



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**TUESDAY 26 JUNE 2018**

**(Held at the Shire of Waroona Council Chambers)**

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**1. DECLARATION OF OPENING/ANNOUNCEMENTS**

The Shire President declared the meeting open at 4.04 pm and welcomed Councillors and Staff present.

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

Cr Mike Walmsley	Shire President
Cr Noel Dew	Councillor
Cr John Salerian	Councillor
Cr Craig Wright	Councillor
Cr Laurie Snell	Councillor
Cr Naomi Purcell	Councillor
Cr John Mason	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO/ Director Corporate Services
Mr Patrick Steinbacher	Director Technical Services
Mr Louis Fouche	Director Strategic Development
Mr Leonard Long	Executive Manager Development Services
Mrs Sue Cicolari	Executive Support Officer

**APOLOGIES**

Nil

There were three members of the public present at the commencement of the meeting.

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Larry Scott Deputy Shire President

**3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

**4.1 PUBLIC QUESTION TIME**

Nil

**4.2 PUBLIC STATEMENTS**

Nil

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

**OCM18/06/048**

**MOVED: CR PURCELL**

**SECONDED: CR MASON**

**That Leave of Absence be granted to Cr Mike Walmsley for the period 5<sup>th</sup> to 28<sup>th</sup> July 2018, and that Cr Noel Dew be appointed as Acting Shire President for the period of absence of the Shire President and Deputy Shire President.**

**CARRIED 7/0**



**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.)

Cr Wright declared a financial interest in Item 9.5.1 as an employee of Alcoa who were the main sponsor of this funding program.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 22 May 2018**

**COUNCIL RESOLUTION**

**OCM18/06/049**

**MOVED: CR MASON**

**SECONDED: CR PURCELL**

**That the Minutes of the Ordinary Council Meeting held 22 May 2018 be confirmed as being a true and correct record of proceedings.**

**CARRIED 7/0**

**9.0 REPORTS OF OFFICERS AND COMMITTEES**

## 9.1 DIRECTOR TECHNICAL SERVICES

<b>9.1.1 2018/19 WASTE MANAGEMENT BUDGET</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 30 May 2018	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 "Assets, Resources, Financial Management &amp; Sustainability"</b>	

### **PROPOSAL SUMMARY**

The purpose of this report is to present to Council a recommendation from the Waste Committee regarding the 2018/19 waste management budget.

### **BACKGROUND/ INITIAL COMMENTS**

The Technical Services Department has prepared a draft waste budget for the 2018/19 financial year. Officers felt it pertinent to explain the budget to the Waste Committee to ensure they were fully aware of the issues underpinning the waste budget and to seek approval for an approximate increase of some \$8.00 in the waste levy.

The waste management budget is a relatively complex matter such that the decision was taken not to append the full budget to the committee agenda but rather, point out in this item some of the salient points of the budget that could then be discussed in greater detail at the meeting. Additionally, the budget is in draft form and some changes are likely prior to finalisation and incorporation into the budget proper.

#### **Income**

Waste income comes from the waste levy which is applied to applicable properties, residential and commercial bulk bin collection and gate fees at the Buller Road facility, as well as internal charges including a component from general revenue.

• Residential/Commercial	\$596,423
• Other Bulk Bin Services	\$36,350
• Internal Charges	\$14,185
• Gate Fees	\$161,789
• General Revenue	\$107,330
<b>TOTAL</b>	<b>\$915,897</b>

## Expenditure

Expenditure is broken into landfill site operational and capital costs, waste collection contract, and transfers into the waste reserve.

• Operations	\$236,222
• Capital	\$221,214
• Waste Collection	\$266,356
• Transfer to Reserve	\$151,689
<b>TOTAL</b>	<b>\$875,481</b>

Some of the main expenditure areas proposed for 2018/19 include:

- Installation of extra monitoring bores \$36,000  
The licence for the Buller Road site was reviewed in 2017/18 and included a requirement for additional monitoring bores to be installed, which was completed earlier this calendar year. The resulting report compiled from the data gained from these bores found that there are some issues which require greater investigation and recommended that another round of monitoring bore installation takes place so as to better understand the issues and allow future planning to take place. These monitoring reports do need to be submitted to the Department of Water and Environmental Regulation who will most likely concur with the findings of the report therefore it seems pertinent to include funds to cover the recommendations of the report.
- Construction of transfer station (1<sup>st</sup> stage) \$62,500  
Issues experienced by other Councils with regard to waste site safety, specifically to do with the public accessing active operational areas has essentially forced the issue of the construction of a transfer station so that the public can be kept away from active areas. At the present time the waste will simply be taken from the transfer station to the pit by the site operator, however the transfer station will be designed such that it will be able to be used as a genuine transfer station (i.e. to collect waste for haulage offsite) should the landfill site be closed in the future. This year will see the finalisation of design work and the commencement of earthworks.
- Duplication of primary septic pond \$50,000  
The design of the septic treatment system is dependent upon a second primary pond being constructed once the original pond becomes full of solid material. Construction of a second pond allows the original pond to be taken off line and the material in it to dry out for disposal in the landfill.

It is the intention of current management to reduce the reliance of the waste budget on the funds from general revenue and have waste management stand alone as essentially a business unit. Officers showed the committee at the meeting the longer term strategy behind this, but essentially it is envisaged that as the capital investment is achieved, overall costs will fall such that the funds from general revenue will no longer be required.

Officers are also planning for a future closure of the site by the building up of the waste reserve funds so that at some point in the future, the reserve will be capable of meeting the cost of the closure of the current landfill, estimated in today's dollars to be in the order of \$2.4 million. The long term financial plan to achieve this amount is currently set at fifteen years, however it must be said that there are possible scenarios whereby the closure date may well be sooner than that.

At the time of writing it is intended to increase the waste levy by some \$8.00 to \$290. The waste levy is paid by all residential properties within the prescribed town site waste collection areas and by any property outside the collection areas who have chosen to receive a bin service. The levy pays for both the 240 litre bin collection as well as a contribution to the cost of the operation of the Buller Road site. At the present time rural properties effectively contribute no direct funding to the waste management area. In order to offset this cost, officers propose to increase the number of tip passes included in the residential rate notices from four to six.

Officers wished to gauge the committee's opinion as to whether it would be prepared to investigate a separate rural charge so as to offset the charge currently being met by residential ratepayers and presented some information pertaining to this at the meeting. The committee was generally not in support of this proposal.

Officers are also investigating the possibility of following the Shire of Murray's example in abolishing the tip pass procedure completely and allowing unlimited visits to Buller Road by its ratepayers and residents. Officers briefed the committee on this matter however it is not proposed to implement any such plan until 2019/20 at the earliest.

### **PLANNING – STRATEGIC IMPLICATIONS**

Any long term determination will need to be integrated in Council's strategic planning as for any other operation of Council.

### **REFERRALS**

Nil

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

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

### **FINANCIAL ISSUES/IMPLICATIONS**

The financial implications are set out above. The main proposal that officers are seeking Council approval on at this stage is support for an increase to the waste levy. The full and complete waste budget will be presented to Council as part of the overall 2018/19 complete budget.

### **POLICY ISSUES/IMPLICATIONS**

Nil

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

Nil

### **COMMUNITY CONSULTATION**

Nil

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

Nil

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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The Waste Management Advisory Committee resolved the following at its meeting of 12 June 2018 -

**COMMITTEE RESOLUTION**

**MOVED: CR SNELL**

**SECONDED: CR WRIGHT**

That the Committee recommends to Council to approve of an increase to the waste levy for 2018/19 in the order of \$8.00 to bring the total levy to approximately \$290, subject to final waste budget preparation.

**CARRIED 2/0**

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM18/06/050**

**MOVED: CR DEW**

**SECONDED: CR WRIGHT**

**That the Council approve an increase to the waste levy for 2018/19 in the order of \$8.00 to bring the total levy to \$290, subject to final waste budget preparation.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**



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**9.2 DIRECTOR STRATEGIC DEVELOPMENT**

Nil



### 9.3 EXECUTIVE MANAGER PLANNING AND BUILDING SERVICES

<b>9.3.1 ADOPTION OF AMENDMENT 39 TO THE SHIRE OF WAROONA LOCAL PLANNING SCHEME NO. 7 - LOTS 1 - 3 CAMARRI ROAD AND LOTS 2, 182 AND 1408 NANGA BROOK ROAD, WAROONA,</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long – Executive Manager Planning and Building Services; No Interest
Proponent:	Shire of Waroona
Landowner:	C Atkinson, S & M Davies & M Morrell, F G Hull, S & T Pinzone, V & D L Piconeri & H & E Scott
Date of Report: 7/6/2018	File No.: TPS7A39
Previous Reference:	OCM 18/02/004 of 27 February 2018
Policy Implications:	State Planning Policy 2 – Environment and Natural Resource Policy State Planning Policy 2.5 – Land Use Planning in Rural Areas State Planning Policy 2.9 – Water Resources State Planning Policy 3.7 – Planning in Bushfire Prone Areas
Statutory Implications:	Environmental Protection Act 1986 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Waroona Local Planning Scheme No. 7 1996
Strategic Implications:	South Metropolitan Peel Sub-Regional Planning Framework Draft Perth and Peel Green Growth Plan For 3.5 Million Shire of Waroona Local Planning Strategy
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 3 “Responsible Land Use Planning and Protecting Rural Land”</b>	

#### **PROPOSAL SUMMARY**

Council is requested to consider the adoption of Amendment 39 to the Shire's Local Planning Scheme No. 7. Amendment 39 proposes the rezoning of Lots 1 - 3 Camarri Road and Lots 2, 182 and 1408 Nanga Brook Road, Waroona from Water Production, Mining and Recreation to Rural 1 – General Agriculture and Rural 8 – Hills Landscape Protection in accordance with the Shire's Local Planning Strategy.

A copy of the amending documentation is at **APPENDIX 9.3.1A**. The proposed amendment is considered to be a standard amendment for the purposes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### **BACKGROUND / INITIAL COMMENTS**

The issue of the existing zoning of the subject lots was brought to the attention of the Shire through the sale of one of the subject properties. The lots being reserved means



that no land use permissibility or development standards exist for the lots. In addition, exemptions for the use and development of lots generally applicable in the shire are not extended to the subject lots under the current reservation.

At the Ordinary Council Meeting of 27 February 2018 Council resolved to initiate the above amendment subject to the consultation requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Lots 1 - 3 Camarri Road range in size from 24 - 33 hectares. All 3 lots currently contain dwellings and are used for the purposes of Rural Pursuits.

Lot 1408 Nanga Brook Road is 3.2ha and contains a dwelling.

Lot 2 Nanga Brook Road is 8.3ha and contains a dwelling and multiple outbuildings.

Lot 182 Nanga Brook Road is 59.8ha and straddles Nanga Brook Road, the eastern portion of the lot (51.5ha) is zoned Rural 5 – Darling Range and contains a dwelling and outbuildings. The western portion of the lot (8.3ha) is reserved for Water Production, Mining and Recreation.

On 17 December 1996 Local Planning Scheme No. 7 was gazetted. The scheme maps reserved the subject lots, which were all privately owned at the time, for Water Production, Mining and Recreation. Extensive investigation into the preparation of the scheme has not revealed any reasoning behind the reservation of the lots nor any current statutory, strategic or environmental framework supporting the reservation of the lots.

At the time of gazettal all of the subject lots were, and continue to be, used for the purposes of a Rural Pursuit and Single House.

In 2009 the Shire's Local Planning Strategy was adopted identifying the future zoning of the lots as Rural 1 – General Agriculture and Rural 8 – Hills Landscape Protection.

The eastern portion of Lot 182 has been excluded from the proposed amendment. This area of the lot has a zoning (Rural 5 – Darling Range) that recognises the historical use of the land. The intent of the amendment is not to facilitate the intensification of development, rather to recognise the nature of existing and historical development.

### **PLANNING – STRATEGIC IMPLICATIONS**

The proposed amendment has been assessed against the following strategic documents, with no implications identified:

- South Metropolitan Peel Sub-Regional Planning Framework (SMPSRPF)
- Draft Perth and Peel Green Growth Plan for 3.5 Million (Green Growth Plan)
- Shire of Waroona Local Planning Strategy (Strategy)

### **REFERRALS**

The amendment has been referred to the following organisation / departments:

- Department of Planning, Lands and Heritage,
- Department of Primary Industries and Regional Development,
- Department of Water and Environment Regulation,
- Water Corporation,



- Department of Fire and Emergency Services and
- Department of Biodiversity, Conservation and Attractions.

A summary of submissions is at **APPENDIX 9.3.1B**.

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

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

### **FINANCIAL ISSUES / IMPLICATIONS**

Nil.

### **POLICY ISSUES / IMPLICATIONS**

The proposed scheme amendment has been assessed against the objectives of the following policy documents, with no implications identified:

- State Planning Policy 2 – Environment and Natural Resource Policy
- State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP2.5)
- State Planning Policy 2.9 – Water Resources
- State Planning Policy 3.7 – Planning for Bushfire Risk Management (SPP3.7)

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

The proposed amendment has been assessed against the following statutory documents, with no implications identified:

- *Environmental Protection Act 1986*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Waroona Local Planning Scheme No.7 1996

### **LEGAL ISSUES / IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Initial consultation was undertaken with the affected land owners to gauge their support, with all property owners being supportive of the proposed scheme amendment.

Following the initiation by Council, community consultation was undertaken in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, no public submissions were received during the consultation period.

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

The reservation of privately owned land is not a common planning practice and does not generally constitute proper and orderly planning.

The rezoning of the subject lots is intended to recognise the historical and current use of the land as well as its future use as identified by the Shire's Local Planning Strategy.

The proposed rezoning of the lots will not create the potential for the intensification of land use or creation of any additional lots. All lots subject to the proposed amendment contain existing dwellings, therefore no additional impact on bushfire safety will result from the amendment.

It is recommended that Amendment 39 be adopted.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.1A &amp; B</b>
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### **VOTING REQUIREMENTS**

Absolute Majority.

### **COUNCIL RESOLUTION**

**OCM18/06/051**

**MOVED: CR SNELL**

**SECONDED: CR WRIGHT**

1. That in relation to Amendment 39 to the Shire of Waroona Local Planning Scheme No. 7 to rezone Lots 1- 3 Camarri Road and Lots 2, 182 and 1408 Nanga Brook Road, Waroona from Water Production, Mining and Recreation to Rural 1 – General Agriculture and Rural 8 – Hills Landscape Protection and pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council resolves to;
  - A. Adopt Amendment 39 to the Shire of Waroona Local Planning Scheme No. 7 1996 in accordance with APPENDIX 9.3.1A as a standard amendment.
  - B. Authorise the Shire President and Chief Executive Officer to execute the Amendment documents.
  - C. Forward the Amendment documents to the Western Australian Planning Commission.

**CARRIED BY ABSOLUTE MAJORITY 7/0**



<b>9.3.2 APPLICATION OF COMMON SEAL – SECTION 195 AND 196 OF THE LAND ADMINISTRATION ACT 1997 FOR THE SUBDIVISION OF LOT 1 SOUTHERN ESTUARY ROAD, LAKE CLIFTON</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long, Executive Manager Planning & Building Services; Nil
Proponent:	Lake Clifton Investments Pty Ltd
Landowner:	Lake Clifton Investments Pty Ltd
Date of Report: 7 June 2018	File No.: SD153947
Previous Reference:	OCM16/08/085 of 23 August 2016 OCM16/11/122 of 22 November 2016
Policy Implications:	Shire of Waroona Policy 1.26 – application of common seal
Statutory Implications:	<i>Land Administration Act 1997</i> <i>Planning and Development Act 2005</i>
Strategic Implications:	Nil
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

### **PROPOSAL SUMMARY**

Council is requested to authorise the application of the Shire of Waroona Common Seal in the execution of documents relating to the granting of an easement for emergency access as part of the subdivision of Lot 1 Southern Estuary Road, Lake Clifton, into 24 lots.

The proposed easement is to the benefit of the Shire of Waroona and is therefore required to be executed by the Shire. The accessway to which the easement relates is required to be constructed by the developer prior to the clearance of subdivision conditions and maintained by the property owners in perpetuity.

A location plan of the proposed easement is at **APPENDIX 9.3.2A**.

### **BACKGROUND / INITIAL COMMENTS**

At its Ordinary Council meeting of 22 November 2016 Council resolved to recommend the approval of the subdivision of Lot 1, Southern Estuary Road, Lake Clifton, into 24 lots.

Subdivision approval was granted by the Western Australian Planning Commission on 23 February 2017. Condition 17 of approval requires the granting of an emergency access easement over proposed Lots 302 and 312 (Previously portion of Lot 1) in order to provide an 'Emergency Access Way' from the proposed internal subdivision road.

The easement documentation currently required to be executed relates to proposed Lot 302, with a future easement over proposed Lot 312 required to be registered prior to the clearance of that stage of the subdivision.



**PLANNING – STRATEGIC IMPLICATIONS**

Nil.

**REFERRALS**

Nil.

**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**

Nil.

**POLICY ISSUES / IMPLICATIONS**

- Shire of Waroona Policy 1.26 – Application of Common Seal

**STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS**

An easement granted under sections 195 and 196 of the *Land Administration Act 1997* remains part of the lot in which the land is located, with benefits as specified by the easement provided to the beneficiary.

**LEGAL ISSUES/IMPLICATIONS**

See statutory issues.

**COMMUNITY CONSULTATION**

Community consultation is not required for this item.

**OFFICER'S FINAL COMMENTS / CONCLUSIONS**

The execution of the easement documentation is required for the clearance of the subdivision conditions by the Shire. The easement is a required inclusion on the titles to be created to ensure all prospective purchasers are aware of their existence.

The accessway facilitated by the easement is an essential part of the bushfire safety of the subdivision of Lot 1, providing an alternative exit in the case of an emergency.

It is therefore recommended that Council authorise the application of the Shire of Waroona common seal in order to execute the documents.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.2A</b>
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**VOTING REQUIREMENTS**

Absolute Majority.



**COUNCIL RESOLUTION**

**OCM18/06/052**

**MOVED: CR DEW**

**SECONDED: CR MASON**

**That in relation to the documentation for the granting of an easement over proposed Lots 302 and 312 under sections 195 and 196 of the *Land Administration Act 1997* as shown in APPENDIX 9.3.2A for the subdivision of Lot 1 Southern Estuary Road, Lake Clifton and pursuant to section 9.49A of the *Local Government Act 1995*, Council resolves to authorise:**

- 1. The application of the Shire of Waroona Common Seal, and**
- 2. The execution of the required documents by the Shire President and Chief Executive Officer.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**



<b>9.3.3 APPLICATION FOR PLANNING CONSENT FOR INDUSTRY – LIGHT – LOT 7 SOUTH WESTERN HIGHWAY, WAROONA</b>	
Reporting Officer / Officer's Interest:	Leonard Long, Executive Manager Planning & Building; Nil
Responsible Officer / Officer's Interest	Leonard Long, Executive Manager Planning & Building; Nil
Proponent:	J & K Reed Constructions
Landowner:	J G, J P & P W J Barker
Date of Report: 11/06/2018	File No.: TP2042
Previous Reference:	Nil
Policy Implications:	Local Planning Policy 1 – Community Consultation Local Planning Policy 14 – Industrial / Commercial Land use and Development Local Planning Policy 23 - Landscaping
Statutory Implications:	Shire of Waroona Local Planning Scheme No. 7 1996 Peel Region Scheme 2003 Planning and Development Act 2005
Strategic Implications:	Shire of Waroona Local Planning Strategy
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

### **PROPOSAL SUMMARY**

Council is requested to consider an application for the construction of a new premises to accommodate the operation of a civil contracting business (Industry – Light). The application proposes the building be clad in Zinalume.

Plans relating to the application are at **APPENDIX 9.3.3A**.

### **BACKGROUND / INITIAL COMMENTS**

In terms of the Shire of Waroona Local Planning Scheme 7 (TPS 7), the property is zoned 'Urban 3 Service Commercial Zone'. Within this zone the front building façade and the side walls to a depth of 6m are to be constructed of brick, brick veneer, masonry or other material approved by Council.

The application has been assessed against the relevant scheme and policy requirements and the only area in which the proposed development does not fully comply is the façade and the side walls which are proposed to be Zinalume and requires Council approval as 'other material approved by Council'.

Prior to the submission of the application the owner of the property made inquiries with the Planning Department to ascertain the acceptability of the use of Zinalume cladding. Unfortunately the relevant scheme clause was interpreted by the Planning Department that the requirement for a brick, brick veneer or masonry façade was only required if the building was to be located closer than 6m to the front boundary.

The actual intent of the clause was to require the façade and the first 6m (measured from the front of the building) to be brick, brick veneer, masonry or other material approved by Council as illustrated in **APPENDIX 9.3.3B**.



As a result of the advice provided, the landowner purchased the Zinalume cladding, albeit at his own risk since the application was still to be formally determined.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil.

### **REFERRALS**

- Main Roads WA:
  - o the crossover is to be designed and constructed to their satisfaction and no drainage impact to occur.

The proposal was referred internally to the following with their recommendations included in the Officers Recommendation:

- Director Technical Services
- Environmental Health Officer
- Building Surveyor

### **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**

Nil.

### **POLICY ISSUES / IMPLICATIONS**

The proposal has been assessed against the following:

- Local Planning Policy 1 – Community Consultation.
- Local Planning Policy 14 – Industrial / Commercial Development.
- Local Planning Policy 23 – Landscaping.

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

The proposal has been assessed against the following:

- Waroona Shire Local Planning Scheme No 7:

Clause 3.6.2 requires the building façade and the side walls to a depth of 6m to be constructed of brick, brick veneer, masonry or other material approved by Council. No restriction exists on building materials for the remainder of the building.

Despite the landowner receiving verbal advice that Zinalume may be supported, Council has the ability to request an alternative material be used, however, it must be noted that should Council resolve to request an alternative material that such a decision may be appealed through the State Administrative Tribunal.

- Peel Regional Scheme 2003.
- Planning and Development Act 2005.

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**LEGAL ISSUES / IMPLICATIONS**

See statutory issues.

**COMMUNITY CONSULTATION**

As per clause 6 of Local Planning Policy 1 – Community Consultation, further consultation was not required as the application was considered to have ‘No Impact’ beyond the property boundaries.

**OFFICER'S FINAL COMMENTS / CONCLUSIONS**

The purpose for the building façade and the side walls to a depth of 6m to be constructed of brick, brick veneer or masonry is to improve the streetscape. However, this is not the only way in which to improve the streetscape. The proposed development does include other attributes such as a proposed landscape strip along the street front and the provision of a properly constructed parking area. In addition the proposed building will be setback approximately 11m from the front boundary. With the development directly to the north having a similar setback it would reduce any visual impact when traveling south along the South Western Highway.

Further, should the application be approved, a condition is recommended to ensure that any storage of material and or machinery is stored behind the building and screened from the view of South Western Highway.

Aspects of the development, such as the landscaping, constructed sealed parking, 11m setback and the screening of machinery and material from the South Western Highway will improve the current streetscape. The development will also have economic development benefits of a new business premises within the townsite.

The application is therefore recommended for approval.

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

Simple Majority

**COUNCIL RESOLUTION****OCM18/06/053****MOVED: CR SNELL****SECONDED: CR MASON**

**That in relation to the proposed construction of a building for the use of Industry – Light at Lot 7 South Western Highway, Waroona, Council resolves to approve the application subject to the following conditions and advice notes:**

- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans.**
- 2. The accessway(s), parking area(s) and turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface or equivalent by the applicant to the satisfaction of the Shire of Waroona. Once constructed, the accessway(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the Shire of Waroona.**
- 3. The application shall construct and maintain a vehicle crossover to the development. Design and construction of the crossover shall be to the satisfaction of Main Roads Western Australia and approved by the Shire of Waroona.**
- 4. The storage of materials, plant and / or machinery shall be at the rear of the building and screened from the South Western Highway to the satisfaction of the Shire of Waroona.**
- 5. The applicant shall dispose of stormwater on site. Plans and specification relating to the disposal of stormwater and groundwater for the development shall be submitted to and approved by the Shire of Waroona prior to the use commencing.**
- 6. A landscaping plan detailing the size, location and type of vegetation on the lot shall be submitted to, and approved by the Shire of Waroona prior to the use commencing. The approved landscaping plan shall be implemented within 60 days of the use commencing and thereafter maintained to the satisfaction of the Shire of Waroona.**

**ADVICE NOTES:**

- 1. In relation to condition 5, the applicant is to provide one cubic metre of underground stormwater storage for each 65m<sup>2</sup> of impervious area, including parking, driveways, other paved and sealed areas and roofs.**
- 2. In relation to condition 6, the Shire of Waroona requires that the Landscaping Plan utilises the recommended species lists listed in appendix A of Local Planning Policy 23.0 – Landscaping. The Landscaping Plan is to be implemented to the satisfaction of the shire of Waroona.**
- 3. Should the use of the property include the repairing / cleaning of plant, the landowner will be required to provide a petrol and oil trap to the satisfaction of the Shire of Waroona.**

**CARRIED 7/0**

<b>9.3.4 PROPOSED ARTS, CRAFTS AND HANDICRAFTS – LOT 2 (NO. 156) SOUTH WESTERN HWY, WAROONA</b>	
Reporting Officer / Officer's Interest:	Sarah Park, Environmental Officer; Nil
Responsible Officer / Officer's Interest	Leonard Long, Executive Manager Planning & Building Services; Nil
Proponent:	Lesley Anne Austin
Landowner:	Lesley Anne Austin & Barry Alexander Austin
Date of Report: 12/06/2018	File No.: TP2050
Previous Reference:	NA
Policy Implications:	Local Planning Policy 1 – Community Consultation; Local Planning Policy 11 – Home Based Business.
Statutory Implications:	Planning and Development Act 2005; Planning & Development (Local Planning Schemes) Regulations 2015; Planning and Development Regulations 2009 Environmental Protection (Noise) Regulations 1997; Peel Region Scheme 2003; Shire of Waroona Local Planning Scheme No. 7 1996.
Strategic Implications:	Shire of Waroona Strategic Community Plan 2016/17-2025/26; 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> <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

### **PROPOSAL SUMMARY**

The proposed use Arts, Crafts and Handicrafts is a “Use Not Listed” and therefore Council’s determination in terms of clause 3.3 of the Local Planning Scheme No.7 (LPS 7) is required prior to considering the application at Lot 2 (No. 156) South Western Highway, Waroona. A location plan is at **APPENDIX 9.3.4A**.

The applicant proposes to operate an art studio with occasional classes for a maximum of 6 people from the non-habitable building that shares the northern wall of the single house on the lot, affecting a total area of 36m<sup>2</sup>. The proponent proposes customer visits by appointment only. Three car parking spaces for patrons are proposed to be located between the house and the front lot boundary. A site plan is at **APPENDIX 9.3.4B** and a floor plan is at **APPENDIX 9.3.4C**.

### **BACKGROUND / INITIAL COMMENTS**

The subject lot has a 20m frontage to South Western Highway and is located on the eastern side of the highway, opposite Drakesbrook Centennial Park. The lot measures 1011.84m<sup>2</sup> in area and the side and rear lot boundaries are shared with three other residential lots.

The property is currently used as a Single House, and can be occupied by up to 6 unrelated people.

### **PLANNING – STRATEGIC IMPLICATIONS**



The proposal has been assessed against the following:

- Local Planning Strategy 2009 (LPS):

### **REFERRALS**

Director of Technical Services:

- no on-street parking shall be permitted,
- vehicles exiting the property shall do so in a forward manner.

Environmental Health:

- toxic waste, chemicals and paint are not to be disposed of into the storm water drains or effluent disposal system.
- The proposal must comply with the Health Act 2016, Environmental Protection Act 1986, and Environmental Protection (Noise) Regulations 1997.

Building Surveyor:

- a fire extinguisher will need to be provided.

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

The proposal has been assessed against the following:

- 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. A new application will be required to be submitted each year for the duration of the use.

### **POLICY ISSUES / IMPLICATIONS**

The proposal has been assessed against the following:

- Local Planning Policy 11 – Home Based Business.

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

The application has been assessed against the following:

- Environmental Protection (Noise) Regulations 1997; and
- Shire of Waroona Local Planning Scheme No. 7 1996 (Scheme).

### **LEGAL ISSUES / IMPLICATIONS**

Nil.

## **COMMUNITY CONSULTATION**

In accordance with the provisions of Local Planning Policy 1 – Community Consultation, and Clause 64 of the Deemed Provisions, notification letters were sent to adjoining / affected neighbours and advertised on the Shire website.

A 14 day period was provided for comments relating to the application between 28 May 2018 and the 11 June 2018. Two (2) submissions were received, see **APPENDIX 9.3.4D** for the Schedule of Submissions.

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

Given that the application is for a use not listed within the Zoning Table, Council needs to be satisfied that this determination will be consistent with the objectives of the 'Urban 4 - Residential' zone in accordance with clause 3.3 (4) of the Scheme.

Clause 3.7.1 of the Scheme lists the objectives and policies for the Urban 4 Residential zone. The proposed land use can be assessed against the objectives listed under the clause.

The proposal is considered to be in accordance with the zone objectives as it provides for a variety of residential needs, such as business conducted from the residing lot that doesn't negatively impact the amenity of the locality. The proposal also supports the best use of available land resources while maintaining a high level of urban amenity.

The proposal is considered to be similar in scale and impact to a Home Business, which is a discretionary use in the Residential zone.

### **Conclusion**

Careful consideration of the proposal also reinforces Waroona's commitment to support small local business, provided proper and orderly planning is employed when determining such applications.

The proposed land use is considered to be in accordance with the requirements of the Local Planning Scheme, Local Planning Strategy and Local Planning Policy. Considering the proposal does not involve any external works and onsite parking can be accommodated for within the lot boundaries, the amenity of the area is not expected to be impacted upon.

The application is therefore recommended for approval subject to appropriate conditions.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.4 A,B,C and D</b>
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## **VOTING REQUIREMENTS**

Simple Majority.

**COUNCIL RESOLUTION****OCM18/06/054****MOVED: CR SNELL****SECONDED: CR SALERIAN**

**That in relation to the proposed Arts, Crafts and Handicrafts at Lot 2 (No. 156) South Western Hwy, Waroona, Council resolves to:**

- A. Determine in accordance with Clause 3.3(4)(b) of the Shire of Waroona Local Planning Scheme No. 7, that the use is consistent with the objectives of the Urban 4 - Residential zone.**
- B. Approve the Development Application subject to the following conditions:**
- 1. The undertaking of Arts, Crafts and Handicrafts on the property 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 the Shire of Waroona.**
  - 2. The Planning Consent for Arts, Crafts and Handicrafts on the property shall expire at the end of one (1) year from the notice of approval.**
  - 3. The undertaking of Arts, Crafts and Handicrafts operations shall be conducted in an area occupying no more than 55m<sup>2</sup> within the lot.**
  - 4. A minimum of two car parking bays allocated for the Arts, Crafts and Handicrafts use shall be provided for on-site to the satisfaction of the Shire of Waroona. Car parking bays shall comply with Australian Standard 2890.1 2004 (as amended). All parking associated with the Arts, Crafts and Handicrafts shall be contained wholly on site. No verge parking shall be permitted. All vehicles exiting the property shall do so in a forward manner.**
  - 5. The undertaking of the Arts, Crafts and Handicrafts shall not entail employment of any person not a member of the occupier's household.**
  - 6. The undertaking of Arts, Crafts and Handicrafts shall not require the provision of any essential service of a greater capacity than normally required in the zone which it is located.**
  - 7. Any signage associated with the Arts, Crafts and Handicrafts erected on the property shall blend in with the amenity of the area and not exceed 0.2m<sup>2</sup> in area.**
  - 8. The undertaking of Arts, Crafts and Handicrafts shall not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash dust, grit, oil, liquid wastes or waste products.**



**Advice Notes:**

1. The applicant is advised that the proposed use is required to comply with the Environmental Protection (Noise) Regulations 1997, Public Health Act 2016 and Environmental Protection Act 1986 at all times.
2. Please note that this Planning Consent must be renewed before the one (1) year approval period expires for the Planning Consent to remain valid. An annual renewal fee of \$73 currently applies.

**CARRIED 7/0**

<b>9.3.5 EXTRACTIVE INDUSTRY RENEWAL – LOT 1001 LAKE CLIFTON ROAD, WAROONA</b>	
Reporting Officer / Officer's Interest:	Sarah Park; Environmental Planner / Nil
Responsible Officer / Officer's Interest	Leonard Long; Executive Manager Planning and Building / Nil
Proponent:	Cougar Sand Supplies
Landowner:	PARISI HOLDINGS PTY LTD, PETO PTY LTD, GARY THOMAS FOALE, SANDRA MICHELLE FOALE, SHANE LAMBERT & TONY JOHN LAMBERT.
Date of Report: 11/06/2018	File No.: TP2044
Previous Reference: TP1157 (EI24)	OCM08/119 of 24/06/2008
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; Peel Region Scheme 2003 Shire of Waroona Local Planning Scheme No. 7 1996; Shire of Waroona Extractive Industries Local Law 1999.
Strategic Implications:	Shire of Waroona 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 1001, Lake Clifton Road, Lake Clifton. See location Map at **APPENDIX 9.3.5A** and Site Plan and Conceptual Final Contours at **APPENDIX 9.3.5B**.

The Extractive Industry extracts sand in the continuation of the existing operation on the site. An additional 10ha of already cleared land is proposed to be added to the previously approved area of 33ha. The current pit comprises 22.7 ha, with 6.8 ha of existing completed excavation, and 13.5 ha of future resource, totalling 43.0 hectares.



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## **BACKGROUND / INITIAL COMMENTS**

Sand extraction has occurred at the lot since 1996. The Extractive Industry was previously approved for a period of 10 years for extraction of 33ha. The lot is located adjacent to Forrest Hwy and approximately 2.8km south of the Peel-Harvey Estuary. The closest residence to the proposed expansion area is located 700m to the north.

The Extractive Industry is proposed to operate six (6) days per week 6am to 6pm Monday to Saturday.

### **Previous Approvals**

TP1157 – Extractive Industry approved 25/06/2008 (OCM08/119).  
TP1480 – Outbuilding approved 02/04/2012.

## **PLANNING – STRATEGIC IMPLICATIONS**

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

The subject lot is designated as Rural Residential and located within the Lake Clifton Precinct. Council's objective is to provide areas that will offer lifestyle blocks with good amenity and in locations where environmental impacts can be minimised.

Extractive Industry is not listed as a use identified in the Rural Residential area.

## **INTERNAL REFERRALS**

The Director of Technical Services provided recommended conditions of approval.

## **EXTERNAL REFERRALS**

The application was referred to the Department of Mines Industry Regulation and Safety, with no objection received.

## **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 \$739 has been received. The licence will be subject to an annual fee of \$700.

## **POLICY ISSUES / IMPLICATIONS**

The proposal has been assessed against the following, and where appropriate conditions have been included in the Officers Recommendation:

- 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 15 – Extractive Industry (LPP15)
- Environmental Protection Authority Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 (Guidance Statement)

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

The proposal has been assessed against the following, and where appropriate conditions have been included in the Officers Recommendation:

- Environmental Protection (Noise) Regulations 1997 (Noise Regulations)
- Shire of Waroona Local Planning Scheme No. 7 (TPS)
- Shire of Waroona Extractive Industry Local Law 1999 (Local Law)

### **LEGAL ISSUES / IMPLICATIONS**

Nil.

### **COMMUNITY CONSULTATION**

Community Consultation was undertaken in accordance with Local Planning Policy 1 – Community Consultation and clause 64 of the Deemed Provision.

One submission was received stating no objection.

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

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

As stated in Clause 3.13.1 of the LPS 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**

A buffer distance of 300-500m is required for sand extraction under the Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005. The closest residence is 700m from the area proposed to be used for extraction on the lot. Given this, and supported by the fact that no complaints have been recorded relating to the Extractive Industry during its last 10 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**

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

Vehicle Access

The extraction area on Lot 1001 is accessed via a private road constructed along the eastern boundary of the lot. The access road provides access to the site from Lake Clifton Road.

Progress Report and Ongoing Management

Under the Local Law the applicant will be required to submit a progress report 2 years after approval. 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.

The extractive industry has been requested to be approved for a period of 20 years. The existing approval is for 10 years. Given the requirement under LPP 15 for a maximum period of approval of 5 years and the potential for change in the land use of the surrounding locality, it is recommended that the approval last for 5 years.

Conclusion

The continuation of sand extraction operations is required within the Shire to provide resources for the building and construction industry. Lot 1001 has operated as an Extractive Industry under the previous planning consent for the last 10 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: 9.3.5A and B</b>
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**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION****OCM18/06/055****MOVED: CR MASON****SECONDED: CR DEW**

**That in relation to the application for an Extractive Industry at Lot 1001 Lake Clifton 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 Lake Clifton 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 Lake Clifton 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 Lake Clifton 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 Lake Clifton 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 Lake Clifton 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 Lake Clifton 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 Laws, 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.**

**CARRIED 7/0**

<b>9.3.6 APPLICATION FOR PLANNING CONSENT FOR SINGLE HOUSE – LOT 2 (NO.61) MITCHELL ROAD, PRESTON BEACH</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long; Executive Manager Planning & Building Services
Proponent:	Alec Sharland
Landowner:	Alec Sharland & Angela Sharland
Date of Report: 12/6/2018	File No.: TP2054
Previous Reference:	Nil
Policy Implications:	State Planning Policy 3.1 – Residential Design Codes 2018 Local Planning Policy 1 – Community Consultation
Statutory Implications:	Shire of Waroona Local planning Scheme No. 7 1996
Strategic Implications:	Nil
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> <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 Single House at Lot 2 (No. 61) Mitchell Road, Preston Beach.

The application proposes a variation to the Residential Design Codes as follows:

- A driveway located adjacent to the western boundary of the lot in lieu of a setback of 0.5m; and
- A driveway located 4.6m from the corner truncation in lieu of 6m.

The application also proposes a variation to the provisions of the Shire's Local Planning Scheme with an overall building height above natural ground level of 10.4m in lieu of 7.5m.

Plans relating to the application are at **APPENDIX 9.2.6A**.

### **BACKGROUND / INITIAL COMMENTS**

Lot 2 is located on the corner of Mitchell Road and Hill Street, Preston Beach. The lot slopes significantly upwards from the frontage to Mitchell Road, making access from Hill Street a safety concern and is considered impractical. The proposed location of the driveway adjacent to the western boundary provides the greatest distance from the Hill Street intersection achievable for the lot.

The impact of the overall height of the building is considered to be minimal given the slope of the property. The adjacent lots to the south are located on the other side of a ridge line. The effective height of the single house as viewed from the southern property boundary is 3.9m and set back 10.9m, mitigating any impact in terms of overshadowing or visual privacy.

Hill Street lies to the east of Lot 2 with a large ridge within the adjacent lot providing substantial screening to the east. The lot on the eastern side of Hill Street forms part



of the previous Preston Beach Townsite Strategy, with future development considered unlikely.

The land on the opposite side of Mitchell Road to Lot 2 is Reserve 33345, an undeveloped reserve vested in the Shire.

To the west of Lot 61 is Lot 3 Mitchell Road, an undeveloped property in private ownership with a similar topography.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil.

### **REFERRALS**

Proposed was referred to the following, with no concerns being raised:

- Building Services;
- Environmental Health Services; and
- Technical Services.

### **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**

Nil.

### **POLICY ISSUES / IMPLICATIONS**

The application has been assessed against the following

- Residential Design Codes.

The proposal complies with all the relevant aspects with the exception of the following, which are the subject of this application:

- o 0.5m setback distance for the driveway from the boundary; and
- o 6m setback from the truncation to the driveway.

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

The application has been assessed against the following:

- Clause 4.24.1 of the Shire of Waroona Local Planning Scheme No. 7, which specifies a maximum building height limit of 7.5m for lots in the Urban 9 - Preston Beach zone. The proposed height of 10.4m from natural ground level is the subject of this application.

### **LEGAL ISSUES/IMPLICATIONS**

Nil.



### **COMMUNITY CONSULTATION**

Community consultation has been undertaken in accordance with Local Planning Policy 1, with a notice published on the Shire's website and consultation letters forwarded to owners of surrounding lots.

No submissions were received during the consultation period.

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

The proposed variations in relation to the location of the driveway are considered to be necessary to facilitate the safest practical access to the lot given the steep gradient of Hill Street and proposes the maximum achievable separation from the intersection of Hill Street and Mitchell Road.

The proposed variation in relation to height is not considered to detrimentally impact on the surrounding lots to the south, east and north due to topography and future development potential.

The impact on Lot 3 to the west of Lot 2 is not considered to be detrimental given the setback of the house from the front boundary and the prevailing ocean views being to the west. The design of the proposed house meets the requirements of the R-Codes in terms of visual privacy and overshadowing of all surrounding lots. In addition no objection to the proposal has been raised by the owner of Lot 3.

It is therefore recommended that the proposed Single House be approved subject to conditions and advice notes.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.2.6A</b>
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### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION****OCM18/06/056****MOVED: CR WRIGHT****SECONDED: CR DEW**

**That the application for planning consent for a Single House at Lot 2 (No.61) Mitchell Road, Preston Beach, be approved subject to the following conditions and advice notes:**

- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans, unless otherwise required or agreed to in writing by the Shire of Waroona.**
- 2. All stormwater and drainage run-off to be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**
- 3. Building materials are to be of a standard and colour scheme complementing and blending in with the amenity of the area to the satisfaction of the Shire of Waroona.**

**ADVICE TO APPLICANT:**

- 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 2016.**
- B. The applicant is advised that an effluent disposal application approval is required.**
- C. 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.**

**CARRIED 7/0**

## 9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

<b>9.4.1 PAYMENT LISTING FOR THE MONTH OF MAY 2018</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: 18/6/18	File No.: 1/3
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): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	

### **PROPOSAL SUMMARY**

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of May 2018.

### **BACKGROUND / INITIAL COMMENTS**

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

The relevant Strategic Community Plan issue area is number 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management.

### **FINANCIAL ISSUES/IMPLICATIONS**

Nil



**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 13

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

All payments made from Council's Municipal and Trust account were completed in accordance with the 2017/18 adopted budget.

That Council receive the payment listing for the period as per the appendices.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.4.1</b>
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**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION**

OCM18/06/057

MOVED: CR MASON

SECONDED: CR SNELL

That Vouchers numbered:

<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
Municipal	Cheques 8913 - 8937	\$54,315.22
Trust (Cheque/EFTs)	Chq: 11174-11176 EFT 27461	\$4,431.99
Electronic Transfers Municipal Fund	EFT 27543 to 27833	\$562,382.55
Direct Wages	01/05/18 – 31/05/18 inclusive	\$179,001.80
Direct Debits	01/05/18 – 31/05/18	\$2,387.23
<b>GRAND TOTAL:</b>		<b><u>\$802,518.79</u></b>

and attached at Appendix 9.4.1 be endorsed.

**CARRIED 7/0**

<b>9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 31 MAY 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: 18/06/2018	File No.: 1/1
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 (<i>Strategic Community Plan-SCP</i>):</b> <i>No 6 Good Government: Active &amp; Responsible Civic Leadership, &amp; Excellence in Management</i>	

### **PROPOSAL SUMMARY**

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

### **BACKGROUND / INITIAL COMMENTS**

The monthly financial report recognises the financial position of Council at the reporting date and contains the following information;

- a) Annual budget estimates taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act 1995;
- b) Budget estimates to the end of the month to which the statement relates;
- c) Actual amounts of expenditure, revenue and income to the end of the month to which the statements relate;
- d) The material variance between the comparable amounts referred to in the paragraphs (b) and (c); and
- e) The net current assets at the end of the month to which the statement relates.

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions



- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

The relevant Strategic Community Plan issue area is number 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management.

### **FINANCIAL ISSUES/IMPLICATIONS**

Nil

### **POLICY ISSUES/IMPLICATIONS**

Accounting policies - Policy 3.1.1 to Policy 3.1.7

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

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 34

### **LEGAL ISSUES/IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

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

That Council receive the monthly statement of financial activity for the period as per the appendices.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.4.2</b>
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### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL RESOLUTION**

**OCM18/06/058**

**MOVED: CR WRIGHT**

**SECONDED: CR PURCELL**

**That Council receive the Monthly Statement of Financial Activity for the period 1 July 2017 to 31 May 2018 as presented.**

**CARRIED 7/0**



Cr Wright declared a financial interest in Item 9.5.1 as an employee of Alcoa who were the main sponsor of this funding program, and the left the meeting the time being 4.20 pm.

## 9.5 CHIEF EXECUTIVE OFFICER

<b>9.5.1 ALCOA WAROONA SUSTAINABILITY FUND</b>	
Reporting Officer / Officer's Interest:	Ian Curley Chief Executive Officer, Chairperson of AWSF Advisory Committee
Proponent:	Alcoa Waroona Sustainability Fund Advisory Committee
Date of Report: 19 June 2018	File No.: AWSF File
Previous Reference:	OCM 16/10/116
Policy Implications:	N/A
Statutory Implications:	AWSF Deed of Agreement
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

### **PROPOSAL SUMMARY**

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

### **BACKGROUND/INITIAL COMMENTS**

The AWSF is a fund established and contributed to by Alcoa of Australia Ltd and administered by the Shire of Waroona. The funds are held in the Shire's Trust Account and totalled \$1,762,846 as at 15/06/2018.

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

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

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



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

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

## **FINANCIAL ISSUES/IMPLICATIONS**

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

## **COMMUNITY CONSULTATION**

In accordance with the intent of the AWSF Terms of Reference public advertising has occurred seeking expressions of interest from local groups or organisations to ascertain prospective important activities within the community that may be eligible for future funding. EOIs were advertised and closed on 31 May 2018. An extract from the responses was provided to the committee at its meeting of 15 June 2018 and is attached at **Appendix 9.5.1** for Council’s information. The EOI respondents will be advised of the timing of the next round of funding.

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

The Council, on the recommendation of the AWSF Advisory Committee, resolved at the June 2017 Council meeting that the 2017 Funding round be increased from \$200,000 to \$297,331.50, due to the high volume of applications, and that the next funding be conducted in 2019. In 2017 applications were invited during April/May.

The Committee resolved the following at its meeting of 15 June 2018 -

*Moved: Beth Butler*

*Seconded: Tom Busher*

1. *That the AWSF Advisory Committee recommend to Council that a 3<sup>rd</sup> funding round open in March 2019 and close in May 2019.*
2. *The AWSF Advisory Committee to meet prior to the opening of the round to establish guidelines for the guidelines.*

*Motion Carried 5/0*

It is recommended that Council approve the timing of the 3<sup>rd</sup> round of grants to enable advance advertising of the dates to occur so eligible groups and organisations can begin to prepare their projects.

The AWSF Advisory Committee will meet later in the year to consider guidelines for the 3<sup>rd</sup> grant round and the amount of funding to be available, for recommendation to Council for approval.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.5.1</b>
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## **VOTING REQUIREMENTS**

Simple Majority



**COUNCIL RESOLUTION**

**OCM18/06/059**

**MOVED: CR SNELL**

**SECONDED: CR PURCELL**

**That Council endorse the recommendation from the Alcoa Waroona Sustainability Advisory Committee to advertise a 3<sup>rd</sup> grant funding round from the Alcoa Waroona Sustainability Fund to open in March 2019 and close in May 2019.**

**CARRIED 6/0**

Cr Wright returned to the meeting, the time being 4.22 pm.

**10. CONFIDENTIAL REPORTS**

Nil.

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

Nil.

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

**12.1 ELECTED MEMBERS**

Nil.

**12.2 OFFICERS**

Nil.

**13. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 4.58 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE SPECIAL COUNCIL MEETING HELD 24 JULY 2018 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

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

