



**Date: 22 March 2018**

**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 27 March 2018 at 4.00pm to consider and resolve the matters set out in the attached Agenda.**

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

**IAN CURLEY  
CHIEF EXECUTIVE OFFICER**

## **PUBLIC QUESTION TIME**

**AND**

## **PUBLIC STATEMENT TIME**

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

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# **AGENDA**

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**
3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**  
  
(Disclosure of interest **MUST ALSO** be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
- 8.1 **ORDINARY COUNCIL MEETING – 27 FEBRUARY 2018**

**OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting held 27 February 2018 be confirmed as being a true and correct record of proceedings.**

- 9.0 **REPORTS OF OFFICERS AND COMMITTEES**
- 9.1 **DIRECTOR TECHNICAL SERVICES**  
Nil

## 9.2 DIRECTOR DEVELOPMENT SERVICES

<b>9.2.1 EXTRACTIVE INDUSTRY RENEWAL – LOT 2 JOHNSTON 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:	Roberts Day
Landowner:	Anham Nominees PTY LTD & Fourbells Nominees PTY LTD
Date of Report: 30/01/2018	File No.: TP2021
Previous Reference:	OCM06/066 of 28/3/2006 OCM13/2/008 of 19/02/2013
Policy Implications:	Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 Local Planning Policy 1 – Community Consultation Local Planning Policy 15 – Extractive Industry Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005
Statutory Implications:	Planning and Development Act 2005; Environmental Protection Act 1986; Local Government Act 1995 Environmental Protection (Noise) Regulations 1997; Planning & Development (Local Planning Schemes) Regulations 2015; Shire of Waroona Local Planning Scheme No. 7 1996; Shire of Waroona Extractive Industries Local Law 1999.
Strategic Implications:	Local Planning Strategy 2009; Shire of Waroona Strategic Community Plan 2016/17-2025/26;
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</b>	

### **PROPOSAL SUMMARY**

An application has been made for the renewal of a Planning Consent for an Extractive Industry as well as the Extractive Industry Licence for Lot 2, Johnston Road, Waroona. See location Map and Stages of Extraction and Rehabilitation Map in **APPENDIX 9.2.1A & 9.2.1B**.

The Extractive Industry extracts sand in the continuation of the existing operation on the site. No changes are proposed to the extractive industry operations.

### **BACKGROUND / INITIAL COMMENTS**

The area previously approved (9.8Ha) is to continue to be mined without change. The site is located approximately 1km north of Johnston Road and abuts the state forest



along the western boundary. The closest residence to the proposed expansion area is located 2.5km to the east on Lot 15 Bristol Road.

The Extractive Industry is proposed to operate six (6) days per week 6am to 5pm subject to the demand for sand.

#### Previous Approvals

TP1532 – Extractive Industry approved 19 February 2013.

TP910 – Extractive Industry approved 28 March 2006.

### **PLANNING – STRATEGIC IMPLICATIONS**

#### Local Planning Strategy 2009 (LPS)

The subject lot is designated as General Agriculture and located within the Agricultural 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.

Extractive Industry is identified as a discretionary use in the General Agriculture area.

### **INTERNAL REFERRALS**

The Director of Technical Services provided recommended conditions of approval.

### **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 \$455 has been received. The licence will be subject to an annual fee of \$700.

A condition of approval has been recommended requiring a financial contribution to the maintenance of the local road network.

### **POLICY ISSUES/IMPLICATIONS**

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

Lot 2 is not included in the mapped policy application area of the PRS Policy.

#### Local Planning Policy 1 – Community Consultation

The policy requires that an application for an Extractive Industry be advertised to owners and occupiers of affected neighbouring properties for a period of 21 days, as well as the placement of one advertisement in the local paper and a sign erected on site.



### Local Planning Policy 15 – Extractive Industry (LPP15)

Policy statement 4 of LPP15 states that Planning Consent for extractive industries shall be issued for a maximum period of 5 years.

Policy Statement 5 of LPP15 states that where Planning Consent is issued for a period exceeding 2 years a condition shall be applied requiring a progress report to be submitted mid-way through the licence.

Policy statement 6 of LPP15 states that where the traffic generated by an extractive industry will result in a significant impact on the local road system the applicant shall be required to make a proportionate contribution toward the upgrading and/or maintenance of the local road system.

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

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

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

### **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 & Development (Local Planning Schemes) Regulations 2015;

Clause 60 of Schedule 2 (deemed provisions) requires development approval to be obtained prior to any works or use of land except where exempted under Clause 61.

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

Clause 5 of the Noise Regulations relates to unreasonable noise and requires that where complaints are received, noise may be considered to be unreasonable.

The provisions of Regulation 8 (Table 1) in relation to maximum noise levels relevant to operations in excess of 15m to noise sensitive buildings apply to the site at all hours of the day.

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

Lot 2 is zoned Rural 1 – General Farming under the TPS.

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

Clause 3.13.1 of the TPS states that the objectives of Rural zones are to preserve the rural character of the district's farming lands and to ensure that they continue to



contribute materially to the district's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council's policies will therefore be to:

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

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

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

The purpose of the Local Law is to;

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

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

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

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

See statutory issues.

#### **COMMUNITY CONSULTATION**

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

- Notification letter sent to owners of surrounding lots;
- Display of a sign on the subject site;
- Advertisement published in the local paper circulating the Scheme area (Waroona Harvey Reporter); and
- Advertisement on Shire website.





A 21 day period was provided for comments relating to the application between 13 February 2018 and 6 March 2018. No public submissions were received. A schedule of other submissions is at **APPENDIX 9.2.1C**.

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

### Land Use and Zone Objectives

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

### Impact on Adjoining Owners

The subject site is located in a relatively isolated location and is separated from the nearest 'sensitive land use' as defined by the Guidance Statement by a distance of 2.5km. Given this, and supported by the fact that no complaints have been recorded relating to the Extractive Industry during its 5 years of operation, it is considered that the sand extraction does not detrimentally affect the surrounding lots in terms of noise or dust pollution.

### Environmental Impact

A clearing permit of has previously been issued by the Department of Environment Regulation. The full extent of the proposed extraction area has been cleared in accordance with that permit.

Given that the proposed renewal of the existing licence does not propose any further clearing the environmental impact of the continuation of the operation is considered to be minimal.

### Vehicle Access

The extraction area on Lot 2 is accessed via a private road constructed across Lot 2. The access road provides access to the site from Johnston Road. A condition of approval has been recommended regarding a contribution to the upkeep of the shire's local road network.

### Progress Report and Ongoing Management

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

### Conclusion

The continuation of sand extraction operations is required within the Shire to provide resources for the building and construction industry. Lot 2 has operated as an Extractive Industry for the last 12 years with no complaints or ongoing issues being recorded. Given the ongoing demand for raw materials and the acceptability of the

environmental and amenity impacts of the proposal it is recommended that the proposed Extractive Industry be approved subject to appropriate conditions.

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

Simple Majority

### **OFFICER RECOMMENDATION**

**That in relation to the application for the extension of the Extractive Industry at Lot 2 Johnston Road, Waroona, Council resolves to:**

**A. Approve the application for planning consent for an Extractive Industry subject to the following conditions:**

- 1. The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Shire of Waroona.**
- 2. Prior to the continuation / commencement of the use the operator shall undertake upgrades, and make contributions to maintenance, in respect of roads used by the operator in connection with the extractive industry, in accordance with the terms of a deed of agreement between the operator and the Shire; and enter into a deed of agreement that is substantially in accordance with the Shire's draft 'Deed of Agreement for Road Upgrade and Maintenance Contribution'.**
- 3. A Rehabilitation Plan being submitted to the satisfaction of the Shire of Waroona.**
- 4. Clearing and Rehabilitation is to occur in accordance with an approved Rehabilitation Management Plan.**
- 5. Materials imported for rehabilitation or other purposes shall be certified free of dieback and other plant diseases.**
- 6. No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of the Shire of Waroona detailing progress of extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
- 7. All stormwater is to be contained on site to the satisfaction of the Shire of Waroona**

- 8. The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
- 9. Other than repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.**
- 10. Fuel storage tanks shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils or groundwater occurs.**
- 11. Signs to be placed on Johnston Road indicating the ingress and egress of trucks to the site to the specification and satisfaction of the Shire of Waroona.**
- 12. The crossover to Johnston Road is to be sealed to the satisfaction of the Shire of Waroona. As a minimum the crossover shall be sealed between the constructed edge of Johnston Road and the property boundary.**
- 13. The Planning Consent shall expire after a period of five (5) years from the date of this approval.**

**ADVICE TO APPLICANT:**

- a) The applicant is advised that the extractive industry operations are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- b) Groundwater abstraction, including pit dewatering, is subject to licencing from the Department of Water and Environment Regulation.**
- c) Clearing of native vegetation is subject to the issuance of a Clearing Permit from the Department of Water and Environment Regulation.**
- d) Should the applicant wish to renew the Planning Consent, an application is to be lodged with the Shire well in advance of the expiry of the five (5) year period.**

**B. Issue an Extractive Industry Licence subject to the following conditions:**

- 1. The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Shire of Waroona**
- 2. A Rehabilitation Plan being submitted to the satisfaction of the Shire of Waroona**

- 3. Clearing and Rehabilitation is to occur in accordance with an approved Rehabilitation Management Plan.**
- 4. Materials imported for rehabilitation or other purposes shall be certified free of dieback and other plant diseases.**
- 5. All stormwater is to be contained on site to the satisfaction of the Shire of Waroona.**
- 6. The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
- 7. Other than repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.**
- 8. Fuel storage tanks shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils or groundwater occurs.**
- 9. Signs to be placed on Johnston Road indicating the ingress and egress of trucks to the site to the specification and satisfaction of the Shire of Waroona.**
- 10. No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of Council detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
- 11. The crossover to Johnston Road is to be sealed to the satisfaction of the Shire of Waroona. As a minimum the crossover shall be sealed between the constructed edge of Johnston Road and the property boundary.**
- 12. The Extractive Industry Licence shall expire after a period of five (5) years from the date of this approval.**

**ADVICE TO APPLICANT:**

- a) The applicant is advised that the extractive industry operations are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- b) Groundwater abstraction, including pit dewatering, is subject to licencing from the Department of Water and Environment Regulation.**
- c) Clearing of native vegetation is subject to the issuance of a Clearing Permit from the Department of Water and Environment Regulation.**

- d) Operations are to be carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.**
- e) The applicant is advised that the Licence is subject to the payment of an annual Licence Renewal Fee as required in the Shire of Waroona Extractive Industries Local Law 1999 and prescribed in the Shire's adopted Fees and Charges. The licence shall lapse where the licensee fails to pay the annual licence fee.**
- f) The transfer of a licence is subject to the approval of the Shire.**
- g) Should the licensee wish to renew the licence, an application should be made to the Shire at least 42 days before the date of expiry of the licence.**
- h) Where a licensee intends to cease carrying on an extractive industry temporarily for a period in excess of 12 months or permanently, the licensee must, as well as complying with clause 21 of the Local Law, give the Shire written notice of the cessation not later than 1 week after those operations have ceased.**
- i) Prior to the cessation of operations, all restoration works required in terms of clause 21 of the Shire of Waroona Extractive Industries Local Law 1999 shall be carried out.**

<b>9.2.2 PROPOSED AMENDMENT TO LOCAL PLANNING POLICY 26 – HOLIDAY HOMES / HOUSES</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 13/11/2017	File No.: LPP26
Previous Reference:	OCM12/06/070
Policy Implications:	Local Planning Policy 26 – Holiday Homes
Statutory Implications:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Waroona Local Planning Scheme No.7, 1996
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	Advertising costs (incorporated in operational budget)
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>Theme 3: Responsible Land Use Planning and Protecting Rural Land</i>	

### **PROPOSAL SUMMARY**

Council is requested to initiate the amendment of Local Planning Policy 26 – Holiday Homes (LPP26). Should no objections be received through the public consultation process, the policy would be considered adopted by the Council.

### **BACKGROUND/INITIAL COMMENTS**

The current version of LPP26 was adopted by Council at its Ordinary Meeting of 26 June 2012. Since that time LPP26 has been applied in the assessment of development applications.

The policy is proposed to be amended to address issues and inconsistencies that have arisen in the day to day application of the policy.

Changes proposed to the policy include;

- Renaming the policy to 'Holiday Houses' and updating terminology throughout the policy to align with the current definitions of the Local Planning Scheme;
- Deleting provisions relating to the timeframe for obtaining consent for Holiday Homes that were operating prior to the adoption of the policy;
- Updating references to the Scheme and planning legislation;
- Updating the format of LPP26 to conform with the Shire's current local planning policy manual;

A copy of the revised policy is at **APPENDIX 9.2.2A**. Changes are indicated by deleted text being struck through and new text included being highlighted.

The Western Australian Local Government Association has released a discussion paper entitled "Short Term Accommodation and the Sharing Economy". The



discussion paper provides a snapshot to the current frameworks applied within WA and other states. The policy is consistent with the general form and provisions applied across WA. The discussion points raised including the review and potential elevation of Planning Bulletin 99 - Holiday Homes Guidelines would be considered once published. If any relevant changes were to occur to the framework, they would be considered in a further review of the LPP.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil.

### **REFERRALS**

The draft policy will be referred to internal departments, prior to being referred to Council for final adoption.

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

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

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

### **FINANCIAL ISSUES/IMPLICATIONS**

Cost of Advertising the Policy within the budget (incorporated into Council's existing advertising expenses associated with the Sea to Scarp publication).

### **POLICY ISSUES/IMPLICATIONS**

Nil.

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

#### Planning and Development Act 2005

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and Section 162 specifies that where required in a planning scheme, development is not to commence without approval of a development application.

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

Schedule 2 of the Regulations sets out deemed provisions for Local Planning Schemes that are to be read as part of the Local Planning Scheme.

Clause 4 of Schedule 2 sets out the procedure for making a local planning policy.

*(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*

*(a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*

- (i) the subject and nature of the proposed policy; and*
- (ii) the objectives of the proposed policy; and*



- (iii) *where the proposed policy may be inspected; and*
  - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
  - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
  - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- 3) *After the expiry of the period within which submissions may be made, the local government must —*
- (a) *review the proposed policy in the light of any submissions made; and*
  - (b) *resolve to —*
    - (i) *proceed with the policy without modification; or*
    - (ii) *proceed with the policy with modification; or*
    - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
- (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
  - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

Clause 5 of Schedule 2 prescribes the procedure for amending a local planning policy.

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

Although a Town Planning Scheme policy does not bind Council, it shall have regard for the policy when making a decision.

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

See Statutory Issues.

#### **COMMUNITY CONSULTATION**

Clause 4(1) of the Regulations require a draft Planning Policy to be advertised in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

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

The addressing of the day to day operational issues of LPP26 forms part of the Shire's ongoing review of its Local Planning Policy Manual. The regular review of





local planning policies plays an important role in ensuring that all policies are clear, up to date with current best practice and are achieving their objectives.

Changes to the policy are considered to be minor, however deleting provisions relating to the timeframe for obtaining consent for holiday houses that were operating prior to the adoption of the policy in particular would avoid potential issues when compliance action is undertaken in relation to unapproved holiday houses.

The changes proposed to LPP26 are not expected to affect the implementation of the policy and are considered to be minor in nature. It is recommended that the amended policy be initiated for public consultation.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.2.2A</b>
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### **VOTING REQUIREMENTS**

Absolute Majority.

### **OFFICER RECOMMENDATION**

1. That in relation to Local Planning Policy 26.0 – Holiday Homes / Houses and pursuant to Clause 4 of Schedule 2 to the *Planning and Development (Local Planning Scheme) Regulations 2015*, Council resolves to initiate the amended policy in accordance with APPENDIX 9.2.2A for consultation purposes.
2. Should no objections be received through the consultation process required in (1.) above, the policy be considered adopted by the Council. The date of adoption shall be the date of the first Ordinary Council Meeting following the conclusion of the consultation period.

<b>9.2.3 PERON NATURALISTE PARTNERSHIP – MEMORANDUM OF UNDERSTANDING AND MEMBERSHIP CONTRIBUTION</b>	
Reporting Officer / Officer's Interest:	Louis Fouché - Director Development Services / No Interest and Leonard Long – Manager Development Services / No Interest
Responsible Officer / Officer's Interest	Louis Fouché - Director Development Services / No Interest
Proponent:	Peron Naturaliste Partnership Incorporated
Landowner:	Not Applicable
Date of Report: 20/03/18	File No.: 48/7
Previous Reference:	9.2.5 of 26 October 2010 10.1 of 18 December 2012 9.2.1 of 22 September 2015
Policy Implications:	Statement of Planning Policy No. 2.6 - State Coastal Policy (2013) Policy 1.3 Election of Members and representatives
Statutory Implications:	Local Government Act 1995 Planning and Development Act 2005 The Associations Incorporation Act 1987
Strategic Implications:	State Planning Strategy 2050 (2014) Coastal & Lakelands Planning Strategy (1991) Local Planning Strategy (2009)
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>No. 2 "Conserving our Unique Environment"</i>	

### **PROPOSAL SUMMARY**

It was recognised by the Peron Naturaliste Partnership (PNP) Board that to clearly outline the expectations of the local governments and the PNP, their respective roles and responsibilities and the governance and working arrangements, a Memorandum of Understanding (MoU) should be developed and entered into.

To retain membership of the PNP there is a financial contribution payable annually to enable the PNP to employ staff and undertake certain projects which benefit the member Council's to different extents.

It is proposed that Council:

- Endorses the Shire re-entering into a "Memorandum of Understanding" with the Peron Naturaliste Partnership; and
- Proposes a fixed membership contribution of \$5,000.

### **BACKGROUND / INITIAL COMMENTS**

The PNP includes the local governments of Bunbury, Busselton, Capel, Dardanup, Harvey, Mandurah, Murray, Rockingham and Waroona. The vision of the PNP is to empower a resilient regional community to reduce risks and optimise opportunities presented by climate change.



The Vision of the PNP is to empower a resilient regional community to reduce risks and optimise opportunities presented by climate change. The primary objective of the PNP is to provide a regional mechanism to facilitate effective and timely adaptation responses to climate change. Specific objectives to achieve the vision and primary objective are to:

- Demonstrate regional leadership to support effective advocacy at all levels of government;
- Facilitate access to data and information relevant to the Peron Naturaliste coastal including estuarine areas;
- To adopt a regional approach to the preparation of applications for grants and other submissions to support timely adaptation responses to climate change;
- To promote consistent information to coastal communities and decision-makers about vulnerability and risk and adaptation strategies;
- To share local knowledge and experience to support and inform effective, innovative adaptation responses;
- To collaborate over the management implications of the risk to life and property caused by climate change; and
- To identify and address current and potential coastal including estuarine hazards through research and project development.

At its Ordinary Council Meeting of 22 October 2010 Council resolved as follows:

*That Council:*

1. *Supports the Shire of Waroona formalising a commitment to the Peron Naturaliste Partnership.*
2. *Authorises that the Chief Executive Officer be delegated authority to negotiate and enter into any formal agreement / Memorandum of Understanding in relation to The Peron Naturaliste Initiative.*

At its Ordinary Council Meeting of 18 December 2012 Council resolved as follows:

*That Council:*

1. *Agree that PNP should participate in a delegation to the Premier and/or the appropriate State Minister(s) to present the report, seek formal acknowledgement of the report and ask what the state's role will be in relation to this matter. Specific requests will include;*
  - a. *repository / central database of current reports, data and modelling should be established and made available to local governments;*
  - b. *ownership of coastal protection assets to be clarified; and*
  - c. *request funding to address limitations highlighted in report.*

At its Ordinary Council Meeting of 26 August 2014 Council resolved as follows:

*That in relation to the proposal to incorporate the Peron Naturaliste Partnership Council:*

1. *Endorses the incorporation of the Peron Naturaliste Partnership as per appendix 9.3.4B.*
2. *Authorises the Chief Executive Officer to engage with the other PNP local governments to finalise the Constitution and structure and to enter into the PNP as an 'incorporated body'.*

3. *Acknowledges the Shire's indicative financial contribution in 2015/16 and 2016/17 of \$5,891.02 and \$6,031.44 respectively (totalling \$11,922.46), which will be subject to Shire's normal budgetary procedures.*

At its Ordinary Council Meeting of 22 September 2015 Council resolved as follows:

That Council

1. *Acknowledges the incorporation of the Peron Naturalist Partnership.*
2. *Acknowledges the appointment of Shire of Harvey President Councillor Tania Jackson as Interim Chairperson and City of Mandurah Councillor Caroline Knight as interim Deputy Chairperson of the Peron Naturalist Partnership Board.*
3. *Endorses the Shire entering into a "Memorandum of Understanding" with the Peron Naturalist Partnership.*

The nine local governments entered into a MoU in March 2011 and re-signed the MoU (2013 – 2015) in February 2013. On 25 March 2015 the PNP became an incorporated association.

The current PNP Board Chairperson is City of Busselton Councillor John McCullum and the Deputy Chairperson is City of Mandurah Councillor Caroline Knight.

## **PLANNING – STRATEGIC IMPLICATIONS**

### **State Planning Strategy 2050 (2014)**

The Strategy outlines the Government's intention to undertake a collaborative approach in planning for the State's land availability, physical and social infrastructure, environment, economic development and security.

It offers a strategic context and guide for future strategies, plans, policies and decisions by public and local authorities with specific responsibilities or influence in the sustainable use and development of land throughout the State.

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

The Strategy is a vehicle for:

- a. collating information that addresses the land use matters within the Shire for the next ten to twelve years; and
- b. formulating strategies to address land use matters.

The Strategy is a working document for all interested parties but particularly the Shire of Waroona. It is intended that it would be subject to review.

## **REFERRALS**

The following local governments were consulted:

- Shire of Capel
- Shire of Dardanup
- Shire of Harvey
- Shire of Murray
- Shire of Waroona
- City of Bunbury
- City of Busselton



- City of Mandurah
- City of Rockingham

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

The relevant Strategic Community Plan theme area is number No. 2 “Conserving our Unique Environment”.

### **FINANCIAL ISSUES/IMPLICATIONS**

Council’s annual membership contribution to the PNP was \$5,891 for the 2015/2016 financial year, which increased to \$6,031.44 in 2016/2017. The contribution is proposed to increase to \$7046.88 in the 2017/2018 financial year.

The PNP’s proposed budget for the 2018/2019 financial year totals \$160,650. To make up this amount the PNP uses a membership contribution model based on the following criteria for each member Shire / City:

- Cost based on rate revenue
- Cost based on coastline length.

The final membership contribution is based on the average of the cost based on rate revenue and the cost based on coastline length

This model could be based on a number of options. Three (3) scenarios were considered by officers, with the only criteria changed in the scenarios being the ‘Coastline length’. It is acknowledged that the assessments were based on local government rate revenue for 2015/2016 obtained from WALGA’s website and that 2016/2017 rate revenue was not yet available on the website at the time of writing of the report. See **APPENDIX 9.2.3A**

Scenario 1, bases the contribution on the length of actual developed ‘Urban’ zoned land along the Shire’s coastline of approximately 1.5 km. Based on this scenario, the Council’s contribution to the PNP would be \$1,828.20.

Scenario 2 bases the contribution on the length of ‘Urban’ zoned land along the Shire’s coastline of approximately 2.5 km. Based on this scenario the Council’s contribution to the PNP would be \$2,210.67.

Scenario 3 bases the contribution on the full length of the Shire’s coastline (approximately 16 km). Based on this scenario the Council’s contribution to the PNP would be \$7,036.73.

Notwithstanding the above scenarios, discussions at officer level with the PNP has resulted in a potential compromise of the contribution payable by the Shire to be capped at \$5,000. This scenario recognises the value received from regional PNP projects.

### **POLICY ISSUES/IMPLICATIONS**

#### **State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6)**

SPP 2.6 provides a strategic basis for coordinating and promoting land use, transport and land development in a sustainable manner throughout Western Australia. The



purpose of this Policy is to provide guidance for decision-making within the coastal zone including establishment of foreshore reserves; managing development and land use change; and to protect, conserve and enhance coastal values. This policy recognises and responds to regional diversity in coastal types; ensures coastal hazard risk management and adaptation is appropriately planned for; and encourages innovative approaches to managing coastal hazard risk.

#### Election of Members and representatives

Members of Committees and representatives of Council are elected at a Special Meeting of Council following the day set aside for Biennial Elections in October or the next Ordinary Meeting of Council. Representative/s of Council to the PNP are elected according to this policy.

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

#### Local Government Act 1995

Section 1.3 (3) of the Local Government Act 1995 states “In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity”.

In order to ‘meet the needs of current and future generations’, Local Government must address climate change impacts on its community. Climate change poses a growing threat to the community and to Local Government, environmentally, socially and financially, and a range of mitigation and adaptation strategies must be applied to ensure that both social and legal obligations are met and risks and future costs are reduced.

#### Planning and Development Act 2005

Section 77 of the Planning and Development Act 2005 requires local governments, when preparing or amending a local planning scheme, to have due regard to this State Coastal Planning Policy where it affects its district. The local governments may decide to make a new or amended scheme consistent with particular aspects of this State Coastal Planning Policy, or include in a new or amended scheme a provision that this State Coastal Planning Policy is to be read as part of the scheme.

#### The Associations Incorporation Act 1987

The Act provides a framework of regulation for not-for-profit organisations such as sport and recreation clubs, societies and community groups in Western Australia, but leaves the internal management of associations largely to the members. It allows an association to incorporate as a separate legal body and limits the liability of its members for lawful activities.

### **LEGAL ISSUES/IMPLICATIONS**

See Statutory Issues

### **COMMUNITY CONSULTATION**

Nil



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

### **Election of Members and representatives**

Council's appointment of 24 October 2017 of Cr Walmsley (Cr Mason – proxy) as its representatives at the Peron Naturaliste Partnership will continue until one of the representatives resign or until the 2017-2019 term of members terminate.

Council's elected member representative represents Council on the PNP Board of Governors while the Director Development Services / Manager Development Services represents the Shire on the Coastal Planning Committee.

### **General comments**

In addition to a 'Constitution' the PNP is to operate within a Memorandum of Understanding (MoU) between the PNP and each local government.

A MoU has been drafted as provided at **APPENDIX 9.2.3B**. The MoU is an agreement between the PNP and each member local government and provides on a non-legally binding basis, an outline of the expectations of the parties, their respective roles and responsibilities and details the governance and working arrangements to achieve the agreed objectives. The MoU includes an outline of the general operating approach and expenses of the host local government, current being the City of Mandurah.

The local governments will monitor the arrangements applying to the MoU on an ongoing basis and may through the exchange of letters between the respective Chief Executive Officers and approval by the PNP, modify the MoU. Furthermore, all parties will formally review the MoU within two years from the date of the MoU to ascertain whether the terms of the MoU are still relevant or necessary.

The MoU is a non-legally binding agreement between the PNP and each member local government that clearly outlines the roles and responsibilities of each party and in particular outlines the operation and expenses of the host local government, which is currently the City of Mandurah.

The PNP continues to be recognised as a leader not only in WA but in Australia as being a good example of a partnership approach that is effectively addressing climate change matters. This MoU is an essential agreement in the PNP governance framework and strengthens the approach taken by the PNP and its member local governments.

Should Council resolve not to support the proposed capped membership contribution of \$5,000 and prefer to contribute as per scenario 1 or 2, it is unlikely to secure the support of the other member Councils, as they would be required to further increase their contribution proportionately to achieve the proposed PNP budget (\$160,650.00 for 2018/2019).

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.3A and B</b>
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## **VOTING REQUIREMENTS**

Simple Majority.



**OFFICER RECOMMENDATION**

**That in relation to the Peron Naturaliste Partnership Memorandum of Understanding and Membership Contributions, Council:**

- 1. Endorses the Shire re-entering into a “Memorandum of Understanding” with the Peron Naturaliste Partnership Incorporated.**
- 2. Authorises the Chief Executive Officer to sign the Memorandum of Understanding.**
- 3. Proposes a capped membership contribution for the Shire of \$5,000 per annum.**



**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: 20/3/18	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.1</b>
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<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>
<b>Municipal</b>	<b>Cheques 8846 - 8868</b>	<b>\$65,488.71</b>
<b>Trust (Cheque/EFTs)</b>	<b>Chq: 11162-11165</b>	<b>\$2,164.11</b>
<b>Electronic Transfers Municipal Fund</b>	<b>EFT 26930 to 27111</b>	<b>\$441,387.74</b>
<b>Direct Wages</b>	<b>01/2/18 – 28/2/18 inclusive</b>	<b>\$188,554.60</b>
<b>Direct Debits</b>	<b>01/02/18 – 28/02/18</b>	<b>\$1,871.73</b>
<b>GRAND TOTAL:</b>		<b><u>\$699,466.89</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 31 DECEMBER 2017 AND 1 JULY 2017 TO 28 FEBRUARY 2018</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: 20/3/18	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b> Yes	<b>Appendices Numbers:</b> 9.3.2
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**OFFICER RECOMMENDATION**

**That the Monthly Statements of Financial Activity for the period 1 July 2017 to 31 December 2017 and 1 July 2017 to 28 February 2018 be received and noted.**



<b>9.3.3 DEPARTMENT OF TRANSPORT – RENEWAL OF AGREEMENT FOR THE PROVISION OF LICENSING SERVICES</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall, Manager Corporate Service; Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy Chief Executive Officer/Director Corporate Services; Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/03/2018	File No.: 101/1 & LD47
Previous Reference:	N/A
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**

Council is requested to consider renewing the existing agreement between the Department of Transport (DOT) and the Shire of Waroona for the Provision of Licensing Services and Non Road Law Functions.

### **BACKGROUND / INITIAL COMMENTS**

The current agreement between the Shire and DOT expired on 31<sup>st</sup> December 2017. Agreement Number 966217 will take affect from 1<sup>st</sup> January 2018 and expire 31<sup>st</sup> December 2020.

An extension has been given to Council to allow adequate time for the agreement to be considered. A copy of the new agreement is available in at **APPENDIX 9.3.3**.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

The relevant Strategic Community Plan issue area is number 6: Good Governance: Active and responsible civic leadership and excellence in management.

### **FINANCIAL ISSUES/IMPLICATIONS**

DOT pays a monthly commission to the Shire dependant on the type of transaction, average processing time and volume of transactions completed each month. A schedule of rates can be found in Schedule B within the Agreement.

Currently Council receives enough commission to cover the staffing costs to provide this service to the Community.

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Road Traffic (Administration) Act 2008 – Section 11

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Council is requested to consider and approve the new agreement to provide licensing services and non-road law functions in the Shire of Waroona.

The new agreement is effective as of 1 January 2018 expiring on 31<sup>st</sup> December 2020.

It is also requested that future agreements with relation to the provision of Licensing Services be authorised by the Chief Executive Officer.

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

Absolute Majority

<p><b><u>OFFICER RECOMMENDATION</u></b></p> <p><b>That Council;</b></p> <p><b>a) Endorse Agreement Number 966217 between the Shire of Waroona and the Department of Transport for the Provision of Licensing Services and Non-Road Law functions as per attached Appendix 9.3.3 for the period 1<sup>st</sup> January 2018 to 31<sup>st</sup> December 2020.</b></p> <p><b>b) Grant authority for the use of the common seal on agreement number 966217 between the Shire of Waroona and Department of Transport.</b></p> <p><b>c) Delegate to the Chief Executive Officer authority to approve further extensions subject to terms and conditions of the agreement remaining satisfactory to the Shire of Waroona.</b></p>
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<b>9.3.4 LATE ITEM - PROPOSED STREET RENUMBERING – ISEPPI STREET, WAROONA</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Corporate Services; No Interest
Responsible Officer / Officer's Interest	Laurie Tillbrook – Deputy CEO; No Interest
Proponent:	Shire of Waroona
Landowner:	Various
Date of Report: 26/3/2018	File No.: 132/4
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Land Administration Act 1997
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15-2023/24
Financial Implications:	See heading in report.
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER: Theme 6 Active Civic Leadership, Good Governance, &amp; Excellence in Management.</b>	

### **PROPOSAL SUMMARY**

Council is requested to consider the renumbering of properties in Iseppi Street, Waroona.

A plan showing the proposed renaming is at **APPENDIX 9.3.4**.

### **BACKGROUND / INITIAL COMMENTS**

The current allocated street numbers are shown in **APPENDIX 9.3.4**. These numbers have the potential to cause confusion given the numbering of units 1 and 2, Number 2 and 2A. Number 2A is a freehold lot in its own right and should not have a number allocated as a strata lot.

A request has been received from a property owner for new street numbers to be allocated as the current situation has caused confusion.

### **STRATEGIC PLANNING IMPLICATIONS**

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

The relevant Strategic Community Plan issue area is Theme 6 - Active Civic Leadership & Excellence in Management. Specifically, section 6.11 Advocacy on promoting the unique aspects of the Shire of Waroona & the Peel/Harvey region.

### **FINANCIAL IMPLICATIONS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

**STATUTORY IMPLICATIONS**

Nil.

**COMMUNITY CONSULTATION**

Consultation of those properties affected is proposed to be undertaken with any comments received to be further considered by Council.

**OFFICER'S FINAL COMMENTS / CONCLUSIONS**

Lot 702 Iseppi Street (corner of Iseppi and Hesse Street) does not currently have a street number allocated and has the potential for further subdivision. Given this, it is proposed to allocate street numbering as shown in yellow in **APPENDIX 9.3.4**. This would ameliorate the existing situation and prevent any future required changes in street numbering should Lot 702 be further subdivided.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.4</b>
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**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

**That in relation to the proposed renumbering of Iseppi Street, Waroona, Council resolves to endorse the street numbering changes as shown in yellow at APPENDIX 9.3.4 for consultation.**

**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**