC IMPLICATIONS**

### **Draft South Metropolitan Peel Sub-Regional Planning Framework 2015**

Section 3.8 of the draft South Metropolitan Peel Sub-Regional Planning Framework 2015 recognises the importance and limited availability of basic raw materials. Access to basic raw materials impacts housing affordability and the cost of government infrastructure projects. Plan 8 of the draft policy indicates the subject lot is located within an area identified for regionally significant basic raw materials.

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

Clause 14.0 Minerals and Basic Raw Materials states:

Minerals contribute significantly to the economy. Mineral extraction and processing is a key component of the local economy. Basic raw materials are essential for the road and construction industries.

Clause 14.1 Mineral and Basic Raw Materials Considerations:

There are a number of sand extraction licences along a sand ridge centred on Buller Road. The most significant issue associated with this use is the presence of remnant vegetation. Sites should be chosen that do not contain significant areas of remnant vegetation. Extensive rehabilitation of existing sites is required.

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

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

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

## **REFERRALS**

### **Internal Referrals**

The Shire's Director of Technical Services stated that there is no objection to the proposed alterations to the conditions. Other conditions in relation to traffic and engineering matters will remain unchanged.

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

The Shire of Waroona Strategic Community Plan 2014/15 – 2023/24 outlines broad strategic priorities categorised into six (6) Key Emphasis Areas/Themes. The specific themes relevant to the proposed continuation of the extractive industry are:

Theme 1: Local Economy - Managing our Future Growth.

Theme 2: Environment - Conserving our Unique Environment.

Theme 3: Land Use - Responsible Land Use Planning, & Protecting Rural Land.



## **FINANCIAL ISSUES / IMPLICATIONS**

The existing condition in relation to a road maintenance contribution scheme will continue to apply to cover the additional ongoing costs of road maintenance due to the volume of haulage trucks servicing the Extractive Industry.

Extractive Industry Licenses are subject to an annual renewal fee, currently \$455.

## **POLICY ISSUES/IMPLICATIONS**

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

Lot 6 is not included in the mapped policy application area of the PRS Policy.

### **Local Planning Policy 1 – Community Consultation (LPP1)**

The objective of this policy is to ensure that an appropriate level of community consultation is undertaken regarding a development proposal and to allow sufficient opportunity for submissions to be made addressing concerns that may be considered by Council prior to making a decision on the subject proposal.

LPP1 requires a 21 day consultation period for an extractive industry, and the specified consultation measures are letters of notification to owners and occupiers of affected neighbouring properties, a notification posted in a locally circulating newspaper and a notification sign to be placed on site.

### **Local Planning Policy No. 15.0 – Extractive Industry**

Council's recognises that extractive industry is and will remain a necessary and important part of the economic life of the Shire.

Applications for planning consent for extractive industry and/or for an extractive industry licence, whether they are new applications or applications for renewal of previously granted approvals, must be accompanied by the following documentation:

- a) A clear, concise, well-presented excavation management plan;
- b) A diagram prepared by a licensed surveyor indicating existing levels, proposed levels at the time when the approval being applied for will expire and proposed levels at the termination of extraction activity; and
- c) A rehabilitation plan that provides for clear and measurable outcomes, or, where a proposal has been assessed by the EPA, meets EPA requirements.

The primary role of the Town Planning Scheme is to determine whether the proposed extractive industry is consistent with the Zone in which it is located, the amenity of adjoining or nearby properties and that the local road system is capable of supporting the demands that will be placed upon it by the transport of the extracted material. Other issues should generally be addressed via the Extractive Industry Local Law.

Planning consent for extractive industry and extractive industry licences shall be issued for a maximum period of five years.

Where extractive industry licences are issued for more than a two year duration, a condition shall be applied requiring the submission of a progress report mid-way through the period of the licence. The progress report shall be prepared to the same standard as is required for applications and, in particular, must be accompanied by a diagram prepared by a licensed surveyor indicating the extent of excavation at the time of the progress report. If the progress report is not provided and endorsed prior to the time specified in the approval, then extraction must cease until such time as a satisfactory progress report is provided.

Where extractive industry is proposed the resultant increase in traffic is likely to have a significant impact on the local road system, the applicant shall, as a condition of planning consent, be required to make a proportionate contribution.

### Council Policy 5.3 – Policy for Over Design Freight Usage of Shire of Waroona Road Network

Council Policy 5.3 provides provisions for the application of the West Australian Local Government Association (WALGA) '*User Guide – Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks*' to developments within the Shire.

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

### Dampier to Bunbury Pipeline Act 1997

The Dampier to Bunbury Pipeline Act provides legislative power to control all works on lots subject to the pipeline easement.

### Local Government Act 1995

The Local Government Act provides the statutory head of power for local governments to create and enforce local laws, including the Shire of Waroona Extractive Industries Local Law 1999.

Section 5.25(1)(e) of the Act provides the head of power for the review of a decision under the Local Government (Administration) Regulations 1996.

### Local Government (Administration) Regulations 1996

Regulation 10 (2) states that if a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
- (b) in any other case, by an absolute majority.

### Planning and Development Act 2005

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and provides the head of power for the enforcement of Regulations, the Scheme and any policies adopted under it.



### Planning and Development (Local Planning Schemes) Regulations 2015

Clause 77 of Schedule 2 to the Regulations provides a process whereby an owner of land may request amendments to any planning consent issued in respect of their land.

### Environmental Protection Act 1986 (EPA Act)

Part V of the EP Act 1986 deals with Environmental Regulation. This section of the act covers pollution and environmental harm, the clearing of native vegetation and prescribed premises, works approvals and licences.

### Environmental Protection (Noise) Regulations 1997

The Environmental Protection (Noise) Regulations set out acceptable standards for noise generation with which all land uses must comply.

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

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

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

### Peel Regional Scheme 2003

Clause 5 (b) states that it is the purpose of the Scheme to provide for the zoning of land for living, working and rural land uses.

Clause 6 (h) states that it is an aim of the Scheme to provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.

Clause 12 (e) states that Rural zoning is to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

Clause 18 of the PRS provides a requirement to obtain planning approval if the development is on reserved land or the development is of a kind or class specified in a resolution made by the Western Australian Planning Commission under Clause 21 of the PRS.

Resolution 2014/02 made under Clause 21 of the PRS identifies development categories that are subject to PRS planning approval, including item 6 – development in the rural zone. PRS planning approval is required if the proposal is deemed to be inconsistent with the purposes of the rural zone stated in Clause 6.



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

Lot 6 is zoned Rural 1 – General Farming under the TPS.

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

Clause 4.14.1 of the TPS states that the objectives of Rural zones are to preserve the rural character of the district's farming lands and to ensure that they continue to contribute materially to the district's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council's policies will therefore be to:

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

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

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

The purpose of the Local Law is to;

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

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

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

### **LEGAL ISSUES / IMPLICATIONS**

See Statutory Issues.



## **COMMUNITY CONSULTATION**

The previous applications for Planning Consent and Extractive Industry Licence were advertised in accordance with Local Planning Policy 1 – Community Consultation and the Shire of Waroona Extractive Industry Local Law. During the consultation period no submissions were received in relation to the proposed setback from lot boundaries or separation to groundwater level. Given the minor nature of the proposed amendments to the conditions of the previous approval community consultation is not considered necessary for the amended applications.

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

### **Land Use and Zone Objectives**

As stated in Clause 4.14.1 of the TPS the objective of the Rural zones are to preserve the rural character of the district's farming lands and to ensure that they continue to contribute materially to the district's economy. Extractive Industry has been identified as an AA use in the General Agriculture zone and can therefore be considered to be consistent with the objectives of the zone.

The subject lot is not within the Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 and, therefore, is not considered to be a strategic resource under the PRS. However, the proposal is considered to be consistent with the objectives of the PRS, and specifically Clause 6 (h), which states that it is an aim of the Scheme to provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.

### **Draft South Metropolitan Peel Sub-Regional Planning Framework 2015**

The Draft South Metropolitan Peel Sub-Regional Planning Framework 2015 does not identify the subject lot as a source of regionally significant basic raw materials.

The importance and limited availability of basic raw materials is acknowledged. Access to basic raw materials impacts housing affordability and the cost of government infrastructure projects.

### **Impact on Adjoining Owners**

The subject site is located in a relatively isolated location and is separated from the nearest 'sensitive land use' as defined by the Guidance Statement by a distance of 1.2km. This distance of separation supports the assessment that the sand extraction activities do not detrimentally affect the surrounding lots in terms of noise or dust pollution.

### **Hours of Operation**

The hours of operation proposed are 8:00am to 5:00pm Monday to Friday. The operations of the extractive industry will have to comply with the provisions of the Noise Regulation in relation to maximum noise levels at all hours of the day. The conditioning of hours of operations is therefore unnecessary.

### Environmental Impact

The proposal meets the requirements of the Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 by maintaining greater than the 500m specified minimum separation distance from sensitive land uses (dwellings).

The Shire's Engineering Technical Officer previously identified land management and groundwater separation as issues of environmental concern in relation to the proposal. These matters are controlled through conditions of approval.

Conditions on the Peel Region Scheme approval restrict excavation within identified buffers to significant natural areas and conservation category wetlands.

### Altered Depth to Groundwater

As per the advice provided by the Department of Water during the consideration of the Peel Region Scheme Approval the 1m vertical separation to maximum groundwater level is not considered to create any detrimental impact.

### Vehicle Access and Impact on Road Infrastructure

The Shire's Director Technical Services advised that the increase in haulage traffic on local roads may require an increase in ongoing maintenance and may also require road intersections to be upgraded. Maintenance contributions and road upgrade contributions for affected roads are to be implemented via a condition requiring a contributions agreement to be executed between the Shire and the applicant.

### Progress Report and Ongoing Management

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

### Reduced Setback from Adjoining Lots

The reduced setback to the adjoining lot to the north is not expected to impact the surrounding properties given that a 10m setback will be maintained and the maximum depth of excavation will be 3.5m.

### Conclusion

Sand extraction operations are required within the Shire to provide resources for the building and construction industry. Given the acceptability of the environmental and amenity impacts of the proposal it is recommended that the proposed Extractive Industry be approved subject to appropriate conditions.

The proposed amendments to conditions 7 and 10 of the respective approvals are not expected have a significant impact on the operation of the Extractive Industry or the amenity of the locality. The reduced setback to the adjoining lot to the north is not expected to impact the surrounding properties given that a 10m setback will be maintained and the maximum depth of excavation will be 3.5m.

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

Absolute Majority.

### **OFFICER RECOMMENDATION**

**That Council:**

- A. Pursuant to clause 77 of Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the application to amend the Planning Consent conditions as approved at the Ordinary Council Meeting of 27 October 2015 (OCM15/10/116) for an Extractive Industry for a period of five (5) years, to be as follows:**
- 1. The Extractive Industry hereby approved shall operate in accordance with the approved plans to the satisfaction of the Shire of Waroona.**
  - 2. The existing and proposed Dampier to Bunbury Natural Gas Pipeline corridor is to be fenced to the satisfaction of the Shire of Waroona.**
  - 3. All stormwater and drainage run-off to be contained on site to the specification and satisfaction of the Shire of Waroona.**
  - 4. Vegetation rehabilitation shall occur in accordance with the approved details to the satisfaction of the Shire of Waroona.**
  - 5. Stockpiles of sand and topsoil shall be regularly watered so as to prevent dust from blowing onto nearby properties to the satisfaction of the Shire of Waroona.**
  - 6. Topsoil shall, when possible, be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs to the satisfaction of the Shire of Waroona.**
  - 7. Excavation depths shall not extend below one (1) metre above the maximum groundwater level.**
  - 8. Final landform following completion of sand extraction from the site shall occur in accordance with the approved details to the satisfaction of the Shire of Waroona.**
  - 9. Fuel storage/refuelling areas shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils and groundwater occurs to the satisfaction of the Shire of Waroona.**
  - 10. Excavation shall not occur within 10 metres of any boundary.**
  - 11. The crossovers to Landwehr Road are to be located, constructed and sealed to the satisfaction of the Shire of Waroona.**
  - 12. Prior to the commencement of the use a Dust Management Plan is to be submitted to, and approved by, the Shire of Waroona.**

- 13. Prior to the commencement of the use the operator shall enter into an agreement with the Shire of Waroona, prepared at the operators cost, by which the operator agrees to financially contribute to the following:**
- i. Repair and maintenance of the local road network to be used by heavy vehicle traffic generated by the extractive industry; and**
  - ii. Local road network upgrades required to accommodate heavy vehicle traffic generated by the Extractive Industry.**

**The agreement is to address the following matters:**

- i. The rate and frequency of contributions-and the length of road for which the contribution is required;**
- ii. The provision of heavy vehicle movement numbers and/or tonnages of material to the Shire by the operator for the purpose of calculating the contributions;**
- iii. The preparation of a report by the operator detailing the intended routes to be used by heavy vehicle traffic generated by the extractive industry and any necessary works to upgrade these routes; and**
- iv. The contribution level and method of calculating contributions required for any necessary upgrades to the local road network to accommodate heavy vehicle traffic generated by the Extractive Industry;**

**ADVICE TO APPLICANT:**

- 1. The applicant is advised that compliance is required with the *Environmental Protection (Noise) Regulations 1997* at all times during the operation of the Extractive Industry.**
  - 2. The applicant is to seek all other necessary approvals required for the operation of an Extractive Industry, including but not limited to Clearing Permits, Works Approvals, approval under the Dampier to Bunbury Pipeline Act 1997 and Peel Region Scheme Planning Consent where applicable.**
  - 3. The Dampier to Bunbury Natural Gas Pipeline operator will need to assess proposed vehicle crossing points over the corridor easement.**
  - 4. The Dampier to Bunbury Natural Gas Pipeline operator requires unrestricted access to the pipeline corridor, including through access gates with appropriate padlocks installed.**
- B. Pursuant to Regulation 10 of the Local Government (Administration) Regulations 1996, approves the application to change the Extractive Industry Licence granted at its Ordinary Council Meeting of 27 October 2015 (OCM15/10/116), for a period of five (5) years, to be as follows:**

1. **The Extractive Industry hereby approved shall operate in accordance with the approved plans to the satisfaction of the Shire of Waroona.**
2. **The existing and proposed Dampier to Bunbury Natural Gas Pipeline corridor is to be fenced to the satisfaction of the Shire of Waroona.**
3. **All stormwater and drainage run-off to be contained on site to the specification and satisfaction of the Shire of Waroona.**
4. **Vegetation rehabilitation shall occur in accordance with the approved details to the satisfaction of the Shire of Waroona.**
5. **Stockpiles of sand and topsoil shall be regularly watered so as to prevent dust from blowing onto nearby properties to the satisfaction of the Shire of Waroona.**
6. **Topsoil shall, when possible, be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs to the satisfaction of the Shire of Waroona.**
7. **Excavation depths shall not extend below one (1) metre above the maximum groundwater level.**
8. **Final landform following completion of sand extraction from the site shall occur in accordance with the approved details to the satisfaction of the Shire of Waroona.**
9. **Fuel storage/refuelling areas shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils and groundwater occurs to the satisfaction of the Shire of Waroona.**
10. **Excavation shall not occur within 10 metres of any boundary.**
11. **Pit faces shall be kept in safe conditions at all times.**
12. **The crossovers to Landwehr Road are to be located, constructed and sealed to the satisfaction of the Shire of Waroona.**
13. **No later than 24 months and every 24 months thereafter from the date of this approval, the Licensee shall provide a progress report to the satisfaction of the Shire of Waroona. The progress report shall demonstrate progress with extraction activities and rehabilitation and also demonstrate compliance with all conditions of approval. A progress report shall include a current survey of the site.**
14. **Payment of the annual Licence renewal fee shall occur as determined under the Shire of Waroona Extractive Industries Local Law.**
15. **Council reserves the right to direct that cartage over particular roads may be redirected from time to time and in case of road failure or potential road failure, may direct that cartage over designated roadways cease entirely for the period specified.**

**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: 17/10/16	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 (Strategic Community Plan-SCP): 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>9.3.1</b>
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<b><u>OFFICER RECOMMENDATION</u></b>		
That Vouchers numbered:		
<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
Municipal	Cheques 8373 - 8409	\$108,980.44
Trust (Cheque/EFTs)	EFT 11099-11100	\$3,742.35
Electronic Transfers Municipal Fund	EFT 23335 to 23623	\$574,963.60
Direct Wages	01/09/2016 – 30/09/2016 inclusive	\$164,862.20
Direct Debits	01/09/16 – 30/09/16	\$1,555.73
<b>GRAND TOTAL:</b>		<b><u>\$854,104.32</u></b>
and attached at Appendix 9.3.1 be endorsed.		



<b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 30 SEPTEMBER 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: 18/10/16	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> Yes	<b>Appendices Numbers:</b> 9.3.2
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**OFFICER RECOMMENDATION**

**That the Monthly Statements of Financial Activity for the period 1 July 2016 to 30 September 2016 be received and noted.**



<b>9.3.3 ANNUAL AUDIT 2015/2016</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 10 October 2016	File No.: 15/1
Previous Reference:	Nil
Policy Implications:	N/A
Statutory Implications:	Local Government Act 1995 and Audit Regulations
Strategic Implications:	Nil
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	

### **PROPOSAL SUMMARY**

The Council's annual audit for 2015/16 has now been finalised by the Council's auditor Mr Tim Partridge from AMD Bunbury.

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

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

A copy of the 2015/16 Annual Accounts together with the audit report will either be enclosed with your agenda papers or tabled at the meeting.

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

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

### **BACKGROUND/INITIAL COMMENTS**

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

### **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable

**REFERRALS**

None Applicable

**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**

None Applicable

**POLICY ISSUES/IMPLICATIONS**

None Applicable

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

In accordance with section 6.4 of the Local Government Act 1995 the Council is required by the 30<sup>th</sup> September each year to submit its accounts to the auditor.

**LEGAL ISSUES/IMPLICATIONS**

Non Applicable

**COMMUNITY CONSULTATION**

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

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

A full set of the audited Annual Financial Statements will be included within the “Annual Report” which is to be presented to Electors at the Annual meeting of Electors proposed to be held on Tuesday 20 December 2016 (following the December Ordinary Council meeting).

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

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

Simple Majority



**OFFICERS RECOMMENDATION**

- 1. That the Annual Financial Statements for the books of account for the Shire of Waroona, for the 2015/2016 financial year, as appended be received.**
- 2. That the Audit Report for the books of account for the Shire of Waroona, for the 2015/16 financial year, as appended be received.**
- 3. That the Council records its appreciation to the Manager Financial Services and all Finance staff on the excellent presentation of the Council's accounts.**

<b>9.3.4 SHIRE OFFICE CLOSURE FOR THE CHRISTMAS PERIOD</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy Chief Executive Officer; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 16 October 2016	File No.: 44/2
Previous Reference:	Not Applicable
Policy Implications:	Not Applicable
Statutory Implications:	Not Applicable
Strategic Implications:	Not Applicable
Financial Implications:	Not Applicable
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> <i>No 6 Active Civic Leadership, Good Governance, &amp; Excellence in Management</i>	

### **PROPOSAL SUMMARY**

To seeks Council's endorsement for the closure of the Administration office during the Christmas and New Year holiday period from close of business Friday 23 December 2016 and reopen Tuesday 3 January 2017.

### **BACKGROUND / INITIAL COMMENTS**

It is proposed that Council consider the closure of the Administration office from close of business Friday 23 December 2016 and reopen Tuesday 2 January 2017.

During this period there is minimal requirement of customer service and administration needs to the community. It has been discussed with a number of staff that believe there is little or no benefit of the Administration office being open during this period, as majority of enquires in previous years have been of a non-urgent nature, or enquires of the refuse site and pick up information which will be advertised widely leading up to the holiday period. It would be a welcomed gesture from Council to acknowledge the efforts of the team by agreeing to close the office during this time.

The following time line shows that there is 2 non-public holiday days that the office will be closed for;

26 December 2016 Monday	-	Public Holiday (Boxing Day)
27 December 2016 Tuesday	-	Public Holiday (in lieu of Christmas Day)
28 December 2016 Wednesday	-	Public Officers Holiday (Due 3 January)
29 December 2016 Thursday	-	Propose to Close
30 December 2016 Friday	-	Propose to Close
2 January 2017 Monday	-	Public Holiday (New Years Day)

If Council accepts this proposal it can be assured that emergency contact details for each department will be advertised leading up to this period as well as a plan of action in the instance that something unforeseen were to occur. The closure will be communicated to the community well in advance through newsletter/paper, posters, messages on hold, and the Shire's website.



The Works Depot will be closed throughout this period though a skeleton crew will be maintained and the Rangers provided by the Shire of Murray will be rostered on as normal. This time of the year is also a quiet time of the year for Library services and it is recommended that they shut down for the same period.

All staff members who want to take advantage of this close down period will need to have accrued leave which will cover the 2 non-public holiday days. If an employee has no accrued leave this time off will be leave without pay.

### **PLANNING – STRATEGIC IMPLICATIONS**

NIL

### **REFERRALS**

NIL

### **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**

NIL

### **POLICY ISSUES/IMPLICATIONS**

NIL

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

NIL

### **LEGAL ISSUES/IMPLICATIONS**

NIL

### **COMMUNITY CONSULTATION**

NIL

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

In previous years other Local Governments were consulted and 90% close their administration office between Christmas and New Years

Some of the central reasons that the majority of Council’s take this action is; it is a gesture from Council as well as the Chief Executive officer to recognise the efforts of staff from the year past, this time of the year is quiet due to members of the public away on holidays and it is a good time for staff to have a break and spend time with family.

It is proposed that Council endorse the closing of the Administration office during the Christmas and New Year's break.

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

Simple Majority

### **OFFICER RECOMMENDATION**

**That Council authorises the closure of the Shire Administration office including Licensing and the Library from 3:00pm Friday 23 December 2016 and reopens on Tuesday 3 January 2017 which includes the 3 public holiday, 1 officers public holiday (due 3 January 2017) and 2 standard working days;**

<b>23 December 2016 Friday</b>	<b>- 3pm Closure</b>
<b>26 December 2016 Monday</b>	<b>- Boxing Day Public Holiday</b>
<b>27 December 2016 Tuesday</b>	<b>- Christmas Day Public Holiday</b>
<b>28 December 2016 Wednesday</b>	<b>- Officers Public Holiday</b>
<b>29 December 2016 Thursday</b>	<b>- Standard Working Day</b>
<b>30 December 2016 Friday</b>	<b>- Standard Working Day</b>
<b>2 January 2017 Monday</b>	<b>- New Year's Day Public Holiday</b>

## 9.4 CHIEF EXECUTIVE OFFICER

<b>9.4.1 ANNUAL ELECTORS MEETING / DECEMBER &amp; JANUARY COUNCIL MEETING</b>	
Reporting Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley – Chief Executive Officer / Nil
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 5 October 2016	File No.: 35/1
Previous Reference:	OCM15/10/120 October 2015 and OCM14/10/128 October 2015
Policy Implications:	Council Policy 1.13
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

### **PROPOSAL SUMMARY**

To set the date and time for the December 2016 Council Meeting, the 2016 Annual Electors Meeting and consider the need for a January 2017 Council meeting.

### **BACKGROUND/INITIAL COMMENTS**

The December 2016 Council meeting is scheduled for Tuesday 27 December and it is recommended that the meeting be held one week prior to the scheduled day on Tuesday 20 December 2016 commencing at 4.00pm

It is suggested that the Annual Electors Meeting be held at 6.00pm on the same day as the December Council meeting Tuesday 20 December 2016

The January Council meeting is scheduled for Tuesday 24 January 2017. Council generally does not hold a January meeting and it is recommend that this occurs again. If urgent business arises during this period a Special Council meeting can be held.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

### **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**

Nil

**POLICY ISSUES/IMPLICATIONS**

Council Policy 1.13 Annual Electors Meeting – Minutes – Resolutions

This policy states that the Annual Electors Meeting is to be held where practical during the second week of December. As timing permits the Ordinary Council Meeting is to be held during the third week of December, therefore it is recommend that the Annual Electors Meeting will be schedule for 6.00pm following the closure of that meeting.

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Following precedent set in prior years it is recommend that the Ordinary Council Meeting for December be brought forward from the 4<sup>th</sup> Tuesday to the week prior, and the Annual Electors Meeting be schedule for the same day at 6.00pm. Additional it is recommended that there be no January Council Meeting held in 2017.

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

Simple Majority

**OFFICER RECOMMENDATION**

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

- 1. That the December 2016 Council Meeting be held on Tuesday 20 December 2016 commencing at 4.00pm;**
- 2. That the 2015/16 Annual Electors Meeting be held on Tuesday 20 December 2016 commencing at 6.00pm; and**
- 3. No January 2017 Council Meeting be held.**



<b>9.4.2 2016 REVIEW OF COUNCIL POLICY MANUAL, DELEGATIONS REGISTER AND CODE OF CONDUCT FOR ELECTED MEMBERS AND STAFF</b>	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer/Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 17/10/2016	File No.: 111/1
Previous Reference:	N/A
Policy Implications:	Council is required to review the Policies and Delegations once in every financial year.
Statutory Implications:	Council is required to review the Policies and Delegations once in every financial year.
Strategic Implications:	Policies may form part of Council's strategic vision
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

### **PROPOSAL SUMMARY**

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

### **BACKGROUND/INITIAL COMMENTS**

1. Council's Policy Manual - a number of minor changes are proposed for Council's policies listed at **Appendix 9.4.2A**. The list is to be read in conjunction with the current Policy Manual.
2. The Delegations Register list at **Appendix 9.4.2B** contains delegations that have previously been authorised by Council and are recommended for re-endorsement.
3. The Council's Code of Conduct for Elected Members and Staff listed at **Appendix 9.4.2C** is recommended for re-adoption without modification.

### **PLANNING – STRATEGIC IMPLICATIONS**

As above.

### **REFERRALS**

N/A

### **COMMUNITY CONSULTATION**

N/A

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.4.2A, B, C</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**OFFICERS RECOMMENDATION**

**That Council review and endorse the modifications to the Council Policy Manual and adopt the new Policies as proposed at *Appendix 9.4.2A*, endorse the Delegations Register and new delegations included at *Appendix 9.4.2B* and re-adopt the Council's Code of Conduct for Elected Members and Staff included at *Appendix 9.4.2C*.**

<b>9.4.3 ALCOA WAROONA SUSTAINABILITY FUND</b>	
Reporting Officer / Officer's Interest:	Ian Curley Chief Executive Officer, Chairperson of AWSF Advisory Committee
Proponent:	Alcoa Waroona Sustainability Fund Advisory Committee
Date of Report: 18 October 2016	File No.: AWSF File
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	<i>AWSF Deed of Agreement</i>
Financial Implications:	N/A
<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**

To consider and give effect to the recommendation of the Alcoa Waroona Sustainability Fund to approve of a grant funding round from the Alcoa Waroona Sustainability Fund (AWSF) in accordance with the AWSF Deed of Agreement and to approve the grant applications forms and guidelines.

### **BACKGROUND/INITIAL COMMENTS**

The AWSF is a fund established and contributed to by Alcoa of Australia Ltd and administered by the Shire of Waroona. The funds are held in the Shire's Trust Account and totalled \$1,311,004 as at 06/09/2016.

The AWSF is governed by a Deed of Agreement and the deed states its purpose is "to fund facilities and projects with enduring value for the communities surrounding the Wagerup refinery. Funds from the AWSF will be allocated to community organisations, initiatives, processes and activities that contribute to the local government region known as the Shire of Waroona".

The AWSF Committee is established under the deed and operated under the Terms of Reference for the Committee. The Deed states "an Advisory Committee will be established by Alcoa and the Shire in accordance with this deed and the terms of reference to advise the Shire in making distributions for the purpose of the AWSF. The Advisory Committee will have the power to make recommendations to the Shire in regard to the granting of funds from the AWSF. Provided the implementation of a recommendation of the Advisory Committee would not, in the shire's reasonable opinion, result in the Shire being in breach of its obligations under this deed or under any Law, the Shire must give effect to the recommendation".

The Deed allows for grant funding to be made provided that at all times the capital balance is not less than 50% of the contributions made by Alcoa.

### **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**

There is no cost of Council, other than the minimal costs of administering the fund.

**COMMUNITY CONSULTATION**

Community consultation not required at this stage. Grant application forms and guidelines to be advertised to the local community.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The Alcoa Waroona Sustainability Fund Advisory Committee resolved at its meeting of 20 September 2016 to recommend to Council that a 2<sup>nd</sup> round of funding be opened in April 2017. The draft AWSF grant guidelines and application forms are attached at **APPENDIX 9.4.3** and are drafted in accordance with the requirements of the AWSF Deed of Agreement and Terms of Reference for the Advisory Committee and are recommended for approval by the Council.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.4.3</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council endorse the recommendation from the Alcoa Waroona Sustainability Committee to advertise a grant funding round from the Alcoa Waroona Sustainability Fund to open in April 2017 and close on a date set by the AWSF Committee, and that the grant application form and guidelines, as attached at APPENDIX 9.4.3, be approved for circulation, subject to any minor amendments that may be approved by the AWSF Committee.**

**10. CONFIDENTIAL REPORTS**

Nil

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

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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13. CLOSURE OF MEETING**