



**Date: 14 December 2017**

**To: Shire President  
All Councillors**

**Copy: Directors  
Staff**

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

**An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 19 December 2017 at 4.00pm to consider and resolve the matters set out in the attached Agenda.**

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

**IAN CURLEY  
CHIEF EXECUTIVE OFFICER**

## **PUBLIC QUESTION TIME**

**AND**

## **PUBLIC STATEMENT TIME**

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

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# **AGENDA**

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

(Disclosure of interest **MUST ALSO** be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
- 8.1 **ORDINARY COUNCIL MEETING – 28 NOVEMBER 2017**

**OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting held 28 November 2017 be confirmed as being a true and correct record of proceedings.**

- 9.0 **REPORTS OF OFFICERS AND COMMITTEES**

## 9.1 DIRECTOR TECHNICAL SERVICES

| <b>9.1.1 MAIN ROADS WESTERN AUSTRALIA RESUMPTION OF LAND FROM RESERVE 22215 SOUTH WEST HIGHWAY</b>                                                                  |                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Reporting Officer / Officer's Interest:                                                                                                                             | Patrick Steinbacher, Director Technical Services; No Interest |
| Responsible Officer / Officer's Interest                                                                                                                            | Patrick Steinbacher, Director Technical Services; No Interest |
| Proponent:                                                                                                                                                          | Main Roads Western Australia                                  |
| Landowner:                                                                                                                                                          | Shire of Waroona                                              |
| Date of Report: 5/12/2017                                                                                                                                           | File No.: 95/7 & A2210                                        |
| Previous Reference:                                                                                                                                                 | Nil                                                           |
| Policy Implications:                                                                                                                                                | Nil                                                           |
| Statutory Implications:                                                                                                                                             | Nil                                                           |
| Strategic Implications:                                                                                                                                             | See heading below                                             |
| Financial Implications:                                                                                                                                             | See heading below                                             |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b><br><b>5.04 Effect Responsible Stewardship of Council owned/controlled Assets</b> |                                                               |

### **PROPOSAL SUMMARY**

To present to Council a proposal from Main Roads WA (MRWA) to excise land from a Shire controlled Reserve for the purposes of widening the South Western Highway.

### **BACKGROUND/INITIAL COMMENTS**

MRWA has identified the need to resume various parcels of land along the alignment of the South Western Highway, including from Reserve 22215, to accommodate planned road widening works in the near future. The proposal involves excising a 10 metre strip of land from the Western side of the reserve and MRWA requires the Shire's consent to proceed with the process.

The location of the reserve and correspondence from MRWA are included at **Appendix 9.1.1**.

Reserve 22215 is located near the Southern boundary and is vested to the Shire of Waroona for the purpose of drainage and camping however the land is not used for any particular purpose therefore the proposed excision will have no nett effect. The total area of land required is approximately 2,217 square metres.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

5.04 Effect Responsible Stewardship of Council owned/controlled Assets



**FINANCIAL ISSUES/IMPLICATIONS**

There are no financial implications for the Shire. MRWA will be responsible for all costs involved and there is no vehicle for compensation for the Shire for the excised land.

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The proposed excision of the strip of land from Reserve 22215 has no implications for the Shire and will assist MRWA in improving the safety of the South Western Highway, therefore officers are comfortable in recommending that Council grant its consent for the proposal.

|                             |            |                            |              |
|-----------------------------|------------|----------------------------|--------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.1.1</b> |
|-----------------------------|------------|----------------------------|--------------|

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council consent to the taking by Main Roads Western Australia of a 10 metre wide strip of land from Reserve 22215 as shown at Appendix 9.1.1 representing a total area of approximately 2,217 square metres, at no cost to Council.**

## 9.2 DIRECTOR DEVELOPMENT SERVICES

| <b>9.2.1 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE – LOT 519 NANGA BROOK ROAD, WAROONA</b>                                                                   |                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reporting Officer / Officer's Interest:                                                                                                                       | Sarah Park, Environmental Planner; Nil                                                                                                                                           |
| Responsible Officer / Officer's Interest                                                                                                                      | Leonard Long, Manager Development Services; Nil                                                                                                                                  |
| Proponent:                                                                                                                                                    | Planning Solutions (Aust) Pty Ltd for Telstra Corporation Ltd                                                                                                                    |
| Landowner:                                                                                                                                                    | Charles Hull                                                                                                                                                                     |
| Date of Report: 12/10/2017                                                                                                                                    | File No.: TP2001                                                                                                                                                                 |
| Previous Reference:                                                                                                                                           | Nil.                                                                                                                                                                             |
| Policy Implications:                                                                                                                                          | State Planning Policy 5.2 Telecommunications Infrastructure; Local Planning Policy 1 – Community Consultation.                                                                   |
| Statutory Implications:                                                                                                                                       | Planning and Development Act 2005; Planning & Development (Local Planning Schemes) Regulations 2015; Peel Region Scheme 2003; Shire of Waroona Local Planning Scheme No. 7 1996. |
| Strategic Implications:                                                                                                                                       | Shire of Waroona Local Planning Strategy 2009.<br>Shire of Waroona Strategic Community Plan 2016/17-2025/26;                                                                     |
| Financial Implications:                                                                                                                                       | <i>See heading in report</i>                                                                                                                                                     |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b><br><i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i> |                                                                                                                                                                                  |

### **PROPOSAL SUMMARY**

Council is requested to consider an application for Planning Consent for telecommunications infrastructure at Lot 519 Nanga Brook Road, Waroona.

### **BACKGROUND / INITIAL COMMENTS**

The 40.5ha rectangular lot is located 6km north-east of the Waroona Town site. The topography of the lot and the surrounding area is elevated and undulating. The lot is approximately 870m from the nearest point to Nanga Brook Road. Access is through an unsealed gravel road that tracks through the lot directly east of the subject lot. The lot is undeveloped, the portion on which the infrastructure is located will be cleared.

The proposed telecommunications infrastructure forms a necessary part of the Federal Governments Mobile Black Spot Programme, which has been established to deliver terrestrial mobile, voice and high speed wireless data broadband to improve highway and town-to-town coverage in regional Australia. The application proposes a 63.4m guyed mast, with four (4) omnidirectional antennas and two (2) parabolic antenna dishes mounted on the proposed mast, an equipment shelter at ground level, one (1) GPS antenna mounted on the shelter and cabling and ancillary equipment. The mast will be of a galvanised finish and the equipment shelter constructed of Colorbond in 'Paperbark' colour. The proposed infrastructure will be contained within a 10m by 10m securely fenced compound in the south-eastern corner of the lot. A



location is at **APPENDIX 9.2.1A**, site plan at **APPENDIX 9.2.1B** and elevation plans at **APPENDIX 9.2.1C**.

#### Previous approvals

Nil.

### **PLANNING – STRATEGIC IMPLICATIONS**

#### Local Planning Strategy 2009 (LPS)

The subject lot is designated as General Agriculture and located within the Scarp and Darling Range Precinct. Council's objective is to provide for the continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

Primary Uses of the designated area include: Single House, Home Occupation, Home Office, rural pursuit and agriculture – extensive.

### **REFERRALS**

Upon referral to internal departments the following comments were received:

- Director of Technical Services provided comment on potential plans to relocate the road reserve in the future. Access to the lease area will be over private property and subject to a lease agreement between the operator and landowner.
  
- Building services provided comment on the requirement of a building permit for a class 10b building.

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

#### Shire of Waroona Strategic Community Plan 2016/17-2025/26

This item relates to Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

### **FINANCIAL ISSUES/IMPLICATIONS**

The planning consent application fee of \$800 has been received.

### **POLICY ISSUES/IMPLICATIONS**

#### Local Planning Policy 1 – Community Consultation

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected landowners aware of a development proposal and to allow them opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision.

The policy requires that an application for a Telecommunications Tower is to be advertised to owners and occupiers of affected neighbouring properties for a period of 14 days, as well as the placement of one advertisement in the local paper and a sign erected on site.



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

### **Planning and Development Act 2005**

The Act provides the statutory head of power for enforcement of Local Planning Schemes and regulations made under the Act.

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

Under Schedule 2 - Deemed Provisions for local planning schemes Clause 60 Requirement for Development Approval states the following:

*“A person must not commence or carry out any works on, or use, land in the Scheme area unless —*

- (a) the person has obtained the development approval of the local government under Part 8; or*
- (b) the development is of a type referred to in clause 61.”*

### **State Planning Policy 5.2 – Telecommunications Infrastructure (SPP5.2)**

SPP5.2 aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.

The objectives of this policy are to:

- facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
- manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,
- promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

Clause 3.3.1 Mobile telephone networks states the following:

*“The location of new mobile telephone base stations needs to be carefully considered in relation to existing base stations, to ensure that the network functions effectively. Mobile telephone antennas generally need to be mounted clear of surrounding obstructions like trees and buildings to avoid loss of reception and to allow each mobile telephone base station to cover its intended cell with minimum transmitter power.”*

Provisions relating to the application for Lot 519 Nanga Brook Road, Waroona are stated under Clause 5.1.1 – the benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.

- a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;

- b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;
- c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
- d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.

SPP5.2 applies throughout Western Australia in respect to above and below ground telecommunications infrastructure other than those facilities exempted under the *Commonwealth Telecommunications Act 1997*.

#### Peel Region Scheme 2003 (PRS)

Under the Peel Region Scheme the subject lot is zoned Rural.

Cl.12 Purposes of zones, states:

Land is classified into zones under the scheme for the following purposes –

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

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

The subject lot is located within the ‘Rural 5 – Darling Range’ zone of the Shire of Waroona Town Planning Scheme No. 7 (TPS 7) and is subject to Clause 3.13 of TPS 7.

Clause 3.13.1, Objective and Policies states, Council’s objective for the zone is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land managers 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; and
- maintain open rural atmosphere by encouraging generous setbacks.

The proposed telecommunications infrastructure is a ‘Use not listed’ under Clause 3.2 Zoning Table.

Clause 3.3.4 states the process for consideration of applications for uses not defined under the Scheme. The following are the three options available to Council for assessing a Use note listed:

- a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or

- b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

### **LEGAL ISSUES/IMPLICATIONS**

See Statutory Issues.

### **COMMUNITY CONSULTATION**

In accordance with the provisions of LPP1 and Clause 64 of the Deemed Provisions the following public consultation has been undertaken:

- Notification letter sent to adjoining/affected neighbours;
- Advertisement published in the local paper circulating the Scheme area (Waroon Harvey Reporter);
- On site sign placed at the front of Lot 731 on Nanga Brook Road; and
- Advertisement on Shire website.

A 14 day period was provided for comments relating to the application between the 21/11/2017 and the 05/12/2017.

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

The development and use of land for telecommunications infrastructure is not deemed to be consistent with any of the defined uses under Schedule 1 - Interpretations of Town Planning Scheme No. 7. As such the application has been considered as a 'Use not listed' in accordance with Clause 3.3(4) of the Scheme.

The application is required to be in accordance with the provisions of State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2). An assessment of the application against the matters to be considered listed in SPP5.2 is as follows:

- *Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*

The proposed location of the telecommunications infrastructure is at a lower lying area than the surrounding area and therefore sited to decrease the visual impact of the development on the surrounding area.

Given the distance of 1km from Nanga Brook Road, the varying elevations of the topography of the Darling Range and the lack of public lookouts located in the area, the proposal is not considered to greatly detract from the existing amenity of the site or area or be prominently visible from significant viewing locations.

- *Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*

No properties in the vicinity are listed on the Municipal Heritage Inventory or State Heritage Register, therefore the application is not expected to impact on

cultural or heritage values in the Shire. The lot does not have a frontage to any roads and therefore is not expected to detract from a streetscape, vista or a panorama.

- *Not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised;*

The proposed telecommunications infrastructure is not considered to compromise the natural environment, as the proposed mast and shed will be located on a cleared portion of the subject lot.

No Aboriginal Heritage places listed under the *Aboriginal Heritage Act 1972* are located within the site or surrounding area. Therefore, the application is not expected to compromise the cultural heritage values of the area.

- *Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;*

The semi remote location away from the town site is effective at minimising the visual impact from the infrastructure at public places. The impact of the application on the amenity of the area is not considered to be significant.

The proposed infrastructure will aid in improving telecommunications in the Scarp and Darling Range Precinct. The cells that mobile telephone network base stations cover have approximately a 10km radius. This infrastructure will enhance the communication capabilities in Waroona and provide greater opportunities to users within functional range of the tower as well as businesses operating in the area.

### **Recommendation**

Given the above assessment, the proposal is considered to be consistent with the objectives of the zone and SPP 5.2. For this reason the application is recommended for approval. The relatively remote location negates the need for the inclusion of mitigating amenity impact conditions.

|                             |            |                            |                   |
|-----------------------------|------------|----------------------------|-------------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.2.1A,B,C</b> |
|-----------------------------|------------|----------------------------|-------------------|

### **VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

**That in relation to the proposed installation of Telecommunications Infrastructure (mobile phone tower and base station) at Lot 519 Nanga Brook Road, Waroona, Council resolves to approve the application subject to the following condition:**

- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans.**

**Advice Notes:**

- A. The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2015.**

|                                                                                                                                                                      |                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>9.2.2 PROPOSED HOLIDAY HOUSE – LOT 54 (NO. 4) SIESTA STREET, PRESTON BEACH</b>                                                                                    |                                                                                                                                                                                           |
| Reporting Officer / Officer's Interest:                                                                                                                              | Sarah Park, Environmental Planner; Nil                                                                                                                                                    |
| Responsible Officer / Officer's Interest                                                                                                                             | Leonard Long, Manager Development Services; Nil                                                                                                                                           |
| Proponent:                                                                                                                                                           | Ruth Alison Louise Behn                                                                                                                                                                   |
| Landowner:                                                                                                                                                           | Ruth Alison Louise Behn                                                                                                                                                                   |
| Date of Report: 05/12/2017                                                                                                                                           | File No.: TP2003                                                                                                                                                                          |
| Previous Reference:                                                                                                                                                  | Nil.                                                                                                                                                                                      |
| Policy Implications:                                                                                                                                                 | Local Planning Policy 1 – Community Consultation<br>Local Planning Policy 26 – Holiday Homes                                                                                              |
| Statutory Implications:                                                                                                                                              | Planning and Development Act 2005;<br>Planning & Development (Local Planning Schemes) Regulations 2015;<br>Peel Region Scheme 2003;<br>Shire of Waroona Local Planning Scheme No. 7 1996. |
| Strategic Implications:                                                                                                                                              | Shire of Waroona Strategic Community Plan 2016/17-2025/26;<br>Shire of Waroona Local Planning Strategy 2009.                                                                              |
| Financial Implications:                                                                                                                                              | <i>See heading below</i>                                                                                                                                                                  |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b><br><i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i> |                                                                                                                                                                                           |

### **PROPOSAL SUMMARY**

Council is requested to consider an application for Planning Consent for a 'Holiday House' for six (6) people at Lot 54 (No 4) Siesta Street, Preston Beach. A location plan is at **APPENDIX 9.2.2A**.

### **BACKGROUND / INITIAL COMMENTS**

The subject lot is located within the Preston Beach Townsite and measures 650m<sup>2</sup> in area. The topography of the lot slopes slightly from south to east across the lot. The lot boundaries are shared with five (5) other Urban 9 – Preston Beach zoned lots.

The holiday house is proposed to be located in a recently completed and approved modular dwelling. The applicant proposes a maximum of six guests (holiday home – standard) at any one time and is proposed to be managed by Aldemor Holiday Services in Preston Beach. A location plan is at **APPENDIX 9.2.2A**, site plan is at **APPENDIX 9.2.2B**, floor plan is at **APPENDIX 9.2.2C**, and the Property Management Plan is at **APPENDIX 9.2.2D**.

#### Previous approvals

A building permit (BA2017020) is issued for a steel framed modular dwelling, which was approved on the 22/02/2017.

## **PLANNING – STRATEGIC IMPLICATIONS**

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

The subject lot is designated as Residential and is located within the Coastal Precinct. Council's objective for the precinct is to provide for the enhancement of the Preston Beach Townsite.

Primary Uses of the designated area include: Single House, Grouped Dwelling, Home Occupation, and Home Office.

## **REFERRALS**

Upon referral to internal departments the following comments were received:

- Director of Technical Services: on-street parking shall not be allowed, sufficient parking shall be provided within the lot to accommodate the expected number of cars.
- Health Services: due to the size/capacity of the septic system, the number of occupants shall be restricted to six (6) persons.

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

### **Shire of Waroona Strategic Community Plan 2016/17-2025/26**

This item relates to Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

## **FINANCIAL ISSUES/IMPLICATIONS**

The planning consent application fee of \$222 has been received. Should Council resolve to approve the application an annual renewal fee currently \$73 will be applicable.

## **POLICY ISSUES/IMPLICATIONS**

### **Local Planning Policy 1 – Community Consultation**

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected landowners aware of a development proposal and to allow them opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision.

The policy requires that an application for a 'Discretionary Use' under the Zoning Table is to be advertised to owners and occupiers of affected neighbouring properties for a period of 14 days.

### **Local Planning Policy 26 – Holiday Homes**

LPP 26 aims to regulate short stay accommodation in order to minimise uncertain legal environment, issues of inequity with other service providers and land use conflict. Implementation of the policy ensures a high standard of development and management of holiday homes and minimise potential adverse impacts on the



amenity of neighbouring residential lots. The policy regulates the subject land use in order to contribute to the high standard of amenity for this section of the tourism industry in Preston Beach.

The objectives of this policy are:

- To recognise the increasing market demand for holiday homes within the Shire of Waroona and to provide operators and other stakeholders with clarity on the issues that Council wishes to address.
- To encourage holiday homes in residential dwellings in appropriate zones and locations where the proponent addresses relevant issues and suitably manages the use on an ongoing basis.
- To ensure that these types of uses do not compromise the amenity of residential areas or nearby residents.
- Encourage operators to abide by recognised best practice, relevant legislation and this policy.
- To support the role of holiday homes as part of the tourism industry.

The policy was adopted in June 2012 and is based on the following state government documents:

- Western Australian Planning Commission Guidelines: Holiday Homes - Short Stay Use of Residential Dwellings;
- Tourism Council Western Australia Holiday Home Rental Best Practice Standards; and
- Planning Bulletin 99 – Holiday Home Guidelines.

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

#### Planning and Development Act 2005

The Act provides the statutory head of power for enforcement of Local Planning Schemes and regulations made under the Act.

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

Under Schedule 2 - Deemed Provisions for local planning schemes Clause 60 Requirement for Development Approval states the following:

*“A person must not commence or carry out any works on, or use, land in the Scheme area unless —*

- (a) the person has obtained the development approval of the local government under Part 8; or*
- (b) the development is of a type referred to in clause 61.”*

#### Peel Region Scheme 2003 (PRS)

Under the Peel Region Scheme the subject lot is zoned Urban.

Cl.12 Purposes of zones, states:

Land is classified into zones under the scheme for the following purposes –

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





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

The subject lot is located within the 'Urban 9 – Preston Beach' zone of the Shire of Waroona Town Planning Scheme No. 7 (TPS 7) and is subject to Clause 3.12 of TPS 7.

Clause 3.12.1, Objective and Policies states, Council's objective is to ensure that the Preston Beach Townsite develops for residential, holiday accommodation and recreational uses in a manner consistent with protection of the environment and landscape of the area. Council's policies will therefore be to:

- support the District Planning Strategy recommendations for development of the zone with flexibility to adapt to changing circumstances;
- permit, at the discretion of Council, a range of uses compatible with the character and intent of the zone;
- require that development be of a scale, construction and appearance which is, in the opinion of Council, appropriate to the area;
- ensure that development has minimal adverse impact on the Yalgorup National Park and Coastal reserves which abut the zone;
- implement the adopted Management Plan for the Preston Beach Coast.

A Holiday Home is a "D" Use under Clause 3.2 Zoning Table.

### LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

### COMMUNITY CONSULTATION

In accordance with the provisions of LPP1 and Clause 64 of the Deemed Provisions, notification letters were sent to adjoining/affected neighbours and advert published on Shire website.

A 14 day period was provided for comments relating to the application between 01/11/2017 and the 15/11/2017.

Of the five (5) adjoining / affected neighbours one (1) objection to the proposal was received. A schedule of submission summarising and addressing the objection is at **APPENDIX 9.2.2E**.

### OFFICER'S FINAL COMMENTS/CONCLUSIONS

The development and use of land for a 'Holiday House' is consistent with the objective of the Preston Beach zone including, ensuring that the Townsite develops for residential and holiday accommodation.

The application is required to be considered in accordance with the provisions of Local Planning Policy 26 – Holiday Homes (LPP 26). An assessment of the application against the matters to be considered in LPP 26 is as follows:

- A minimum of two parking bays are required for the proposed 'Holiday House'. The dimensions of a parking bay under AS2890.1 2004 are 5.4m long, 2.4m wide. The property is able to provide 2 parking bays on-site as per the Australian Standard. The parking area / driveway does not extend to the street and is



therefore not curbed etc. at Siesta Street. Should Council resolve to approve the applications it is recommended that a condition be included requiring the applicant to install a crossover as per the Shire requirements.

- No on street parking is permitted or proposed with the application.
- Waste services contracted by the Shire and provided by Cleanaway extend to the Preston Beach locality. It is recommended that an advice note be included so the applicant is aware they will need to organise a waste collection at the subject site.
- Details of the septic tanks are included in the application. Upon referral to the Environmental Health Officer, comment was received advising that the size of the septic tanks are a capacity that can accommodate a maximum of 6 people.
- A Property Management Plan was prepared by Aldemor Holiday Services and submitted with the application. The Management Plan is consistent with the provisions of the Policy including:
  - a) Details of the agreement with the management company including maintenance and cleanliness. As well as contact information. The management company is located within Preston Beach and therefore within 1 hour from the subject lot.
  - b) Code of conduct within the Management Plan is limited to noise restrictions.
  - c) Noise pollution is addressed within time restrictions and a “no extreme party policy” that is in place.
- A Fire and Emergency Plan was submitted as part of the Property Management Plan.
- In terms of potential impact on the amenity of neighbouring residents due to the noise pollution that may be caused by patrons staying at the holiday home, it is noted that the Property Management Plan details noise restrictions that are as follows:
  - Music being played must be reduced to an inaudible level outside the property by 10pm;
  - A No Extreme Party Policy is in place and/or nuisance call outs will result in immediate removal of the occupants;
  - The name and contact details of the management company will be distributed to the immediate neighbours and all complaints should be directed to Aldemor.

It is also noted that the Property Management Plan states that one of the two Preston Beach managers will be available 24 hours a day, 7 days a week.

The Property Management Plan is consistent with all requirements stipulated under the policy. Should Council resolve to approve the application it is recommended that a condition be included regarding the information to be displayed in the holiday house in order to make the proposed land use compliant with the policy provisions.

Given the above assessment, the proposal is considered to be consistent with the objectives of the zone and provisions of LPP 26 and is recommended for approval.

|                             |            |                            |                 |
|-----------------------------|------------|----------------------------|-----------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.2.2A-E</b> |
|-----------------------------|------------|----------------------------|-----------------|

### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER RECOMMENDATION**

That in relation to the proposed Holiday House at Lot 54 (No. 4) Siesta Street Preston Beach, Council resolves to approve the application subject to the following conditions:

1. The Holiday House (Standard) hereby approved shall occur in accordance with the plans and specifications approved with the application and these shall not be altered or modified without the prior written approval of Council.
2. No more than six (6) guests are to be accommodated in the Holiday House at any given time.
3. A minimum of two (2) car parking bays are to be provided for on-site. Car parking bays are to comply with Australian Standard 2890.1 2004 (as amended). All parking associated with the Holiday House shall be contained wholly on site. No verge parking is permitted.
4. The Holiday House Management Plan prepared by Aldemor Holiday Services at Preston Beach submitted by the applicant and dated 12 October 2017 is to be implemented to the satisfaction of the Shire of Waroona.
5. The following information is to be displayed in the Holiday House:
  - Caretaker/manager or Management Company and its contact details.
  - Emergency contact details.
  - Code of Conduct.
  - Fire and Emergency Response Plan.
6. The Planning Consent for the Holiday House shall expire at the end of one (1) year from the notice of approval.

### **ADVICES NOTES:**

- A. Please note that this Planning Consent must be renewed before the one (1) year approval period expires for the Planning Consent to remain valid.
- B. Any proposed changes to the nature of the Holiday House or any of the conditions of approval requires the consent of Council.

- C. Please note that the landowner / property manager of the property shall remain responsible for the management of the conduct and behaviour of the occupants of the Holiday House at all times in order to preserve the amenity of the area.**
- D. The owner is encouraged to prepare a Fire and Emergency Plan. The Fire and Emergency Plan may include the provision of the following fire safety measures:**
- **Provision of fire extinguishers, fire blankets and internal hardwired smoke alarms.**
  - **Outside barbeques to be gas or electric.**
  - **Emergency Evacuation Plan.**
  - **Access to water supply.**
- E. The Building Regulations (2012) require the owner of a dwelling to have compliant smoke alarms installed prior to the transfer of ownership, or when a dwelling is made available for rent or hire. Owners must ensure that the smoke alarm(s):**
- **Are in accordance with the Building Code of Australia (BCA) applicable at the time of installation of the alarms (the BCA specifies the minimum standards and location that smoke alarms must comply with); and**
  - **Are not more than 10 years old at the time of the transfer of ownership, or making the dwelling available for rent or hire; and**
  - **Are in working order; and**
  - **Are permanently connected to consumer mains power.**
- F. In dwellings where the construction of the building does not permit a space to conceal the wiring or where no mains power is available, smoke alarms with a 10 year battery life may be permitted.**
- G. The Holiday home owner is encouraged to become a member of a suitable holiday house accreditation agency. See the Tourism Council of WA's website for further detail (<http://www.tourismcouncilwa.com.au/accreditation>).**
- H. Please note that, should the current septic system be insufficient to cater for six guests at any one time, an upgrade to the septic system will be required. Please contact the Shire of Waroona Environmental Health Department for further information.**
- I. The applicant is advised that waste is to be removed from the lot to the satisfaction of the Shire of Waroona. Please contact the Shire to register for waste collection.**
- J. The applicant is advised that a crossover application is required. Details and advice on this can be sought from the Shire's Technical Services Directorate.**

| <b>9.2.3 PROPOSED FRONT BOUNDARY FENCE – LOT 2 (NO. 10) THATCHER STREET, WAROONA</b>                                                                                 |                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reporting Officer / Officer's Interest:                                                                                                                              | Sarah Park, Environmental Planner; Nil                                                                                                                                                    |
| Responsible Officer / Officer's Interest                                                                                                                             | Leonard Long, Manager Development Services; Nil                                                                                                                                           |
| Proponent:                                                                                                                                                           | Dawn Elizabeth                                                                                                                                                                            |
| Landowner:                                                                                                                                                           | Dawn Elizabeth                                                                                                                                                                            |
| Date of Report: 05/12/2017                                                                                                                                           | File No.: TP1999                                                                                                                                                                          |
| Previous Reference:                                                                                                                                                  | Nil.                                                                                                                                                                                      |
| Policy Implications:                                                                                                                                                 | State Planning Policy 3.1 – Residential Design Codes<br>Local Planning Policy 1 – Community Consultation                                                                                  |
| Statutory Implications:                                                                                                                                              | Planning and Development Act 2005;<br>Planning & Development (Local Planning Schemes) Regulations 2015;<br>Peel Region Scheme 2003;<br>Shire of Waroona Local Planning Scheme No. 7 1996. |
| Strategic Implications:                                                                                                                                              | Shire of Waroona Strategic Community Plan 2016/17-2025/26;<br>Shire of Waroona Local Planning Strategy 2009                                                                               |
| Financial Implications:                                                                                                                                              | See heading below                                                                                                                                                                         |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b><br><i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i> |                                                                                                                                                                                           |

### **PROPOSAL SUMMARY**

Council is requested to consider refusal for an application for Planning Consent for a visually impermeable 1.8m high limestone front lot boundary fence.

### **BACKGROUND / INITIAL COMMENTS**

The subject lot measures 2,127m<sup>2</sup> is rectangular in shape and has a 60m frontage onto Thatcher Street. The topography of the lot slopes slightly from north to south across the lot.

The lot contains a single house set back approximately 11m from the front lot boundary and a 66m<sup>2</sup> outbuilding. An existing wooden post and rail fence is located along the western side lot boundary and along portion of the front lot boundary, west of the single house. An existing Colorbond fence is located along the front lot boundary (east of the house). The visually impermeable Colorbond fence along the front lot boundary is 1.8m high with a portion of the fence lowered closer to the driveway. There is no building permit or planning consent on record for the existing front lot boundary fence. Mature native trees are scattered throughout the lot with a large tree located within the front setback area.

The masonry fence is proposed to be 26m long and span from the western corner 26m east along Thatcher Street. The applicant also proposes to build another 1.8m high limestone fence within the front setback area, extending 10m along the western side boundary from the proposed front lot boundary wall. A location plan is at



**APPENDIX 9.2.3A**, site plan at **APPENDIX 9.2.3B**, elevations plan at **APPENDIX 9.2.3C** and photos are at **APPENDIX 9.2.3D**.

Previous approvals

A building permit (BA1988089) was issued for a garage which was approved on 18/08/1988.

**PLANNING – STRATEGIC IMPLICATIONS**

Local Planning Strategy 2009 (LPS)

The subject lot is designated as Residential within and located within the Town Precinct. Council's objective is to provide for the enhancement of the Waroona and Hamel town sites and the planned expansion of the Waroona Townsite to meet future residential demand.

Primary Uses of the designated area include: Single House, Grouped Dwelling, Home Occupation, and Home Office.

**REFERRALS**

Upon referral to internal departments the following comments were received:

- Director of Technical Services: Should Council resolve to approve the proposal a standard condition pertaining to maintaining rainwater run-off within the lot is recommended
- Building Services: Should Council resolve to approve the proposal a building permit and engineering details are required

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

Shire of Waroona Strategic Community Plan 2016/17-2025/26

This item relates to Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

**FINANCIAL ISSUES/IMPLICATIONS**

The planning consent application fee of \$147 has been received.

**POLICY ISSUES/IMPLICATIONS**

State Planning Policy 3.1 – Residential Design Codes (R Codes)

The subject lot is has an applicable density Code of R20. Within the R20 coded area the minimum setbacks are as follows:

- 6 m from primary street
- 1.5 m from a secondary street
- \* from the rear boundary other setbacks

\* Setback depending on wall height, wall length and whether a wall contains major openings or not. (Table 2a and 2b of R Codes).



- Deemed to comply provision C4 of Clause 5.2.4 states that front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street of the front fence are deemed acceptable.
- Deemed to comply provision C5 of Clause 5.2.5 states that walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences other structures adjoin a vehicle access point where a driveway meets a public street and where two streets intersect are deemed acceptable.
- Design principle for 5.2.4 Street walls and fences, states:
  - P4 Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:
    - for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and
    - for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.

In order for Thatcher Street to be classified as a primary distributor or integrator arterial the street would be characterised as having a minimum of 7,000 vehicles per day under the Draft Liveable Neighbourhoods operational policy 2015. Traffic counts from March 2016 show that Thatcher Street only receives an average of 1,227 vehicles per day and is subsequently not a primary or integrator arterial. Further, there is ample space to the rear and the east of the house to accommodate the minimum outdoor living area of 30m<sup>2</sup>, as stipulated under the R Codes whilst still providing privacy and noise screening.
- Deemed to comply provision 5.2.3 Street surveillance, states:
  - C3.1 The street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessed from the street.
  - C3.2 At least one major opening from a habitable room of the dwelling faces the street and the pedestrian or vehicular approach to the dwelling.
- Design principle for 5.2.5 Sight lines, states:
  - P5 Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths are deemed acceptable.

#### Local Planning Policy 1 – Community Consultation

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected landowners aware of a development proposal and to allow them opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision.

The policy requires that an application that proposes to vary the deemed-to-comply requirements of the Residential Design Codes is to be advertised to owners and occupiers of affected neighbouring properties for a period of 14 days.



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

### Planning and Development Act 2005

The Act provides the statutory head of power for enforcement of Local Planning Schemes and regulations made under the Act.

### Planning and Development (Local Planning Schemes) Regulations 2015 (P & D Regs 2015)

Under Schedule 2 - Deemed Provisions for local planning schemes Clause 60 Requirement for Development Approval states the following:

*“A person must not commence or carry out any works on, or use, land in the Scheme area unless —*

- (a) the person has obtained the development approval of the local government under Part 8; or*
- (b) the development is of a type referred to in clause 61.”*

In terms of Clause 61(1)(d) of the P&D Regs 2015, had the proposal been compliant with the R Codes deemed to comply provisions, i.e. visually permeable above 1.2m it would have been exempt from requiring a planning consent. However, due to the required variation being a solid 1.8m high wall the proposal is not exempt from requiring planning consent.

### Peel Region Scheme 2003 (PRS)

Under the Peel Region Scheme the subject lot is zoned Urban.

Cl.12 Purposes of zones, states:

Land is classified into zones under the scheme for the following purposes –

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

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

The subject lot is located within the ‘Urban 4 - Residential’ zone of TPS 7 and is subject to Clause 3.7.

Clause 3.7.1, Objective and Policies states, Council’s objective is to ensure that the residential areas of Waroona Townsite development in a manner which will provide adequately for the variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resources and a high level of urban amenity.

Council policies will therefore be to:

- protect by appropriate zoning, land considered to be adequate and suitable for Waroona’s anticipated residential needs;
- adopt land use control and Residential Design Codes which will permit development of a range of housing types.





- achieve maximum economic use of the urban land resource by encouraging development of vacant subdivided lots and other serviced unsubdivided lots and other serviced unsubdivided areas;
- require that residential development attains a satisfactory standard of urban amenity through siting, design and construction.

The proposed fencing is development ancillary to the existing single house and therefore a “Permitted” Use in the Urban 4 – Residential zone. Notwithstanding the proposal is permitted, the design of the front fence varies from the ‘deemed to comply’ provisions of the R Codes, therefore the proposal requires planning consent.

### **LEGAL ISSUES/IMPLICATIONS**

See Statutory Issues.

### **COMMUNITY CONSULTATION**

In accordance with the provisions of LPP1 and Clause 64 of the Deemed Provisions, notification letters were sent to adjoining/affected neighbours and an advertisement published on the Shire’s website.

A 14 day period was provided for comments relating to the application between 13/10/2017 and the 27/10/2017.

No submissions were received during this period.

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

The development of land for a single house is consistent with the objective of the Residential zone including, development that will provide adequately for a variety of residential needs that is consistent with the best use of available land, resources and a high level of urban amenity.

The application is required to be considered in accordance with the provisions of State Planning Policy 3.1 – Residential Design Codes (R Codes). An assessment of the application against the matters to be considered in the R Codes is as follows:

*Deemed to comply provision C4 of Clause 5.2.4;*

The proposed 1.8m high solid front limestone fence varies from Deemed to Comply Provision 5.2.4 requiring the front fence to be visually permeable above 1.2m high. A gate is proposed to be centrally located at the front fence line and in front of the existing single house. This portion of the fence is visually permeable and will provide some vision into the lot.

*Design principle P4 for 5.2.4 Street walls and fences;*

The front fence being visually impermeable above 1.2m doesn’t permit passive surveillance into the lot. Thatcher Street is not a primary or district distributor or integrator arteria and therefore in accordance with the design criteria of the Residential Design Codes, the need for privacy or noise screening is not justified. At a local scale, Thatcher Street is a relatively busy street for the Townsite of Waroona.



*Deemed to comply provision C5 of Clause 5.2.5;*

The 1.8m high limestone fence is not proposed to be truncated or reduced in height to 0.75m within 1.5m of the existing vehicle access way/driveway in accordance with Clause 5.2.5.

*Design principle P5 for 5.2.5 Sight lines;*

Obstructed sight lines may result in reduced visibility and subsequently reduced safety on the street, cross-over and the footpath.

The deemed to comply provisions and associated design principles that the subject application has been assessed against are broadly based on concepts that are designed to achieve the following:

- Maintain a high standard streetscape;
- Maintain passive surveillance between private and public spaces;
- Maintain security in private places; and
- Prevent or minimise the probability of crime in public and private places.

High walls and solid fences on the front boundary are undesirable because they visually affect the streetscape and generally separate residents from their street and what occurs in it. The visual separation creates a space where crime is more likely to occur due to the lack of opportunity for passive surveillance of the subject area.

Buildings that facilitate a visual connection between the street and private spaces can provide opportunities for high levels of casual surveillance of the street. Appropriate treatment of street walls and fences can clearly define the boundary between private and public areas and contribute to an enhanced streetscape. This reinforces a visual connection between street users and private spaces.

Front lot boundary fencing should be designed to ensure that it effectively defines a property boundary while simultaneously controlling access to the lot and maintaining the standard of the streetscape.

Where a dwelling fronts onto an arterial road carrying high traffic volumes, or where protection is needed from headlight glare from such a road, there may be a case to justify a high wall, especially to provide privacy to an outdoor living area. However, as demonstrated in the above assessment of the classification of Thatcher Street, the volume of vehicles that travel Thatcher Street does not warrant the number and/or type of vehicles required for the street to be classified as an arterial road.

Therefore, front lot fencing is required to be permeable to allow a visual connection with the street while providing security and delineating private and public property. Fencing should not impeded visual surveillance of the street by being too high or visually impermeable.

Recommendation

Given the above assessment, the proposal is not considered to be consistent with the deemed to comply requirement Clause 5.2.4 and Clause 5.2.5 and Design principle P4 for 5.2.5 and Design principle P5 for 5.2.4 or the Design Principles of the R Codes. For this reason the application is recommended for refusal.

|                             |            |                            |                 |
|-----------------------------|------------|----------------------------|-----------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.2.3A-D</b> |
|-----------------------------|------------|----------------------------|-----------------|

### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER RECOMMENDATION**

**That in relation to the proposed front lot boundary fence at Lot 2 (No. 10) Thatcher Street Waroona, Council resolves to refuse the application for the following reasons:**

- 1. The proposed front lot boundary fence and side lot boundary does not comply with the Deemed to Comply provision C4 of Clause 5.2.4 of State Planning Policy 3.1 – Residential Design Codes.**
- 2. The front lot boundary does not comply with the Deemed to Comply provision C5 of Clause 5.2.5 of State Planning Policy 3.1 – Residential Design Codes.**
- 3. The proposed front lot boundary fence and side lot boundary does not comply with the Design principle P4 for Clause 5.2.4 and Design principle P5 for Clause 5.2.5 of State Planning Policy 3.1 – Residential Design Codes.**

|                                                                                                                                                                     |                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>9.2.4 PROPOSED AMENDMENT TO LOCAL STRUCTURE PLAN – LOTS 386, 180 AND 371 HILL STREET AND LOT 9001 ELLIOTT STREET, WAROONA</b>                                    |                                                                                                                                                                                                          |
| Reporting Officer / Officer's Interest:                                                                                                                             | Chris Dunlop, Senior Town Planner; No Interest                                                                                                                                                           |
| Responsible Officer / Officer's Interest                                                                                                                            | Leonard Long, Manager Development Services; No Interest                                                                                                                                                  |
| Proponent:                                                                                                                                                          | GR & LF Martelli                                                                                                                                                                                         |
| Landowner:                                                                                                                                                          | GR & LF Martelli & J Van Twist                                                                                                                                                                           |
| Date of Report: 15 November 2017                                                                                                                                    | File No.: SGP3                                                                                                                                                                                           |
| Previous Reference:                                                                                                                                                 | OCM08/121 of 24 June 2008                                                                                                                                                                                |
| Policy Implications:                                                                                                                                                | SPP2.1 – Peel-Harvey Coastal Plain Catchment<br>Draft Government Sewerage Policy 2016                                                                                                                    |
| Statutory Implications:                                                                                                                                             | Planning and Development Act 2005<br>Planning and Development (Local Planning Schemes) Regulations 2015<br>Planning and Development Regulations 2009<br>Shire of Waroona Local Planning Scheme No.7 1996 |
| Strategic Implications:                                                                                                                                             | Draft South Metropolitan and Peel Sub-Regional Planning Framework 2015<br>Draft Perth and Peel Green Growth Plan for 3.5 Million 2015<br>Shire of Waroona Local Planning Strategy 2009                   |
| Financial Implications:                                                                                                                                             | See heading below                                                                                                                                                                                        |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 3 "<i>Land Use: Responsible Land Use Planning and Protecting Rural Land</i>"</b> |                                                                                                                                                                                                          |

### **PROPOSAL SUMMARY**

Council is requested to consider a proposed amendment to the Local Structure Plan for Lots 386, 180 and 371 Hill Street and Lot 9001 Elliott Street, Waroona, as set out at **APPENDIX 9.2.4A**. The amended Structure Plan provides for the further subdivision of Lot 386 Hill Street.

### **BACKGROUND / INITIAL COMMENTS**

The existing structure plan, adopted by the Shire on 24 June 2008 has not yet been implemented. A copy of the existing structure plan is at **APPENDIX 9.2.4C**. The proposed amendments to the structure plan are:

1. Updating the structure plan report to comply with the format required under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Deleting note 6 from the structure plan which states:

*"Prior to subdivision of the "existing residence", suitable access arrangements will be required to ensure connection to the local road network to the satisfaction of the Local Government."*

3. Replacing an area of 3,123m<sup>2</sup> of Public Open Space adjacent to the existing dwelling on Lot 386 with an area of 3,136m<sup>2</sup> of Public Open Space adjacent to the southern boundary of Lot 9001.
4. The modification of the lot proposed to contain the existing dwelling to be a minimum of 1ha.

### **PLANNING – STRATEGIC IMPLICATIONS**

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

The Draft Framework sets out strategic spatial planning for the future development of the region. The subject land is identified for 'Urban' development in the draft framework.

#### **Draft Perth and Peel Green Growth Plan for 3.5 Million 2015**

The Green Growth Plan provides a strategic level assessment of the environmental impact of the future development of the region and identifies proposed land uses. The subject land is identified by the Green Growth Plan for Urban development.

#### **Shire of Waroona Local Planning Strategy 2009**

The subject land is identified by the strategy as Residential and is within the Town Precinct. The objective of the Residential classification within the Town Precinct is to provide for the enhancement of the Waroona and Hamel townsites and the planned expansion of the Waroona townsite to meet future residential demand.

### **REFERRALS**

The application has been referred to the Department of Planning, Lands and Heritage. Officer comment has confirmed that the updates to the structure plan are in accordance with the Department's structure plan framework.

### **INTERNAL REFERRALS**

The Director Technical Services has raised no objection in relation to the proposal.

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

The relevant Strategic Community Plan issue area is number 3 Land Use: Responsible Land Use Planning and Protecting Rural Land".

### **FINANCIAL ISSUES/IMPLICATIONS**

Regulation 49 of the Planning and Development Regulations 2009 provides for the cost of processing the proposal to be covered by the proponent. An estimate of the Shire's costs has been provided to the proponent and an upfront payment of \$1,363.86 has been received.



## **POLICY ISSUES/IMPLICATIONS**

### **SPP2.1 – Peel-Harvey Coastal Plain Catchment**

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

The objectives of this policy are to:

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

### **Draft Government Sewerage Policy 2016**

The Draft Government Sewerage Policy sets out provisions for development in relation to effluent disposal and protection of the environment.

Clause 6.2 (1) c) of the policy requires that lots within sewerage sensitive areas that are not able to connect to reticulated sewerage be a minimum of one hectare.

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

### **Planning and Development Act 2005**

The Act provides a statutory head of power for all schemes, policies and regulations made under it.

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

Part 4 of Schedule 2 to the Regulations provides deemed provisions for all local planning schemes relating to the preparation, adoption and amendment of structure plans.

Clause 16(1) of Schedule 2 provides the manner and form in which a structure plan must be presented.

Clause 18 of Schedule 2 specifies the community consultation required to be undertaken prior to the consideration of a structure plan.

Clause 20 of Schedule 2 sets out the requirements for the recommendation and reporting of the local government to the Western Australian Planning Commission on a structure plan.



Clause 29 of Schedule 2 sets out provisions in relation to the amendment of a structure plan.

#### Planning and Development Regulations 2009

Regulation 49 of the Planning and Development Regulations 2009 provides for the cost of processing the proposal to be covered by the proponent.

#### Shire of Waroona Local Planning Scheme No.7 1996

The subject land is zoned as a Development Area under the Scheme. The purpose of the Development area as per Schedule 6 is:

*“To provide for the coordinated subdivision of the land, a structure plan must be prepared and approved prior to subdivision and/or development of the land.”*

### **LEGAL ISSUES / IMPLICATIONS**

See Statutory Issues.

### **COMMUNITY CONSULTATION**

Community consultation has been undertaken in accordance with Clause 18 of Schedule 2 to the Planning and Development (Local Planning Schemes) Regulations 2015. The proposed amendment has been advertised for a period of 14 days. One submission was received during the consultation period. A Schedule of submissions is at **APPENDIX 9.2.4B**.

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

#### Changes to Structure Plan

1. *Updating the structure plan report to comply with the format required under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

The changes are required in order for the structure plan to meet the current requirements for adoption of a structure plan. Details of the updates include:

- Adding a cover page;
- Adding an endorsement page;
- Adding a table of amendments;
- Adding a table of density plans;
- Adding an executive summary;
- Adding a table of contents; and
- Removing indicative lot layouts.

2. *Deleting note 6 from the structure plan which states:*

*“Prior to subdivision of the “existing residence”, suitable access arrangements will be required to ensure connection to the local road network to the satisfaction of the Local Government.”*

This note is an unnecessary element of the structure plan. The access arrangements of proposed lots will be assessed at subdivision stage.

3. *Replacing an area of 3,123m<sup>2</sup> of Public Open Space adjacent to the existing dwelling on Lot 386 with an area of 3,136m<sup>2</sup> of Public Open Space adjacent to the southern boundary of Lot 9001.*

The relocation of the Public Open Space (POS) is required to facilitate the subdivision of the existing dwelling whilst maintaining road access. The proposed location of the POS is considered appropriate as it will allow use in conjunction with the adjoining reserve.

4. *The modification of the lot proposed to contain the existing dwelling to be a minimum of 1ha.*

In order to comply with the requirements of the Draft Government Sewerage Policy 2016 any lot proposed to be created without connection to reticulated sewerage must be a minimum of 1ha. It is not considered feasible to extend the sewer network for the subdivision of the existing dwelling and the proponent has therefore altered the size of the lot to contain the existing dwelling in order to facilitate its subdivision prior to the extension of the sewer network.

#### Local Planning Strategy

The proposal accords with the requirements of the Local Planning Strategy in terms of lot size and intended use.

#### State Planning Framework

The proposed amendment to the structure plan is in accordance with the identified use and development of the land under the Draft South Metropolitan and Peel Sub-Regional Planning Framework and Draft Perth and Peel Green Growth Plan for 3.5 Million.

#### Draft Government Sewerage Policy 2016

The increasing of the size of the lot to contain the existing house meets the minimum one hectare lot size requirement of the draft policy. Subdivision and development of the broader structure plan containing lots less than one hectare will be subject to the provision of reticulated sewer.

#### Western Australian Planning Commission Structure Plan Framework

Although the original Structure Plan was approved prior to the Planning and Development (Local Planning Schemes) Regulations 2015 coming into effect, the amendment proposal has been prepared in accordance with the Structure Plan Framework.

Given the potential impact on surrounding properties, the proposed amendment is not considered to be of a minor nature (a Minor Amendment).

#### Conclusion





The proposal has been prepared in accordance with the Western Australian Planning Commissions Structure Plan Framework and Clause 16(1) of Schedule 2 to the Planning and Development (Local Planning Schemes) Regulations and meets the requirements of the Local Planning Strategy and relevant state planning framework. The proposed amendment is not considered to generate a detrimental impact on the amenity of the locality and is therefore recommended for approval.

|                             |            |                            |                   |
|-----------------------------|------------|----------------------------|-------------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.2.4A,B,C</b> |
|-----------------------------|------------|----------------------------|-------------------|

### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER RECOMMENDATION**

- 1. That in relation to the proposed amendment to the Local Structure Plan for Lots 386, 180 and 371 Hill Street and Lot 9001 Elliott Street, Waroona as set out at APPENDIX 9.2.4A, Council resolves, in accordance with Clause 20 (2) (e) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015*, to recommend to the Western Australian Planning Commission that the proposed amendment be approved without modification.**

**9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

| <b>9.3.1 ACCOUNTS FOR PAYMENT</b>                                                                                                                                   |                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Reporting Officer / Officer's Interest:                                                                                                                             | Kathy Simpson, Finance Officer / Nil                |
| Responsible Officer / Officer's Interest                                                                                                                            | Ashleigh Nuttall – Manager Corporate Services / Nil |
| Proponent:                                                                                                                                                          | N/A                                                 |
| Landowner:                                                                                                                                                          | N/A                                                 |
| Date of Report: 7/12/17                                                                                                                                             | File No.: 1/3                                       |
| Previous Reference:                                                                                                                                                 | N/A                                                 |
| Policy Implications:                                                                                                                                                | N/A                                                 |
| Statutory Implications:                                                                                                                                             | N/A                                                 |
| Strategic Implications:                                                                                                                                             | N/A                                                 |
| Financial Implications:                                                                                                                                             | N/A                                                 |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b> |                                                     |
| <b>Voting Requirements</b>                                                                                                                                          | <b>Simple Majority</b>                              |

|                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Appendices Attached:</b> Yes | <b>Appendices Numbers:</b> 9.3.1 |
|---------------------------------|----------------------------------|

| <b><u>OFFICER RECOMMENDATION</u></b>               |                               |                            |
|----------------------------------------------------|-------------------------------|----------------------------|
| <b>That Vouchers numbered:</b>                     |                               |                            |
| <b><u>ACCOUNT</u></b>                              | <b><u>CHEQUE NOS.</u></b>     | <b><u>TOTAL \$</u></b>     |
| Municipal                                          | Cheques 8767 - 8786           | \$26,010.86                |
| Trust (Cheque/EFTs)                                | EFT -<br>Chq: 11151-11153     | \$3,463.90                 |
| Electronic Transfers<br>Municipal Fund             | EFT 26319 to 26502            | \$325,186.81               |
| Direct Wages                                       | 01/11/17 – 30/11/17 inclusive | \$193,463.40               |
| Direct Debits                                      | 01/11/17 – 30/11/17           | \$270.85                   |
| <b>GRAND TOTAL:</b>                                |                               | <b><u>\$548,395.82</u></b> |
| <b>and attached at Appendix 9.3.1 be endorsed.</b> |                               |                            |



|                                                                                                                                                                     |                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 30 NOVEMBER 2017</b>                                                                 |                                                     |
| Reporting Officer / Officer's Interest:                                                                                                                             | Ashleigh Nuttall – Manager Corporate Services / Nil |
| Responsible Officer / Officer's Interest                                                                                                                            | Ashleigh Nuttall – Manager Corporate Services / Nil |
| Proponent:                                                                                                                                                          | N/A                                                 |
| Landowner:                                                                                                                                                          | N/A                                                 |
| Date of Report: 13/12/17                                                                                                                                            | File No.: 1/1                                       |
| Previous Reference:                                                                                                                                                 | N/A                                                 |
| Policy Implications:                                                                                                                                                | N/A                                                 |
| Statutory Implications:                                                                                                                                             | N/A                                                 |
| Strategic Implications:                                                                                                                                             | N/A                                                 |
| Financial Implications:                                                                                                                                             | N/A                                                 |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b> |                                                     |
| <b>Voting Requirements</b>                                                                                                                                          | <b>Simple Majority</b>                              |

|                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Appendices Attached:</b> Yes | <b>Appendices Numbers:</b> 9.3.2 |
|---------------------------------|----------------------------------|

**OFFICER RECOMMENDATION**

**That the Monthly Statements of Financial Activity for the period 1 July 2017 to 30 November 2017 be received and noted.**



| <b>9.3.3 RANGER RESOURCE SHARING – CONTRACT EXTENSION</b>                                              |                                                                       |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Reporting Officer / Officer's Interest:                                                                | Laurie Tilbrook, Deputy CEO/Director Corporate Services; Nil Interest |
| Responsible Officer / Officer's Interest                                                               | Laurie Tilbrook, Deputy CEO/Director Corporate Services; Nil Interest |
| Proponent:                                                                                             | Shire of Murray                                                       |
| Landowner:                                                                                             | N/A                                                                   |
| Date of Report: 11 December 2017                                                                       | File No.: 184/1                                                       |
| Previous Reference:                                                                                    |                                                                       |
| Policy Implications:                                                                                   | <i>See heading below</i>                                              |
| Statutory Implications:                                                                                | <i>See heading below</i>                                              |
| Strategic Implications:                                                                                | <i>See heading below</i>                                              |
| Financial Implications:                                                                                | <i>See heading below</i>                                              |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b>                            |                                                                       |
| <i>No 6 Good Government: Active &amp; Responsible Civic Leadership, &amp; Excellence in Management</i> |                                                                       |

### **PROPOSAL SUMMARY**

The Council is requested to endorse a 36 month (3 Year) extension to the contract “Provision of Contract Ranger & Administration Services” operated as a resource sharing initiative with the Shire of Murray.

### **BACKGROUND / INITIAL COMMENTS**

As Councillors would be aware this significant initiative was endorsed by the Council in May 2015 for an initial 3 year term of 1 July 2015 to 30 June 2018.

The contract includes a clause for a further extension to June 2021 but not longer. The intent at this point would be (in late 2020) to conduct a full review of the sharing arrangement taking into account all factors including the state political climate which may exist in the period during and leading up to this date.

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

The relevant Strategic Community Plan issue area is number 6 “Active Civic Leadership, Good Governance and Excellent in Management”. In particular Strategy 6.08 relates to the sharing of resources.

### **FINANCIAL ISSUES/IMPLICATIONS**

The Council conducted an extensive costing exercise (Feb-May 2015) which resulted in an annual estimated contract payment of \$273,000 for 2015/16. This was largely achieved by the deletion of a former Director position (Director Community Services – Steve Cleaver).

This estimate was slightly over with actual costs being less (estimate for 2017/18 is \$253,000).

It will be necessary to conduct a further review to coincide with contract renewal, most likely in late 2020 as detailed above.

Financial estimates for 2018/19 will be provided during budget deliberations in the normal manner.

**POLICY ISSUES/IMPLICATIONS**

Nil for the purpose of the Ranger Resource Sharing contract extension. Extensive changes to Council policies and operational guidelines have been made since the inaugural implementation of the contract.

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Nil for the purpose of this report.

All State Acts and associated regulations which are applicable to both Councils have been adopted in day to day procedures.

Of more importance are the Council’s Local Laws of which there are obvious differences between Councils and Rangers have had to familiarise themselves with the key differences.

The Council’s “Local Government Property Local Law” has been identified as requiring an amendment (in relation to Council boundaries) and this will be the subject of a separate report in early 2018.

In addition the Council’s schedule of fees and charges also has been the subject of review.

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Not required for the purpose of this report (ie contract extension).

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

In addition to the contract extension there are a number of other variations (schedule 1) in relation to statutes. These are detailed in the attached (**Appendix 9.3.3**) “Deed” which requires endorsement.

The Council of the Shire of Murray are not required to endorse the Deed as that Council has previously agreed to a 3 year extension of the contract at the time of its inception therefore only requires agreement of the Shire of Waroona to enact the Deed.

|                             |            |                            |              |
|-----------------------------|------------|----------------------------|--------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers:</b> | <b>9.3.3</b> |
|-----------------------------|------------|----------------------------|--------------|



**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

- 1. That the Council endorse a 3 year extension of its contract with the Shire of Murray for the “Provision of Contract Ranger & Administration Services” for the period 1<sup>st</sup> July 2018 to 30<sup>th</sup> June 2021 as per the attached draft Deed.**
- 2. Subject to satisfactory outcomes from negotiations which support operational aspects and cost structures to the satisfaction of the Chief Executive Officer, authority be granted for use of the common seal on the Deed of Extension.**

**9.4 CHIEF EXECUTIVE OFFICER**

Nil.

**10. CONFIDENTIAL REPORTS**

Nil

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

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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13. CLOSURE OF MEETING**