



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 22 NOVEMBER 2016

(Held at the Shire of Waroona Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.05 pm and welcomed Councillors and Staff present.

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

Cr Noel Dew	Shire President
Cr Larry Scott	Deputy Shire President
Cr Christine Germain	Councillor
Cr John Mason	Councillor
Cr Trish Witney	Councillor
Cr John Salerian	Councillor
Cr Craig Wright	Councillor
Cr Laurie Snell	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy Chief Executive Officer / Director Corporate Services
Mr Louis Fouche	Director Development Services
Mr Patrick Steinbacher	Director Technical Services
Mr Leonard Long	Manager Development Services
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Nil.

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

Nil

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

OCM16/11/117

MOVED: CR WITNEY

SECONDED: CR SNELL

That Leave of Absence be granted to Cr Larry Scott for the period 10 December 2016 to 8 February 2017 inclusive.

CARRIED 8/0



6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Witney declared a financial interest in Item 10.2 as an employee of the Waroona Community Resource Centre.

Cr Germain declared an interest affecting impartiality in Item 10.2 as Chairperson of the Board of the Waroona Community Resource Centre.

Brad Vitale declared an interest affecting impartiality in Item 10.1 and 10.2 as a person having nominated the proposed recipients.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 25 OCTOBER 2016

COUNCIL RESOLUTION

OCM16/11/118

MOVED: CR SNELL

SECONDED: CR WRIGHT

That the Minutes of the Ordinary Council Meeting held 25 October 2016 be confirmed as being a true and correct record of proceedings.

CARRIED 8/0

9.0 REPORTS OF OFFICERS AND COMMITTEES



9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 PERMISSION TO CONSTRUCT GATE ACROSS PUBLIC THOROUGHFARE	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	RH & MK Hawkins
Landowner:	Shire of Waroona
Date of Report: 2 November 2016	File No.: 68/1 & A3509
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): 5.20 Services – Other	

PROPOSAL SUMMARY

The Shire of Waroona has been approached by RH & MK Hawkins (the landowners) who are the owners of Lot 2 Prince Road, Waroona with a request that Council approve the installation of a gate across Prince Road to restrict public access to their property. This report seeks this approval with the proposal being supported by the Director Technical Services.

BACKGROUND/INITIAL COMMENTS

The landowners met with the Manager Works and Services on site recently to discuss with him the issues they have been experiencing with drivers using Prince Road who appear to be unaware that the road effectively ends at their property. As can be seen in the background of the photograph at **APPENDIX 9.1.1A**, the road drops away over the scarp, and then in a short distance the constructed road ends when it turns into their property. They have experienced vehicles cresting the scarp at speed and effectively having nowhere to go, and they are concerned that injury or damage may occur, particularly at night.

To allay these concerns the Manager Works and Services suggest they seek permission from Council to erect a gate across Prince Road. Upon inspection by the DTS in early August, it was found that the gate has already been constructed, therefore any permission will be retrospective.

Under the Local Government (Uniform Local Provisions) Regulations 1996 "*Permission to have gate across public thoroughfare – Sch.9.1 cl. 5(1)*", Council is able to grant permission for the construction of a gate structure across a public thoroughfare:

Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)

- (1) *A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.*

- (2) *The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.*
- (3) *Permission granted by the local government under this regulation —*
 - (a) *must be in writing; and*
 - (b) *must specify the period for which it is granted; and*
 - (c) *must specify each condition imposed under subregulation (4); and*
 - (d) *may be renewed from time to time; and*
 - (e) *may be cancelled by giving written notice to the person to whom the permission was granted.*
- (4) *The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare.*
- (5) *The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.*
- (6) *The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission and request the person responsible for the gate or other device to remove it within a time specified in the request.*
- (7) *A person to whom a request is made under subregulation (6) must comply with the request.
Penalty: a fine of \$5 000.*
- (8) *A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.*

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

As can be seen in the aerial photograph at **APPENDIX 9.1.1B**, the landowners' property is adjacent to the end of the constructed length of Prince Road and no other properties beyond their property use Prince Road for access. Given this and the risks to other road users posed by the road cresting over the scarp, it seems reasonable to recommend to Council that retrospective approval be granted to the landowners to have a gate in the location as shown in **APPENDIX 9.1.1B**.

Under the Regulations Council must specify a period for which any approval remains in place and can also set such conditions as it deems appropriate. To address these, Officers suggest the following:

- Period of approval: Three years commencing from the date of notification
- Conditions:
 - The gate/s and associated structures shall be maintained in a sound condition
 - The gate/s shall remain unlocked when closed
 - Adequate retroreflective delineation shall be erected and maintained
 - Approval shall apply only to the location as indicated at **Appendix 9.1.1B**
 - Council shall bear no cost whatsoever

The extract from the Regulations as shown above will also be included with the approval notification so that the landowners are aware of the other provisions therein.

Pursuant to point 2 of the extract from the regulations above, the DTS advised the proponents to advertise locally their intention to apply for approval. This has occurred via the public notices section of the Harvey Waroona Reporter, and no submissions were received.

Appendices Attached:	Yes	Appendices Numbers: 9.1.1A & B
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**OCM16/11/119****MOVED: CR MASON****SECONDED: CR SCOTT**

That Council grant approval to RH & MK Hawkins, being the landowners of Lot 2 Prince Road, Waroona to maintain a gate structure across Prince Road in the location as indicated at Appendix 9.1.1B with the following conditions:

- 1. This approval be in place for a period of three years from the date of notification by the Shire to the landowner**
- 2. The gate/s and associated structure/s shall be maintained in a sound condition**
- 3. The gate/s shall be unlocked when closed**
- 4. Adequate retroreflective delineation shall be erected and maintained**
- 5. This approval shall only apply to the location as indicated at Appendix 9.1.1B**
- 6. Council shall bear no cost whatsoever**
- 7. This approval is also subject to the remaining provisions of the Local Government (Uniform Local Provisions) Regulations 1996 “*Permission to have gate across public thoroughfare – Sch.9.1 cl. 5(1)*”**

CARRIED 8/0

9.1.2 REQUEST FOR COUNCIL ASSISTANCE – FOREST EDGE RECREATION CAMP	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Forest Edge Recreation Camp
Landowner:	Tasgo Nominees Pty Ltd
Date of Report: 10/11/2016	File No.: 131/2
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): 5.20 Services – Other	

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

This matter was brought to Council at its October ordinary meeting however it was resolved to let it lay on the table until the November meeting in order for more information to be gathered:

COUNCIL RESOLUTION

OCM16/10/101

MOVED: CR SCOTT

SECONDED: CR WRIGHT

That consideration of item 9.1.1 lay on the table, until the November Ordinary Council meeting following detailed costings to be provided by the Director of Technical Services.

CARRIED 5/0

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.”



After the October OCM, the DTS and MWS met with the proponent and measured the area to be sealed.

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.

The proponent has clarified that they are seeking only a contribution towards the bitumen sealing component of the works and that he will organise earthworks and pavement preparation through others. This simplifies the operation somewhat as the Shire's construction crew will not be required other than one aggregate spreader truck, tractor and broom and two or three operators (Shire crew) on the day of seal.

The cost of the seal is estimated to be \$5425 (at cost rates) which includes the cost of mobilisation as it would appear at this stage that the intended timing of works at Forest



Edge may not line up with the Shire's seal days, therefore the bitumen seal contractor is within their rights to apply a mobilisation cost which is approximately \$300. Should it be possible to combine the Forest Edge seal with one of the Shire seals then this mobilisation cost will not apply. This cost also includes the normal public works overheads.

The cost is slightly higher than that indicated at the October meeting, as result of the area being accurately measured and a larger area being determined than first estimated.

As stated in the October item, the Shire's construction program is anticipated to be very tight this year due to the amount of roadworks to be completed. Again, from a purely logistical point of view, as the works will take plant and labour away from Shire projects, officers do not support the contribution in the form of Shire resources being utilised.

Council may wish to consider other forms of contribution however there are no funds in the 2016/17 budget to cover the cost of alternative contributions.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM16/11/120

MOVED: CR WITNEY

SECONDED: CR SNELL

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.

CARRIED 8/0

9.2 DIRECTOR DEVELOPMENT SERVICES

9.2.1 LOT 2143 KOOYONG ROAD, WAROONA – APPLICATION FOR RENEWAL OF PLANNING CONSENT FOR EXTRACTIVE INDUSTRY (GRAVEL) AND EXTRACTIVE INDUSTRY LICENCE	
Reporting Officer / Officer's Interest:	Lucy Lyster, Town Planner; No Interest.
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; No Interest.
Proponent:	B and J Catalano PTY LTD
Landowner:	William John Brown
Date of Report: 9 November 2016	File No.: TP1895 / EI33
Previous Reference:	TP871 (April 2006)TP1404 (April 2011),
Policy Implications:	<ul style="list-style-type: none"> • Environmental Protection Authority Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005; • Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 • Local Planning Strategy 2009; • Local Planning Policy 1 – Community Consultation; • Local Planning Policy 15 – Extractive Industry.
Statutory Implications:	<ul style="list-style-type: none"> • Planning and Development Act 2005; • Local Government Act 1995; • Environmental Protection Act 1986; • Environmental Protection (Noise) Regulations 1997; • Peel Region Scheme 2003 • Shire of Waroona Town Planning Scheme No. 7 1996; • Shire of Waroona Extractive Industries Local Law 1999;
Strategic Implications:	Draft South Metropolitan Peel Sub-Regional Planning Framework 2015 Shire of Waroona Community Strategic Plan 2014/15 – 2023/24
Financial Implications:	Road Maintenance developer contributions.
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <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>	

PROPOSAL SUMMARY

An application has been made for the renewal of a Planning Consent for an Extractive Industry as well as the Extractive Industry Licence for Lot 2143, Kooyong Road, Waroona. See location Map and Stages of Extraction and Rehabilitation Map in **APPENDIX 9.2.1A & 9.2.1B.**

The mine site operations are divided into three stages. Stage 1 has now been completed and has been rehabilitated. The proposed extraction will be for stages 2 and 3, this involves the removal of approximately 10,200 tonnes of gravel from existing



stockpiles in stage 2 and the extraction of around 68,000 tonnes of gravel annually in stage 3.

The mining activity will include gravel extraction, crushing and stockpiling and rehabilitation with the cover material replaced and the local native species replanted.

The proposed number of working days per month is 24 days and it is expected that this will average 18 truck movements per day, dependant on demand.

BACKGROUND / INITIAL COMMENTS

The original Planning Consent and Extractive Industry Licence was granted on 27 April 2006 for a period of five (5) years subject to conditions. An application for the renewal of the Planning Consent and Extractive Industry Licence was approved in May 2011 for a period of 5 years.

Pursuant to section 59(1)(k) of the Environmental Protection Act 1986, a works licence to operate an extractive industry has been granted by the Department of Environment Regulation until 13 June 2034.

The site covers 64.8HA and is situated approximately 9km by road east of the South Western Highway. Rehabilitation has already taken place in the first cell of extraction.

The proposed application will, if approved, allow the proponent to continue the extractive industry as was originally approved in 2006.

PLANNING – STRATEGIC IMPLICATIONS

Draft South Metropolitan Peel Sub-Regional Planning Framework 2015

In section 3.8 of the draft South Metropolitan Peel Sub-Regional Planning Framework 2015 the importance and limited availability of basic raw materials are recognised.

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 highlighted for regionally significant basic raw materials.

Local Planning Strategy (LPS)

14.0 Minerals and Basic Raw Materials

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 constructions industries.

14.1 Mineral and Basic Raw Materials Considerations

There is one remaining gravel pit in the Darling Range. Other reserves exist and may be extracted in the future. Providing that an appropriate setback to sensitive land uses is maintained and the sites are not visible from the coastal plain, this form of extraction is supported.



Precinct

The subject lot is located within the Scarp and Darling Range precinct of the LPS. Lot 2143 is designated General Agricultural within the LPS. It is an objective of the LPS to provide for the continued use of the area for a range of agricultural pursuits.

Industry Extractive is listed as a discretionary use in the general agriculture sub – precinct of the Scarp and Darling Range precinct.

REFERRALS

External Referrals

In accordance with Part 2 Clause 9 (1)(a)(ii) of the Extractive Industries Local Law the application was referred to relevant public authorities for comment as follows:

- Department of Environmental Regulation (DER);
- Department of Water (DoW);
- Department of Mining and Petroleum (DMP); and
- Department of Planning (DoP).

The following comments were received:

DoW stated that 'In accordance with Water Protection Note 15, Extractive Industries near sensitive water resources' the following best management practices are adhered to:

- All vehicle and plant fuelling facilities (including mobile power generators), should be placed and operated within bunded compounds designed to allow effective recovery of any fuel spill without fluid loss to the environment.
- It is recommended that all stormwater run-off from disturbed land should be contained on-site initially to achieve effective removal of sediment and turbidity. Effective settling pits are recommended to minimise turbidity and should be designed and maintained to provide storage for a minimum of two hours run-off resulting from a 10-year ARI storm event. Over-land stormwater flows from outside the quarry area should be diverted via bypass drains or earthen bunds around disturbed surfaces and any stockpiles.
- All natural surface drainage systems are to be retained.

DoW also stated the subject area is located within the Waroona and Harvey Irrigation Districts as proclaimed under the Rights in Water Irrigation Act 1914. Any activities that use or intercepts ground or surface water may require a license. The applicant is advised to contact the Mandurah Office for further advice.

No comments were received from the following agencies:

- The application was referred to the DMP who did not comment on the application.
- DER did not comment on the application.
- The application was also referred to the DoP who did not comment.



Internal Referrals

The Shire's Director of Technical Services has proposed that the original condition 5 be replaced with a condition advised by McLeods Solicitors. The condition requires that the operator undertake upgrades, and make contributions to maintenance, in respect of roads used by the operator in connection with the extractive industry, in accordance with the terms of a deed of agreement between the operator and the Shire.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The Shire of Waroona Strategic Community Plan 2014/15 – 2023/24 outlines broad strategic priorities categorised into six 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

A road maintenance contribution scheme will 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

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

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

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

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

Lot 2143 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 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 two years 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.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

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.

Planning and Development Act 2005

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



Environmental Protection Act 1986 (EPA Act)

Part V of the EP Act 1986 deal 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.

Peel Regional Scheme 2003 (PRS)

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)

The subject lot is zoned Rural 5 – Darling Range under the Town Planning Scheme No. 7. Within this zone, ‘Industry – Extractive’ is listed as an ‘AA’ use and may be granted at the discretion of Council.

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

Council’s policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;

- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;
- maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.4.

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

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

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

The purpose of the Local Law is to;

- a) prohibit the carrying on of an extractive industry unless by authority of a 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

In accordance with Clause 8.2.2 of the TPS, LPP1 and Part 2 Clause 9 (1)(a)(i) of the Extractive Industries Local Law the application has been advertised, with a consultation period of 21 days, through notification letters mailed to owners of lots in the vicinity, a notice in the Waroona Harvey Reporter on 6 September 2016, a notice posted on the Shire of Waroona website and a sign placed on site.

No submissions were received from owners of property in the vicinity.

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.

The proposal is compliant with the objectives of Planning Policy 15.0. This policy recognises the need for extractive industry, undertaken in a proper manner, within the Shire of Waroona.

Rehabilitation

The rehabilitation process for mined areas of the subject site is relatively simple. Rehabilitation of the completed areas will be progressive and will follow the steps listed in part 6 of the application. Stage 1 of rehabilitation has taken place successfully by the proponent. An advice note has been added stating that the species of vegetation planted must be consistent with the West Coastal Soil Species list.

Environmental Impact

Separation Distance:

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).

Fauna and Flora:

It is anticipated that there will be no significant impact on the fauna and flora in the area due to clearing already having been done in 2006 following receipt of the required approvals.

Vehicle Access and Impact on Road Infrastructure

The operator will be required to undertake upgrades, and make contributions to maintenance, in respect of roads used by the operator in connection with the extractive industry, in accordance with the terms of a deed of agreement between the operator and the Shire.

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.

Length of Approval

The applicant is seeking a five (5) year approval for both the Planning Consent and the Extractive Industry Licence (EIL). In accordance with the Shire's *Extractive Industry Local Laws*, a Licence may be issued for a period of up to 21 years. It is recommended



to Council that a five (5) year EIL and Planning Consent is granted. This is generally the standard period applied by the Shire in relation to Planning Consents and Extractive Industry Licences.

Conclusion

This proposal is for the renewal of the Planning Consent and Extractive Industry Licence for a gravel pit / quarry that has been operating successfully for the past 10 years. A comprehensive application from the proponent addresses the majority of issues that may arise from such a proposal.

The proposal is generally sound and the demand for the gravel resource is not disputed. The proponents supply gravel to many local governments including Harvey, Mandurah and Waroona.

The assessment above indicates that the proposal complies with the PRS Strategic Minerals and Basic Raw Materials Policy, the Local Planning Strategy, Planning Policy 15.0 as well as the Local Law for Extractive Industries. All of the issues that were raised in received submissions from Government Agencies have been addressed through the addition of conditions.

The application is recommended for approval subject to the conditions and advice notes noted below.

Appendices Attached:	Yes	Appendices Numbers: 9.2.1A & B
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VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION**OCM16/11/121****MOVED: CR GERMAIN****SECONDED: CR SCOTT**

That with respect to the application for Planning Consent for an Extractive Industry and an Extractive Industry Licence at Lot 2143, Kooyong Road, Waroona, Council resolves to:

- A. Approve the application for Planning Consent for an Extractive Industry for a period of five (5) years subject to the following conditions:**
- 1. A site rehabilitation plan in accordance with part 4 of the submitted application (received 9 September 2016) shall be implemented by the holder of the Extractive Industry Licence to the satisfaction of the Shire of Waroona.**
 - 2. In accordance with the Department of Water (DoW) Water Protection Note 15, Extractive Industries near sensitive water resources' the following best management practices shall be adhered to:**
 - a) All vehicle and plant fuelling facilities (including mobile power generators), shall be placed and operated within bunded compounds designed to allow effective recovery of any fuel spill without fluid loss to the environment;**
 - b) Stormwater run-off from disturbed land shall be contained on-site initially to achieve effective removal of sediment and turbidity. Effective settling pits are recommended to minimise turbidity and should be designed and maintained to provide storage for a minimum of two hours run-off resulting from a 10-year ARI storm event. Over-land stormwater flows from outside the quarry area should be diverted via bypass drains or earthen bunds around disturbed surfaces and any stockpiles.**
 - c) Natural surface drainage systems shall be retained**
 - 3. A Weed Management Plan in accordance part 4 of the submitted application (received 9 September 2016) shall be implemented by the holder of the Extractive Industry Licence to the satisfaction of the Shire of Waroona.**
 - 4. A Monitoring, Maintenance and Completion Criteria plan shall be submitted to the satisfaction of the Shire of Waroona.**

5. **Prior to the commencement of the use the operator shall undertake upgrades, and make contributions to maintenance, in respect of roads used by the operator in connection with the extractive industry, in accordance with the terms of a deed of agreement between the operator and the Shire; and**

To enter into a deed of agreement that is substantially in accordance with the Shire’s draft ‘Deed of Agreement for Road Upgrade and Maintenance Contribution’.
6. **Excavation depths shall not extend below one (1) metre above the highest known ground water level.**
7. **A Dieback prevention plan shall be submitted to and approved by the Shire of Waroona.**
8. **A Noise mitigation and suppression plan shall be submitted to and approved by the Shire of Waroona.**
9. **A Dust Suppression Plan shall be submitted to and approved by the Shire of Waroona.**
10. **Stockpiles of gravel and topsoil shall be regularly watered so as to prevent dust from blowing onto nearby properties.**
11. **Stockpiles of gravel and topsoil shall not be located on the high ridgelines of the property and stored in an east/west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion).**
12. **Topsoil shall, when possible, be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs.**
14. **This approval shall expire after five (five) years from the date of the determination.**

Advice to the Applicant:

1. **In relation to condition number 1, species of vegetation to be planted will be taken from the West Coastal Soil Species list.**
2. **Department of Water stated that the subject area is located within the Waroona and Harvey Irrigation Districts as proclaimed under the Rights in Water Irrigation Act 1914. Any activities that use or intercepts ground or surface water may require a license. The applicant is advised to contact the Mandurah Office for further advice.**

- 3. In relation to condition number 4, this plan shall detail the maintenance of the site for a period of two years after the initial works are completed, incorporating weed control, re-seeding and infill planting.**
- 4. A clearing permit, from the Department Environment Conservation, may be required if clearing is intended to be undertaken on the lot.**
- 5. In relation to Condition 14, should the continuation of the extractive industry be required after the expiry of the Planning Consent, a new Planning Consent application will be required.**
- B. Issue an Extractive Industries Licence subject to the following conditions:**
 - 1. Operations shall be undertaken in a manner consistent with the applicant's submission.**
 - 2. Operations shall be carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.**
 - 3. Clearing and rehabilitation shall occur in accordance with an approved Rehabilitation Management Plan.**
 - 4. Operations shall not take place within 20 metres of the boundary of any land on which the excavation site is located.**
 - 5. Council reserves the right to direct that cartage over particular roads may be redirected from time to time, and in the case of road failure, may direct that cartage operations over designated roadways cease entirely for the period specified.**
 - 6. Pit faces shall be kept in a safe condition at all times.**
 - 7. The site shall be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
 - 8. Excavation depths shall not extend below one (1) metre above the highest known ground water level.**
 - 9. A Dieback prevention plan shall be submitted to and approved by the Shire of Waroona.**
 - 10. A Noise mitigation and suppression plan shall be submitted to and approved by the Shire of Waroona.**

11. **A Dust suppression plan shall be submitted to and approved by the Shire of Waroona.**
12. **Stockpiles of gravel and topsoil shall be regularly watered so as to prevent dust from blowing onto nearby properties.**
13. **Stockpiles of gravel and topsoil shall not be located on the high ridgelines of the property and stored in an east/west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion).**
14. **Topsoil shall, when possible, be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs.**
15. **A Topsoil management plan shall be submitted to and approved the Shire of Waroona.**
16. **No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of Council detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
17. **Payment of the annual licence renewal fee as determined under the Shire of Waroona Extractive Industries Local Law.**
18. **Prior to the commencement of the use the operator shall undertake upgrades, and make contributions to maintenance, in respect of roads used by the operator in connection with the extractive industry, in accordance with the terms of a deed of agreement between the operator and the Shire; and**

To enter into a deed of agreement that is substantially in accordance with the Shire's draft 'Deed of Agreement for Road Upgrade and Maintenance Contribution'.
19. **The licence shall be valid for a period of five (5) years from the date of this approval.**

Advice to the Applicant:

1. **In relation to Condition 19, should the continuation of the extractive industry be required after the expiry of the Licence, a renewal of the Extractive Industries Licence will be required.**

CARRIED 8/0



9.2.2 LOT 1 SOUTHERN ESTUARY ROAD, LAKE CLIFTON - 24 LOT SUBDIVISION	
Reporting Officer / Officer's Interest:	Lucy Lyster, Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; No Interest
Proponent:	Ausurv Surveyors Pty Ltd
Landowner:	James Frank Trembath
Date of Report: 8 August 2016	File No.: SD153947
Previous Reference:	SD137762 – OCM08/143 – 22 July 2008
Policy Implications:	State Planning Policy 2.5 – Agricultural and Rural Land Use Planning State Planning Policy 3.7 – Planning in Bushfire Prone areas. Guidelines for Planning in Bushfire Prone Areas (SPP 3.7) WAPC Development Control Policy 1.1 – Subdivision of Land – General Principles Development Control Policy 3.4 – Subdivision of Rural Land
Statutory Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 1996
Strategic Implications:	Draft South Metropolitan Peel Sub-Regional Planning Framework Draft Perth and Peel Green Growth Plan for 3.5 million Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2014/15-2023/24 Lake Clifton Herron Structure Plan 2010
Financial Implications:	Nil.
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

PROPOSAL SUMMARY

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

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

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

A location and site plan can be found in **APPENDIX 9.2.2A**.



BACKGROUND/INITIAL COMMENTS

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

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

This approval has lapsed and therefore a new application has been sought. See previously adopted Subdivision Guide Plan in **APPENDIX 9.2.2B**.

The application was presented to Council for consideration at its Ordinary Council Meeting of 23 August 2016. At the meeting Council resolved that the item lay on the table to allow Councillors to undertake a site visit.

The Western Australian Planning Commission (WAPC) granted the applicant additional time to discuss the application further with the Department of Planning, the Department of Fire and Emergency Services (DFES) and Shire staff. As a result of these discussions the applicant has submitted an amended subdivision plan.

PLANNING – STRATEGIC / POLICY IMPLICATIONS

Draft South Metropolitan Peel Sub-Regional Planning Framework

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

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

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

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

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

State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

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

Section 4. – Objectives of this policy, states:

- a) To protect rural land from incompatible uses by:
 - i) requiring comprehensive planning for rural areas;



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

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

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

Section 6, sets out the policy measures.

6.2 Strategic planning proposals, subdivision and development applications

- a) Strategic planning proposals, subdivision and development applications within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with these policy measures.
- b) Any strategic planning proposal, subdivision or development application in an area to which policy measure 6.2 a) applies, that has or will, on completion, have a moderate BHL and/or where BAL-12.5 to BAL-29 applies, may be considered for approval where it can be undertaken in accordance with policy measures 6.3, 6.4 or 6.5.
- c) This policy also applies where an area is not yet designated as a bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, as outlined in the Guidelines.

6.4 Information to accompany subdivision applications

Any subdivision application to which policy measure 6.2 applies is to be accompanied by the following information in accordance with the Guidelines:

- a) a BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines. BAL Contour Maps should be prepared by an accredited Bushfire Planning Practitioner;
- b) the identification of any bushfire hazard issues arising from the BAL Contour Map; and



- c) an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the subdivision site.

This information can be provided in the form of a Bushfire Management Plan or an amended Bushfire Management Plan where one has been previously endorsed.

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

SPP3.7 Guidelines, Section 5.3 – Subdivision in Bushfire Prone Areas, states:

Subdivision proposals should be used as an opportunity to consider the location, siting and design, and infrastructure available to the lots to achieve a combination of bushfire protection measures. Subdivisions in bushfire prone areas should:

- be located within close proximity to existing settlements and/or within existing cleared areas;
- minimise the interface between the subdivision area and the bushfire hazard;
- avoid placing residential development on steep slopes;
- provide for at least two safe access routes;
- consider landscape plans to ensure public open space and reserves avoid increasing the threat of bushfire to new properties;
- carefully consider the creation of vegetation corridors where they may enable a passage of fire to enter the subdivision area;
- consider establishing or retaining recreational areas to have a dual purpose as public refuge areas and/or separation areas;
- have access to adequate water and infrastructure; and
- new development should be located in existing cleared areas wherever possible to minimise exposure to the bushfire hazard and avoid the need for further vegetation clearing. 5.3.

Clause 5.3.2, Bushfire Subdivision Conditions, identifies conditions that may be used on subdivision applications, particularly the conditions requiring preparation and implementation of an approved detailed plan demonstrating the location and capacity of fire emergency infrastructure and the condition requiring an approved Bushfire Management Plan.

WAPC Development Control Policy 1.1 Subdivision of Land – General Principles

Objectives of Development Control Policy 1.1 include:

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



- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.

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

Section 6 of DC Policy 3.4 states:

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

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

Local Planning Strategy 2009 (LPS)

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

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

Lake Clifton Herron Structure Plan

The Lake Clifton Herron Structure Plan sets out a strategic framework for the development of the locality and identifies the subject lot for development into Rural Residential lots with a minimum lot size of 2ha and an average lot size of 3ha.

REFERRALS

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

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

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

FINANCIAL ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Peel Region Scheme (PRS)

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



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

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

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

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

Council's policies will therefore be to:

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

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

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

- (i) *The objective of Council is to ensure that development occurs with the least possible detrimental effect on the rural landscape and the wetland on the property. In order to achieve that objective the EPP wetland will be preserved and set aside on a separate lot and approval to develop any of the lots resulting from subdivision of the balance of Lot 3 must demonstrate adequate concern for the environment and ecology of the area.*
- (ii) *Subdivision shall generally be in accordance with a subdivision guide plan adopted by Council, or any variation of that plan approved by Council and the Western Australian Planning Commission. The minimum lot size shall not be less than 2 hectares.*
- (iii) *No clearing of native vegetation shall be undertaken, except where the clearing occurs within a building envelope, or is necessary for the provision of a road pavement, driveway access, essential services, firebreaks required by law, or to remove vegetation which is dead, diseased or dangerous. In the case vegetation considered by the landowner to be dead, diseased or dangerous, an application to Council seeking the removal of that vegetation shall be supported by a report from an appropriately qualified arborist.*

- (iv) *Conventional on-site effluent disposal systems shall not be permitted and only Health Department of WA approved alternative treatment units or other modified systems using amended soil to attenuate nutrients may be used.*
- (v) *A maximum 1,384m² building and development envelope area shall be permitted.*
- (vi) *Use of reflective or white cladding material on buildings in exposed positions shall be prohibited.*
- (vii) *Rainwater tanks shall be required for domestic water supply, Groundwater bores shall only be permitted where it can be proven there will be no reduction in the water level of the wetland.*
- (viii) *The clearing of native vegetation in, or the filling or excavation of, the Wetland Protection Area is prohibited.*
- (ix) *The subdivider shall prepare a Fire Management Plan to be approved by Council and the Fire Emergency Services of Western Australia. Fire management is to be in accordance with the approved Fire Management Plan for the site. Any further development of the site is to comply with the requirements of the Fire and Emergency Services of Western Australia and the Western Australian Planning Commission publication Planning For Bushfire Protection.*
- (x) *Buildings are to be constructed in accordance with Australian Standards AS 3959-2009: Construction of Buildings in Bushfire Prone Areas (as amended) or subsequent editions (as amended).*
- (xi) *The keeping of stock where permitted shall require the prior written approval of Council and shall be restricted to the building envelope. Approval to keep stock shall not exceed the stocking rates recommended by the Department of Agriculture and Food WA on the area of cleared land, not the total lot size. Stocking rates shall be set at those for dry pasture with no importation of feed allowed.*
- (xii) *The subdivider to prepare and implement Wetland, Weed and Mosquito Management Plans as conditions of subdivision approval.*

LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

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

OFFICER'S FINAL COMMENTS / CONCLUSIONS

TPS

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



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

The current FMP proposes the inclusion of a 50,000 litre water storage tank located on the adjacent Reserve (R17318), on the hard stand area where a further four water tanks are located. This proposed tank will be constructed at the applicant's expense and then will be vested in by the Shire of Waroona.

LPS

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

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

Subdivision Guide Plan

A Subdivision Guide Plan was prepared in support of Scheme Amendment 17 to rezone the land to Rural Residential. While not formally adopted as a Structure Plan by the Western Australian Planning Commission the plan provides guidance in the layout of the proposed subdivision. The application before Council is consistent with the previously prepared Subdivision Guide Plan with regard to lot size and layout.

Access

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

The length of the road does not comply with the accepted road length in SPP3.7's guidelines. In this regard condition 5 will be required to address this matter to the satisfaction of the Department of Fire and Emergency Services.

Drainage

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

Protection of Vegetation

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

Framework, both of which identify the subject lot for development in the form proposed.

Acid Sulphate Soils

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

Conclusion

Given the proposal accords with the Draft South Metropolitan Peel Sub-regional Planning Framework, the LPS, TPS, Lake Clifton – Herron Structure Plan and the previously approved Subdivision Guide Plan, the application is recommended for approval subject to appropriate conditions and advice notes. (A similar subdivision application was previously supported by Council and approved by the WAPC in 2011).

Appendices Attached:	Yes	Appendices Numbers:	9.2.2A &B
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM16/11/122

MOVED: CR SCOTT

SECONDED: CR MASON

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

- 1. (B8) Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government).**
- 2. (B9) The subdivider making suitable arrangements with the Local Government to ensure the prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme that relates to the use and management of the land. (Local Government).**

3. **A mosquito management plan being prepared, approved and implemented to the satisfaction of the Western Australian Planning Commission. (Western Australian Planning Commission).**
4. **A weed management plan being prepared, approved and implemented to the satisfaction of the Western Australian Planning Commission. (Western Australian Planning Commission).**
5. **A Fire Management Plan being prepared and implemented to the specifications of the local government and the Department of Fire and Emergency Services. (Department of Fire and Emergency Services).**
6. **(F8) A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan).**

The notification is to state as follows:

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

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

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

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

- 14. (D2) Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan. (Local Government).**
- 15. (D3) Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government).**
- 16. (D4)The land being filled, stabilised, drained and/or graded as required to ensure that:**
 - a) lots can accommodate their intended development; and**
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**
 - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system, (Local Government).**
- 17. (D5) Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and in the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).**
- 18. (D8) Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005. (Local Government).**

19. (AM5) A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.” (Western Australian Planning Commission).

20. (EN8) An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Environment and Conservation).
21. (F1) The applicant is to prepare, have approved by the Department of Fire and Emergency Services, and implement a detailed plan demonstrating the location and capacity of fire emergency infrastructure to the satisfaction of the Western Australian Planning Commission. (Department of Fire and Emergency Services).
22. (F2) Information is to be provided to demonstrate that the measures contained in the bushfire management plan by Working on Fire Australia PTY LTD dated 05/05/206 that address the following:
- Establish a bushfire emergency access way and signpost;
 - Erect an estate water tank in accordance with SPP 3.7;
 - Establish cleared building envelopes (2000m²); and
 - Establish lot firebreaks.

Advice:

1. In relation to Condition 5, the Shire also notes that the proposed access is not in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas, this matter is to be addressed to satisfaction of the Department of Fire and Emergency Services

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

“acid sulphate soils self-assessment form” makes reference to the Department of Environment and Conservation’s “Identification and Investigation of Acid Sulphate Soils” guideline. This guideline can be obtained from the Department of Environment and Conservation’s website at: www.dec.wa.gov.au.
5. **In relation to Condition 21, the proposed 50,000 litre water tank can be located on the existing hard standing area on Reserve R17318 adjoining Southern Estuary Road, where the Shire’s existing firefighting infrastructure is located.**

CARRIED 7/1

For the Motion: Cr’s Scott, Mason, Germain, Salerian, Dew, Witney, Wright

Against the Motion: Cr Snell

9.2.3 AMENDMENTS TO POLICY 2.49 MERITORIOUS COMMUNITY SERVICE AWARDS & PREMIER'S AUSTRALIA DAY AWARDS	
Reporting Officer / Officer's Interest:	Brad Vitale, Community Development Officer; No Interest
Responsible Officer / Officer's Interest	Louis Fouché, Director Development Services; No Interest
Proponent:	N/A
Landowner:	N/A
Date of Report: 08/11/2016	File No.: 58/1, 111/1, 12/1
Previous Reference:	Nil
Policy Implications:	See heading in report
Statutory Implications:	See heading in report
Strategic Implications:	Strategic Community Plan
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): 6.02 Pursue high Professional Governance actions: Regular Reviews of Policies, Local Laws, Delegations of Authority, & various Management Plans	

PROPOSAL SUMMARY

Council is to consider amending Policy 2.49 Meritorious Community Service Awards & Premier's Australia Day Awards to reflect a recent change by the Australia Day Council of Western Australia.

The amendment proposes to replace the term "Premier's Australia Day Awards" with the term "Citizen of the Year Awards" in the Policy.

BACKGROUND / INITIAL COMMENTS

The Australia Day Council of Western Australia has recently modified its Australia Day Awards, following a change in the Patron of Australia Day WA from the Premier of Western Australia (now the Vice-Patron), to the Governor of Western Australia. The three major changes are:

1. Premier's Australia Day Awards has been changed to Citizen of the Year Awards, altering the three categories of awards from:

- Premier's Australia Day Active Citizenship – Under 25 Years;
- Premier's Australia Day Active Citizenship – Over 25 Years; and
- Premier's Australia Day Active Citizenship – Group/Event

To

- Citizen of the Year – Youth (Under 25 Years);
- Citizen of the Year (Over 25 Years); and
- Citizen of the Year – Award for Active Citizenship (Group/Event), respectively.

2. The addition of a new category, Citizen of the Year – Senior (Over 65 Years); and
3. The presentation of medallions in addition to signed certificates from the Governor of Western Australia.



The Awards continue to reward and recognise individuals and organisations making a notable contribution during the current year, and/or to those who have given outstanding service over a number of years.

Outstanding contribution and community service includes areas such as; education, health, fundraising, charitable and voluntary services, business, sport, arts, the environment or any other area that contributes to the advancement and wellbeing of a community.

The Shire of Waroona Meritorious Community Service Awards remain as titled and are not affected by the changes.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan theme is Theme 6 – Good Governance, “Active Civic Leadership & Excellence in Management”, particularly the following strategy:

- 6.02 Pursue high Professional Governance actions: Regular Reviews of Policies, Local Laws, Delegations of Authority, and various Management Plans.

FINANCIAL ISSUES / IMPLICATIONS

Nil.

POLICY ISSUES / IMPLICATIONS

Should Council approve the proposed Policy amendment, Council’s Policy Manual will be updated to reflect the proposed changes.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Council Policies are required to be reviewed annually.

COMMUNITY CONSULTATION

Nil.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The proposed amendments in the policy (including the policy title) reflect a change in the name of the previous “Premier’s Australia Day Awards” to “Citizen of the Year Awards”.

The amendments are as follows:

- Replacing the term “Premiers Australia Day Awards” With “Citizen of the Year Awards” in the policy title.
- Replacing the term “Premiers Australia Day Awards” With “Citizen of the Year Awards” in the Policy Intention.
- Including the wording “or Citizen of the Year Award” in in point 6 of the policy provisions.
- Replacing the term “Premiers Australia Day Awards” With “Citizen of the Year Awards” in point 7 of the policy provisions.

The proposed changes to the policy title, policy intention and provisions do not materially affect the policy content.

Appendices Attached:	Yes	Appendices Numbers:	Appendix 9.2.3
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

OCM16/11/123

MOVED: CR WITNEY

SECONDED: CR GERMAIN

The Committee recommends that Council adopt the proposed amendments to Policy 2.49 Meritorious Community Service Awards & Premier’s Australia Day Awards as per Appendix 9.2.3.

CARRIED BY ABSOLUTE MAJORITY 8/0



9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 10/11/16	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers: 9.3.1
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COUNCIL RESOLUTION		
OCM16/11/124		
MOVED: CR WITNEY		
SECONDED: CR GERMAIN		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8410 - 8436	\$32,039.54
Trust (Cheque/EFTs)	EFT 11101-11104 Chq: 23638, 23669	\$3,448.99
Electronic Transfers Municipal Fund	EFT 23624 to 23816	\$432,404.95
Direct Wages	01/10/2016 – 31/10/2016 inclusive	\$172,873.40
Direct Debits	01/10/16 – 31/10/16	\$1,831.24
GRAND TOTAL:		<u>\$642,598.12</u>
and attached at Appendix 9.3.1 be endorsed.		
CARRIED 8/0		



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 31 OCTOBER 2016	
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: 16/11/16	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.2
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<p><u>COUNCIL RESOLUTION</u> OCM16/11/125 MOVED: CR GERMAIN SECONDED: CR WITNEY</p> <p>That the Monthly Statements of Financial Activity for the period 1 July 2016 to 31 October 2016 be received and noted.</p> <p style="text-align: right;">CARRIED 8/0</p>
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9.3.3 ADOPTION OF 2015/16 ANNUAL REPORT	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 14.11.2016	File No.: 8/1
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995 – Section 5.35 & 5.55
Strategic Implications:	See heading below
Financial Implications:	Nil
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP): 6 ACHIEVE ACTIVE CIVIC LEADERSHIP	

PROPOSAL

The 2015/16 Annual Report (**provided under separate cover**) is to be presented to the Annual Meeting of Electors on Tuesday 20 December 2016.

STRATEGIC IMPLICATIONS

Preparation of the Annual Report and subsequent conduct of the Annual Electors meeting supports the Council's obligations pursuant to Community Strategic Plan objective No.6 "Achieve Active Civic Leadership".

Future annual reports will be required to comply with the "Integrated Planning & Reporting Framework". This will involve documenting compliance/progress/outcomes with the Councils Community Strategic Plan taking into account detailed objectives contained with the Corporate Business Plan.

Further details are provided at page 39 of the Annual Report.

REFERRALS

N/A

FINANCIAL IMPLICATIONS

N/A

POLICY ISSUES

Nil.

STATUTORY IMPLICATIONS

As above.

LEGAL ISSUES

Nil.

COMMUNITY CONSULTATION

The plan is required to be available for public consultation from Monday 28 November.

OFFICERS COMMENTS

In accordance with Section 5.54 and 5.55 the report is to be accepted by the Council and will then be available to the general public from Monday 28 November 2016. Hard copies and an electronic version will be made available.

Appendices Attached: (Separately Bound Document)	Yes	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM16/11/126

MOVED: CR SNELL

SECONDED: CR SALERIAN

That the 2015/2016 Annual Report for the Shire of Waroona be adopted.

CARRIED 8/0

9.3.4 LATE ITEM – APPOINT NEW BUILDER – LAKE CLIFTON BUSHFIRE BRIGADE BUILDING	
Reporting Officer / Officer's Interest:	John Crothers, Co-Ordinator Corporate Planning/Project Officer; Nil Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO / Director Corporate Services; Nil Interest
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 22 November 2016	File No.:2016/01
Previous Reference:26 April 2016	Report 9.3.3; Council Minute 16/04/045
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No.4 Society/Community Wellbeing [Item 4.08</i>	

PROPOSAL SUMMARY

Council is requested to consider the granting of delegated authority to the CEO to appoint a new builder to take over the completion of the new building for the Lake Clifton Bushfire Brigade.

The builder appointed in April 2016 has encountered financial difficulties, and is unable to complete the works. A termination of contract letter has been forwarded to that builder. No work of any substance has occurred since 30 September 2016.

BACKGROUND / INITIAL COMMENTS

Tenders were called in March 2016, and closed on 18 April 2016. A report went before the April Council meeting, where All Style Sheds was appointed to build a new, larger, Bushfire Brigade building at Lake Clifton. As stated above, that builder has now experienced financial difficulties, and is unable to complete the work.

The Council's adopted 2016/17 budget contained \$136,786 which was sufficient funds for the construction works to be completed. A total of \$96,722 has been spent in the 2016/17 financial year, leaving a balance of \$40,064 available to complete the works.

As there have been a number of specific items to be sorted out, then discussions have been held with the building superintendent/project manager, who has now supplied a most competitive quote to finish all the items left to be completed. That quote gives a total of \$39,441. 82, excluding any GST.

PLANNING – STRATEGIC IMPLICATIONS

N/A

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 4.08 relating to Community Safety.



FINANCIAL ISSUES/IMPLICATIONS

The Council's adopted budget contained \$136,786 to fund the completion of this project, and \$96,722 has been spent to date, with \$40,064 left to complete the project.

The quote received from Mr Chris Chequer totals \$39,441.82, which means that the project can still be completed within the budget allocation.

POLICY ISSUES/IMPLICATIONS

This report recommends that Council waive the requirement to obtain two (2) separate quotes, as laid out in Council's policy 3.3 relating to purchasing.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

None seen as being necessary

OFFICER'S FINAL COMMENTS/CONCLUSIONS

It is necessary to consider a delegation to the CEO to appoint a new builder, so that the construction works can be completed within the near future.

To assist with the establishing what works are left to be completed, staff have been negotiating with a builder who has helped supervise this building over the past 7 months, and he has prepared a very competitive draft quote, of \$39,441.82 [excluding GST, where applicable].

It is considered necessary and advantageous to utilise the services of this builder to complete the project as considerable discussions have occurred with this builder, and he is seen as being best placed to complete the project, and it has not been practicable to obtain any other comparative quote. As such, Council is requested to waive the requirement under "Purchasing and Procurement Policy" (Policy 3.3) to seek 2 verbal or written quotes for the work. It is considered as unlikely that a lower quote would be obtained, as separate quotes have been obtained from a number of sub-contractors.

As no construction works have occurred since the end of September, the completion is seen as now being urgent, and staff see important advantages to having the local Bushfire brigade relocated by no later than mid-December 2016.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority



COUNCIL RESOLUTION

OCM16/11/127

MOVED: CR MASON

SECONDED: CR WRIGHT

- (i) That the Chief Executive Officer be granted delegated authority to appoint Mr Chris Chequer as the new builder to complete the Lake Clifton Bush Brigade building in accordance with the allocation for this project which was included in the 2016/17 adopted budget estimates without the requirement under Council Policy 3.3 to obtain two (2) verbal or written quotes to undertake the work.**
- (ii) That the quote from Mr Chris Chequer for \$39,441.82 be accepted for the completion of the new building for the Lake Clifton Bushfire brigade**

CARRIED BY ABSOLUTE MAJORITY 8/0

9.4 CHIEF EXECUTIVE OFFICER

Nil.

10. CONFIDENTIAL REPORTS (PROVIDED UNDER SEPARATE COVER)**10.1 CONFIDENTIAL ITEM - SHIRE OF WAROONA MERITORIOUS COMMUNITY SERVICE AWARDS AND CITIZEN OF THE YEAR AWARDS 2017**

Brad Vitale declared an interest affecting impartiality in Item 10.1, as the nominator of some of the proposed award recipients.

COUNCIL RESOLUTION**OCM16/11/128****MOVED: CR WITNEY****SECONDED: CR MASON**

That in relation to the 2017 Meritorious Community Service Awards and the Australia Day WA Citizen of the Year Awards, the Committee recommends that Council award the following individuals:

- 1. Shire of Waroona Meritorious Community Service Award 25 Years and Over - Fred Hull, Andrew Hull, Clint Vagg and Paul Anzellino.**
- 2. Shire of Waroona Meritorious Community Service Award Under 25 Years – Reegan Davis and Joelle Chaffey.**
- 3. Australia Day WA Citizen of the Year Award - Andrew Templeman Twells.**
- 4. Australia Day WA Citizen of the Year Youth Award - The Committee makes no recommendation for an award in this category.**
- 5. Australia Day WA Citizen of the Year Senior Award - The Committee makes no recommendation for an award in this category.**

CARRIED 8/0

Brad Vitale declared an interest affecting impartiality in Item 10.2, as the nominator of the proposed award recipient.

Cr Witney declared a financial interest in Item 10.2 as an employee of the Waroona Community Resource Centre, and left the meeting the time being 4.34 pm.

Cr Germain declared an interest affecting impartiality in Item 10.2, as Chairperson of the Board of the Waroona Community Resource Centre.



10.2 CONFIDENTIAL ITEM – AUSTRALIA DAY WA CITIZEN OF THE YEAR AWARDS - ACTIVE CITIZENSHIP AWARD (COMMUNITY GROUP/EVENT) 2017

COUNCIL RESOLUTION
OCM16/11/129
MOVED: CR GERMAIN
SECONDED: CR SNELL

That in relation to the 2017 Australia Day WA Citizen of the Year Active Citizenship Award (Community Group/Event) the Committee recommends to Council that the Waroona Community Resource Centre be the recipient.

CARRIED 7/0

Cr Witney returned to the meeting, the time being 4.35 pm.

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

Nil

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

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.05 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 20 DECEMBER 2016 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

