



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 26 FEBRUARY 2019

(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 4.02 pm and welcomed Councillors and Staff present.

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

Cr Mike Walmsley	Shire President
Cr Larry Scott	Deputy Shire President
Cr Noel Dew	Councillor
Cr John Mason	Councillor
Cr Laurie Snell	Councillor
Cr Naomi Purcell	Councillor
Cr John Salerian	Councillor
Cr Craig Wright	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 Planning & Building
Miss Ashleigh Nuttall	Manager Corporate Services
Mrs Sue Cicolari	Executive Support Officer

APOLOGIES

Nil

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

Cr Walmsley declared a proximity interest, as the landowner of adjacent property, in Item 9.3.4 and the public question and public statements received, and left the meeting at 4.03 pm and the Deputy Shire President Cr Scott assumed the Chair.

4.1 PUBLIC QUESTION TIME

4.1.1 Donna Walmsley – 997 Somers Road, Waroona

Mrs Walmsley asked a question relating to Item 9.3.4 of the agenda.

Can Council please explain how they are able to determine an application and not defer the item, when the administration's report was not able to assess the Dust Management Plan and Site Management Plan when all information was only received today, and why surrounding property owners were not given the opportunity to review this prior to the decision being made?

Mr Long advised the recommendation included a condition for a Dust Management Plan and the applicant would not have been able to proceed with the development until the Dust Management Plan was received.



Mrs Walmsley asked if they were able to view the Dust Management Plan. The CEO advised that the plan would be publicly available.

4.2 PUBLIC STATEMENTS

4.2.1 Mr Nick Derosa and Mr Tony Derosa – PO Box 103, Waroona

Mr Nick Derosa read a public statement on behalf of Tony and himself regarding the Fruitico operations.

4.2.1 Mr Roger Fahl – 43 Kirkham road, Meelon

Mr Roger Fahl made a public statement in support of the application at Item 9.3.4 of the agenda.

Cr Walmsley returned to the meeting and resumed the Chair, the time being 4.17 pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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 Snell declared a proximity interest in Item 9.3.5, as a close associate of the landowner of an adjacent property.

Cr Walmsley declared a proximity interest in Item 9.3.4, as a landowner of an adjacent property.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 18 December 2018

COUNCIL RESOLUTION

OCM19/02/001

MOVED: CR SNELL

SECONDED: CR SCOTT

That the Minutes of the Ordinary Council Meeting held 18 December 2018 be confirmed as being a true and correct record of proceedings.

CARRIED 8/0

9.0 REPORTS OF OFFICERS AND COMMITTEES



9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 PRESTON BEACH GOLF CLUB – REQUEST FOR IN KIND ASSISTANCE	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Preston Beach Golf Club
Landowner:	Shire of Waroona
Date of Report: 13 February 2019	File No.: 66/2
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 4: <i>Society & Community Wellbeing</i>	

PROPOSAL SUMMARY

The Preston Beach Golf Club has approached the Shire seeking an in kind contribution to assist in both carrying out of the works themselves and in gaining funds from other bodies to fund the balance of the works.

BACKGROUND/INITIAL COMMENTS

The members of the Preston Beach Golf Club have identified an issue with their number three green in that it is located on the top of a ridge and exposed to the strong winds that are common in Preston Beach. Due to this location there are constant problems with wind-blown sand scour which removes material from the exposed side of the slope in front of the green and deposits this material on the green itself. Additionally, access to the green is difficult and an upgraded access would be beneficial.

In conjunction with Shire works Officers an alternative location for the green has been determined as has a route for an upgraded access. The alternative location is approximately twenty metres to the west and offers greater protection from the wind as it is more sheltered and removes the green from the 'wind tunnel' effect experienced by the current location.

The new location requires some earthworks and pruning of vegetation. Other works include the rehabilitation of the existing green site and the upgraded access.

The Golf Club intends to seek funding from appropriate bodies however as the course is located on Shire controlled land, these bodies would look more favourably on any application if Shire support is already in place and an offer of in kind work would be evidence of this support.

The final scope of works is not yet determined and will depend largely on the amount of funding the Golf Club can gain, however it would seem appropriate for the Shire to become involved with the earthworks and vegetation pruning aspects of the works, with the installation of the new green being carried out by others.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This matter falls under area four of the SCP, i.e. “Society and Community Wellbeing”.

FINANCIAL ISSUES/IMPLICATIONS

Officers feel that in kind work up to the value of \$5,000 would be appropriate in this instance. Should this proposal meet with Council approval, this cost would be included in the 2019/20 annual budget which would have the dual benefits of having no effect on the current budget and allowing the club time to prepare grant submissions with works taking place later in the 2019/20 financial year.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The lease between the Golf Club and the Shire states that minor maintenance is the responsibility of the Golf Club however these works represent relatively major works and therefore beyond the limitations of the lease.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

This matter has been discussed with the Preston Beach Golf Club.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Officers are understanding of the problems associated with the location of the number three green and are satisfied that the Preston Beach Golf Club has carried out in the past a number of initiatives in an effort to remedy the problems to no avail. It is apparent that the current location of the green is entirely inappropriate and the new location will do much to alleviate the problems associated with the current location.

Appendices Attached:	Yes	Appendices Numbers: 9.1.1
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

OCM19/02/002

MOVED: CR SCOTT

SECONDED: CR DEW

That Council support the Preston Beach Golf Club in its efforts to alleviate issues associated with the location of the number three green and approve the inclusion of in-kind works to the value of \$5,000 in the 2019/20 budget to assist in the relocation of the green.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2 DIRECTOR STRATEGIC DEVELOPMENT

9.2.1 CHAMPIONS LEAGUE BASKETBALL 3X3 EVENT	
Reporting Officer / Officer's Interest:	Brad Vitale, Community Development Officer; No interest
Responsible Officer / Officer's Interest	Louis Fouché, Director Strategic Development; No Interest
Proponent:	Champions League Basketball
Landowner:	Shire of Waroona
Date of Report: 11/02/2019	File No.: 12/2
Previous Reference:	9.2.5 of 24 April 2018
Policy Implications:	Nil
Statutory Implications:	See heading
Strategic Implications:	See heading
Financial Implications:	See heading
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
<i>No. 1 Local Economy: Managing our future growth</i>	
<i>No. 4 Society/Community Wellbeing: A strong sense of community, addressing social issues, and effective community wellbeing</i>	

PROPOSAL SUMMARY

Council is advised of the postponing of the 2019 Champions League Basketball 3X3 Event, and requested to allocate funds in the 2019/20, 2020/21 and 2021/22 budgets

BACKGROUND / INITIAL COMMENTS

Mandurah and Peel Tourism Organisation (MAPTO) has advised that the organisers of the Champions League Basketball 3X3 Event scheduled for February 2019 have postponed this event. The event organiser advised that due to unforeseen circumstances with other 3X3 providers entering the market and placing events on or around similar dates to their calendar of events, they are proposing to move some of the first time event locations to ensure they are successful. These events are proposed to be held later in 2019.

The events proposed to be postponed include:

- Strathalbyn/Goolwa (SA)
- **Waroona/MAPTO (WA)**
- Bunbury (WA)

The events that are unaffected include:

- Grafton (NSW)
- Port Adelaide (SA)
- Hamilton (Vic)
- Lakes Entrance (Vic)

At its meeting in April, Council resolved the following:

COUNCIL RESOLUTION

OCM18/04/034

MOVED: CR SCOTT

SECONDED: CR DEW

In relation to the Champions League Basketball 3X3 event, Council resolves to:

1. Host the competition at a location in the townsite of Waroona; and
2. Co-fund the competition, allocating future funding as follows:
 - \$2,500 + GST in the 2018/19 financial year;
 - \$3,000 + GST in the 2019/20 financial year;
 - \$3,500 + GST in the 2020/21 financial year.

CARRIED BY ABSOLUTE MAJORITY 6/0

MAPTO has enquired whether Council is able to adjust the allocation of funds under the three year agreement by one year to be as follows:

- \$2,500 + GST in the 2019/20 financial year;
- \$3,000 + GST in the 2020/21 financial year;
- \$3,500 + GST in the 2021/22 financial year.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan issue areas are:

Number 1 – Local Economy “Managing our future growth”; and

Number 4 – Society / Community Wellbeing “Maintain strong sense of community; effective community wellbeing”.

FINANCIAL ISSUES / IMPLICATIONS

Champions League Basketball 3X3 has adjusted its funding requirements across the 3 years to:

- \$5,000 + GST in 2019/20
- \$6,000 + GST in 2020/21
- \$7,000 + GST in 2021/22

MAPTO remains committed to fund 50% of the cost, requiring in the Shire of Waroona to fund the remainder as follows:

- \$2,500 + GST in 2019/20
- \$3,000 + GST in 2020/21
- \$3,500 + GST in 2021/22

The Shire would still also be required to provide in-kind contributions to the scale of other compatible events. The estimated value of these in-kind contributions would be \$3,000.

POLICY ISSUES / IMPLICATIONS

Nil.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Local Government Act 1995

Part 6, Division 2, s. 6.2 “Local government to prepare annual budget”

LEGAL ISSUES / IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Waroona Amateur Basketball Association (Incorporated) is still supportive of the event and is still willing to consider ways of supporting the event whether in-kind or financially, regardless of the date change.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Basketball is currently the second largest sport globally with 213 countries participating internationally with over 450 million people playing regularly. It is played by over 1 million people in Australia across 426 local associations, and is the second highest team participation sport in Australia, and the second most requested sport in schools nationwide.

Basketball is the largest team participation sport in Waroona, with a large membership and spectator base. Waroona is well known state wide for its basketball passion and ability, making the Champions Basketball League 3X3 competition an ideal event for the Shire to host.

Although the event has been postponed, the Champions Basketball League 3X3 event will still offer the following benefits to the Shire of Waroona and MAPTO:

- Signage at the event;
- Logo recognition on the event website and all marketing material;
- Invitation to the Shire President, Councillors and key staff;
- Joint media release/statement;
- Post event report including actual number of competitors, origin of competitors, average length of stay, media summary etc.
- Promotion of the Shire and MAPTO websites for accommodation bookings and tourism information.

Conclusion

The proposed postponement of the Champions Basketball League 3X3 event is not considered to be significant. It provides the opportunity to find a suitable date for affected stakeholders and increases the timeframe to market the event. The postponement however requires

Council's budget allocation to be moved one financial year into the future as per the Officer Recommendation.

Appendices Attached:	No	Appendices Numbers:	N/A
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VOTING REQUIREMENTS

Absolute Majority.

COUNCIL RESOLUTION

OCM19/02/003

MOVED: CR MASON

SECONDED: CR WRIGHT

In relation to the postponing of the Champions League Basketball 3X3 event, Council resolves to:

- 1. Continue the hosting of the competition at a location in the town-site of Waroona over three years, commencing in 2019; and**
- 2. Continue the co-funding of the competition, amending the allocation of future funding as follows:**
 - \$2,500 + GST in the 2019/20 financial year;**
 - \$3,000 + GST in the 2020/21 financial year; and**
 - \$3,500 + GST in the 2021/22 financial year.**

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2.2 REQUEST FOR SUPPORT – SUCK IT UP BATTLE CUP EVENT	
Reporting Officer / Officer's Interest:	Brad Vitale, Community Development Officer; No interest
Responsible Officer / Officer's Interest	Louis Fouché, Director Strategic Development; No Interest
Proponent:	Centaur Outdoor Events
Landowner:	Tasgo Nominees Pty Ltd, Drakesbrook Wines Pty Ltd
Date of Report: 15/02/2019	File No.: 12/2
Previous Reference:	N/A
Policy Implications:	See heading
Statutory Implications:	See heading
Strategic Implications:	See heading
Financial Implications:	See heading
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
<i>No. 1 Local Economy: Managing our future growth</i>	
<i>No. 4 Society/Community Wellbeing: A strong sense of community, addressing social issues, and effective community wellbeing</i>	

PROPOSAL SUMMARY

Council is requested to consider providing support for the Suck It Up Battle Cup event proposal by Centaur Outdoor Events and requested by Mandurah And Peel Tourism Organisation (MAPTO).

BACKGROUND / INITIAL COMMENTS

MAPTO has presented the Shire with a proposal to fund and host the 2019 Suck It Up Battle Cup event. This event is similar to the Tough Mudder/ Spartan Races that are increasing in popularity around Australia, and is proposed to be held on Friday 16th and Saturday 17th August 2019. It is understood that the Shire of Waroona is the only Western Australian local government to be presented with this proposal.

Suck It Up Battle Cup is a “battle frog” style obstacle course race requiring teams of four to complete a series of physical tasks. The course is typically a 6-8km loop through all types of terrain, particularly wet and muddy, with over 50 obstacles and challenges provided and constructed by Centaur Outdoor Events. There are three categories of the event – male only, female only and mixed, with one overall winner. Based on previous events, Centaur Outdoor Events has anticipated that 500-600 students and teachers from around the state will participate in the Mini Muddies Event on the first day, and 750-1000 adults will participate in the main Suck It Up Battle Cup event on the second day. The origin of competitors is predicted to be 20% local, 60% intrastate and 20% interstate. The event organisers claim that the event receives great attention from local media (television, radio and print), and has a strong social media presence.

Centaur Outdoor Events will be responsible for the entire management of the event (staff and paid volunteers), with no requirement for a local sporting association to be involved in a hosting capacity. Centaur Outdoor Events may engage a local charity or community organisation to provide volunteers in return for a donation to the charity or community organisation.

Centaur Outdoor Events will be responsible for the marketing of the event, including a dedicated website, social media pages including Facebook and Instagram, media releases,



print and digital advertising, radio advertising, partnerships with local radio (competitions and promotions), direct communications with schools, universities, gyms, personal trainers, obstacle course associations and athletics associations.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan issue areas are:

Number 1 – Local Economy “Managing our future growth”; and

Number 4 – Society / Community Wellbeing “Maintain strong sense of community; effective community wellbeing”.

FINANCIAL ISSUES / IMPLICATIONS

Centaur Outdoor Events is seeking \$12,000 plus GST in 2019/20 to deliver the event in Waroona in August 2019, with a further \$2,500 plus GST required by Sports Marketing Australia as their event attraction fee.

If the event is successful, and requested to be held in 2020 and 2021, Centaur Outdoor Events will seek \$8,000 plus GST per year, with no fee required to be paid to Sports Marketing Australia.

The Shire would be required to provide in-kind contributions to the scale of other compatible events. The estimated value of these in-kind contributions would be \$5,000.

POLICY ISSUES / IMPLICATIONS

Nil.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Local Government Act 1995

Part 6, Division 2, s. 6.2 “Local government to prepare annual budget”

LEGAL ISSUES / IMPLICATIONS

Centaur Outdoor Events and the private landowner hosting the event will be collectively responsible for the entire event management including all legal issues and implications.

COMMUNITY CONSULTATION

Seven local tourism based businesses that would directly benefit from this event have been approached to contribute towards the cost of securing this event in Waroona for 2019. Two of these businesses indicated an interest in financially supporting the event, however combined would only be able to contribute to a quarter of the funding required.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The nature and timing of the event do not suit the use of Council owned land and facilities, however Drakesbrook Fine Wines and Forest Edge Adventure Camp may be suitable venues that meet the requirements of secure facilities that can be locked at night, car parking facilities, grand stands, food outlets, toilet facilities and signage opportunities.

Limited information has been provided about the event, sponsorship arrangements, and roles and responsibilities of the event organiser and sponsors. Although the event organisers predict 1250-1600 participants, there has been no estimations provided on the economic benefit to the community, nor the benefit to the Shire of Waroona for sponsorship.

Options to consider for 2019 event

1. With the event proposed to be held on private land, and without available estimations on the benefit to the community and Shire, Council may wish to consider not supporting the event financially or in-kind.
2. Council may wish to consider contributing \$7,250 plus GST, which is fifty percent (50%) of the cash component of the requested event hosting cost, subject to local businesses contributing the remainder, in addition to in-kind support able to be provided as approved by the Manager Works.
3. Council may wish to consider contributing the full \$12,000 plus GST in requested event hosting costs with a further \$2,500 plus GST required by Sports Marketing Australia as their event attraction fee, in addition to in-kind support able to be provided as approved by the Manager Works.

Appendices Attached:	No	Appendices Numbers:	N/A
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VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION

OCM19/02/004

MOVED: CR MASON

SECONDED: CR SCOTT

That Council refer the 2019 Suck It Up Battle Cup event proposal by Centaur Outdoor Events to the Recreation Advisory Committee for further consideration and request the applicants provide more detailed information on the proposal.

CARRIED 8/0



9.3 EXECUTIVE MANAGER PLANNING & BUILDING SERVICES

9.3.1 ADOPTION OF AMENDMENT 40 TO THE SHIRE OF WAROONA LOCAL PLANNING SCHEME NO. 7	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner; No Interest
Responsible Officer / Officer's Interest	Louis Fouché – Director Strategic Development
Proponent:	Shire of Waroona
Landowner:	Not applicable
Date of Report: 22/01/2019	File No.: TPS7A40
Previous Reference:	OCM18/07/064 of 24 July 2018
Policy Implications:	State Planning Policy 2 – Environment and Natural Resource Policy State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment 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 Development Control Policy 1.2 Development Control – General Principles (DCP 1.2)
Statutory Implications:	<i>Planning and Development Act 2005</i> <i>Environmental Protection Act 1986</i> Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Waroona Local Planning Scheme No. 7 1996
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 3 “Responsible Land Use Planning and Protecting Rural Land”	

PROPOSAL SUMMARY

Council is requested to consider the adoption of Amendment 40 to the Shire’s Local Planning Scheme No. 7. Amendment 40 proposes to remove part of the of provisions in Schedule A, with the intention of exempting compliant single houses and associated structures from requiring planning consent within the Rural Residential zone.

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 requirement for planning consent for a single house and associated structures in the Rural Residential zone has formed part of the Shire of Waroona Local Planning Scheme No.7 since its gazettal in 1996. The reason for requiring planning consent is based around Environmental Protection Peel Inlet - Harvey Estuary Policy 1992. This policy required that environmental quality objectives be achieved by local authorities through their local planning schemes. However, since the adoption of the policy, new development controls have been put in place for the purpose of protecting the environmental amenity.



PLANNING – STRATEGIC IMPLICATIONS

The amendment does not impact on the compliance of the Shire’s local planning framework with relevant strategic framework documents including the Local Planning Strategy and South Metropolitan and Peel Sub-Regional Planning Framework.

REFERRALS

Discussions with officers of the Department of Planning, Lands and Heritage have confirmed that the amendment is considered a standard amendment and that there is no apparent concern regarding the proposal at officer level.

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

Officer time associated with the preparation and processing of the amendment is included in the Shire’s existing operating expenditure. Advertising costs have been included within the existing operating budget via publication in the Sea to Scarp newsletter.

POLICY ISSUES/IMPLICATIONS

The proposed amendment has been considered in terms of the following State Planning Policies and does not cause any inconsistency with the state planning framework:

- State Planning Policy 2 – Environment and Natural Resource Policy
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- 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
- Development Control Policy 1.2 Development Control – General Principles (DCP 1.2)

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

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

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

The following specific legislative requirements apply:

- Section 75 of the Planning and Development Act 2005 provides the ability for a local government to amend a local planning scheme in relation to land within its district, also requiring the amendment to be approved by the Minister and published in the *Gazette*.

- Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 prescribes the form of a resolution by Local Government to prepare or adopt an amendment to a local planning scheme.

LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

Consultation has been undertaken in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015. No public submissions have been received in relation to the proposed amendment.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The original intent of requiring planning approvals for single houses and associated structure in 'Rural Residential' zone was to mitigate against any negative impact such developments may have on the environment.

The proposed exemption will not forfeit the requirement to comply with the *Planning and Development (Local Planning Schemes) Regulations 2015* specific to bushfire management. The construction of a single house will still require compliance with state planning policies and the issuing of a building permit, therefore no additional impact on bushfire safety will result from the amendment.

Building envelopes, setbacks and other building controls prescribed under the Shire of Waroona Local Planning Scheme No. 7 will protect the environmental amenity, with any proposed variations of these controls requiring planning consent. Therefore, exemption for planning consent of single houses and associated structures that comply with Scheme and policy provisions will not impact on the environmental amenity.

The inclusion of the exemption in Schedule A of the Scheme is considered to be an integral action to the proper and orderly planning of the Shire. The controls currently in place via building envelopes, setbacks, clearing, bushfire management and additional provisions specific to lands contained in Schedule 2 of LPS7 are considered to adequately address the environmental and amenity aspects of dwelling construction. The current requirement for planning consent for compliant Single Houses in the Rural Residential zone is therefore considered to be an unnecessary requirement.

It is therefore recommended that Amendment 40 be adopted.

Appendices Attached:	Yes	Appendices Numbers:	9.3.1A
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VOTING REQUIREMENTS

Absolute Majority.

COUNCIL RESOLUTION

OCM19/02/005

MOVED: CR SNELL

SECONDED: CR MASON

1. That in relation to proposed Scheme Amendment 40 to the Shire of Waroona Local Planning Scheme No. 7 to exempt compliant Single Houses and associated structures within the Rural Residential zone and pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council resolves to;
 - A. Adopt Amendment 40 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 8/0

9.3.2 PROPOSED OUTBUILDING – LOT 123 (NO. 14) MILLAR STREET, WAROONA	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long; Executive Manager Planning and Building Services; Nil
Proponent:	St Joseph's School
Landowner:	Catholic Church
Date of Report: 22/01/2019	File No.: TP2088
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	<i>Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015</i>
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <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 the construction of an outbuilding at the existing St Josephs' School on the eastern boundary adjoining Hesse Street.

Plans showing details for the proposed works are at **APPENDIX 9.3.2A**.

BACKGROUND / INITIAL COMMENTS

The site has been used for the purposes of an Educational Establishment for an extended period, with the school forming an important part of the local community.

The existing outbuilding used by the pre-primary will be demolished to make room for the approved alterations to the classrooms. The outbuilding is used by the pre-primary to store all their equipment and needs to be located near the existing pre-primary building.

The proposed outbuilding is located on the lot boundary so as to have the least impact on the play / activity area of the pre-primary students.

External cladding is proposed to be Colorbond and of a similar colour to the existing outbuilding (to be demolished) and is not expected to negatively impact upon the amenity or streetscape of the area.

PLANNING – STRATEGIC IMPLICATIONS

The site is identified as 'Town Centre' by the Shires' Local Planning Strategy.

REFERRALS

Internal comments have not raised any issues.

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

The relevant application fee has been submitted with the application.

POLICY ISSUES/IMPLICATIONS

Nil.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The site is zoned Urban 1 – Town Centre under Local Planning Scheme No. 7. An ‘Educational Establishment’ is a D use in the Urban 1 – Town Centre zone.

The proposal to construct the outbuilding up to a street frontage or side boundary is consistent with the setback provisions for non-residential development in the Town Centre zone.

Planning consent is required for the works in terms of Clause 60 of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015*.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The proposed outbuilding is necessary to provide a secure storage area for school equipment, and is not considered to have a detrimental impact on the amenity of the locality as it is consistent with the existing development on the site.

Vehicle access, manoeuvring or sight distances will not be impacted by the proposed works. The proposal meets all applicable criteria under Local Planning Scheme No. 7 and is therefore recommended for approval.

Appendices Attached:	Yes	Appendices Numbers: 9.3.2
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTOIN

OCM19/02/006

MOVED: CR SCOTT

SECONDED: CR MASON

That in relation to the proposed 'Outbuilding' at Lot 123 (No. 14) Millar Street, the Shire of Waroona resolves to approve the development application subject to the following conditions:

- 1. The development shall be carried out only in accordance with the details of the application as approved herein and any approved plan.**
- 2. Building materials are to be of a standard and colour scheme complementing and blending in with the amenity of the area.**

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.**

CARRIED 8/0

9.3.3 EXTRACTIVE INDUSTRY RENEWAL – LOT 1 OLD COAST ROAD, LAKE CLIFTON	
Reporting Officer / Officer's Interest:	Sarah Park; Environmental Officer / Nil
Responsible Officer / Officer's Interest	Leonard Long; Executive Manager Planning & Building Services / Nil
Proponent:	Charles Hull Contracting
Landowner:	Charles Hull Contracting
Date of Report: 11/01/2019	File No.: TP2082
Previous Reference:	EI18
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; 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>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

PROPOSAL SUMMARY

An application for the 'renewal' of the Planning Consent for an 'Extractive Industry' and 'Extractive Industry Licence' has been received for Lot No 1, Old Coast Road, Lake Clifton. See location Map at **APPENDIX 9.3.3A**.

Lot 1 is zoned Rural 3B – Coastal Highway under the LPS. An 'Extractive Industry' is an A (discretionary) use in the Coastal Highway zone.

The proposed renewal of the 'Extractive Industry' as well as the 'Extractive Industry Licence' is recommended for approval subject to conditions.

BACKGROUND / INITIAL COMMENTS

The site is located off Old Coast Road approximately 5 km south of the Old Coast / Old Bunbury Road intersection, and is 39ha in size.

The land located to the north and east of Lot 1 Old Coast Road are reserved lands. To the East is State Forest (F16) and to the North is Regional Open Space.

The applicant has submitted a Management Plan, which contains details around health and safety issues and environmental management as well as a copy of the Clearing Permit and associated plans in support of the applications.

The area to be mined does not differ from the previous approvals and covers 4.66 hectares with the total area of the quarry including a rehabilitated area of 1.73 hectares is 11.97 hectares. See **APPENDIX 9.3.3B**.

The proponent proposes that the topsoil and cap rock will be removed and stockpiled adjacent to the area being mined. The limestone will then be ripped, crushed, screened and stockpiled on the mine floor prior to trucking. The volume and depth of overburden varies and determined by depth and quality of limestone.

The site extraction is proposed to be staged as follows:

- 2018-2019 Area 1.
- 2019-2023 Area 2 and adjacent cells being developed in south eastern corner working back to Area 1.
- Areas 3 and 4 will be left until Area 2 and adjacent cells are completed.

The excavation depth is proposed to be 6 AHD. The proposed hours of operation are Monday to Saturday 7.00am to 5:00pm and Saturdays 7.00am to 3.30pm. The number of trucks entering the site is not expected to increase. Truck access to the stockpile is controlled via a one way in/ one way out circuit access track.

Access to the site has been upgraded since the previous approvals to a sealed surface and is located off the Old Coast Road.

Previous approvals

Shire records indicate this extractive industry has been operating for approximately 40 years in this location, with the original Licence granted on 20 March 1980, and the latest approval granted 26 November 2013 for a five (5) year period.

The area proposed to be mined between 2019 and 2023 has already received a clearing permit from the Department of Water and Environmental Regulation on 5 December 2015, expiring on 4 December 2023 (CPS6640/1).

PLANNING – STRATEGIC IMPLICATIONS

The proposal has been assessed against the Local Planning Strategy 2009 (LPS), with its recommended approval not having any implications thereto.

REFERRALS

External Referrals

The proposal was referred to the following departments, with their comments (if any) included in the proposed conditions.

- Department of Water and Environment Regulation;
- Department of Planning Lands & Heritage; and
- Main Roads WA.



Internal Referrals

The proposal was referred to the following departments with their comments (if any) included in the proposed conditions.

- Shire's Environmental Health Department; and
- Shire's Technical Services Department.

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 \$440.

POLICY ISSUES/IMPLICATIONS

The proposal has been assessed against the following policies with its recommended approval not having any implications:

- Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 (PRS Policy)
- Local Planning Policy 1 – Community Consultation
- Local Planning Policy 15 – Extractive Industry (LPP15)

The proposal does not comply with the following guidance statement:

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

The Guidance Statement notes that where site specific studies have not been carried out, the sand extraction operations should maintain a minimum separation distance from sensitive land uses (dwellings) of 300m - 500m depending on their size.

It is not proposed to vary the existing setbacks from the lot boundaries as approved by the previous extractive industry licence. The excavation area is set back as follows:

- o 108m from the western lot boundary (Old Coast Road boundary);
- o 34m from the southern boundary;
- o 21m from the Eastern boundary; and
- o 342m from the Northern boundary. (All measurements are approximate).

Taking into consideration that over the existing lifespan of the 'Extractive Industry' no complaints have been received with regard to dust / noise, it is considered appropriate to recommend the proposed application for approval without imposing the suggested separation distances.

However, should dust / noise pollution become a problem the owner will need to comply with the relevant legislation.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The renewal proposal has been assessed against the following policies with its recommended approval not having any implications:

- Planning and Development Act 2005;
- Planning & Development (Local Planning Schemes) Regulations 2015;
- Environmental Protection (Noise) Regulations 1997 (Noise Regulations);
- Peel Regional Scheme 2003;
- Shire of Waroona Local Planning Scheme No. 7 (TPS); and
- Shire of Waroona Extractive Industry Local Law 1999 (Local Law).

LEGAL ISSUES/IMPLICATIONS

See statutory issues.

COMMUNITY CONSULTATION

In accordance with the provisions of 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).

Two submissions were received requesting further information about the proposal, this information was provided to the submitters, with no objections received.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

This proposal is for the 'renewal' of the Planning Consent and Extractive Industry Licence that has been operating since 1980, with no complaints recorded.

From a planning perspective it is imperative that this natural resource is allowed to be used for development. However, it is equally important to ensure that the proposed use does not negatively impact on the environment as well as surrounding uses.

The applicant has provided a Limestone Pit Management Plan which outlines how the various aspects of the 'Extractive Industry' will be managed, including dust and noise management.

With regard to the groundwater separation distances the applicant proposes to excavate to a maximum depth of 6m AHD. The Department of Water and Environmental Regulation (DWER) advised that the distance between the base of the proposed excavation and the maximum seasonal groundwater level should have a minimum separation depth of 300mm.

This separation distance is not consistent with the requirements of the *Shire of Waroona Extractive Industry Local Law 1999*, which is a separation distance of 3m above the groundwater level.

However, the Local Law states this distance can be reduced with the written approval of the local government. DWER are a specialised referral body, therefore, it's recommended that the conditions of approval be in accordance with the DWER advice.

As the proposed 'Extractive Industry' exhausts the resource the owner will be required to rehabilitate and reinstate the excavation site to provide adequate access for future rural land-use and management such as fencing, weed control, livestock and fire.

Conclusion

The continuation of limestone extraction operations will provide resources for the building and construction industry. Lot 1 has operated as an Extractive Industry with planning consent for approximately 40 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.

Appendices Attached:	Yes	Appendices Numbers:	9.3.3A & B
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VOTING REQUIREMENTS

Simple Majority

Cr Snell foreshadowed a motion regarding having the appropriate government agency monitoring the depths of extractive industries, following the Council resolution below.

COUNCIL RESOLUTION

OCM19/02/007

MOVED: CR SCOTT

SECONDED: CR WRIGHT

That in relation to the application for development approval for the Extractive Industry at Lot 1 Old Coast Road, Lake Clifton, Council resolves to:

- A. Approve the development application subject to the following conditions:**
- 1. Except to the extent inconsistent with any other conditions set out hereunder, all development on the site shall comply with the Limestone Pit Management Plan 2018 - 2023 and any subsequent amendments to that Pit Management Plan as may be agreed in writing between the applicant and the Shire of Waroona from time to time.**
 - 2. Except as otherwise approved by the Shire of Waroona, the hours of operation of the extractive industry, including the movement of trucks in or out of the site, shall be restricted to:**
 - a. The hours of 7:00am – 5:00pm Monday to Friday, and 7:00am – 3:30pm Saturday, with no operation of the extractive industry permitted on Sundays and / or Public Holidays.**
 - 3. All stormwater and drainage run-off shall be contained on site or connected to a Shire stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**

4. The developer shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the subject site by using where necessary appropriate dust suppression techniques including but not limited to the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environment and Conservation's dust management guidelines dated March 2011.
5. The site shall be suitably rehabilitated and re-contoured on a per hectare basis, including re-battering of banks and reseeded and stabilising of former extraction areas, in accordance with the Pit Management Plan 2018 - 2023 to the satisfaction of the Shire of Waroona.
6. The excavation activities are to be restricted to a level no lower than 300 millimetres above the highest known water table.
7. No onsite fuel storage or major servicing of equipment shall take place on the site.
8. The applicant shall:
 - a. Implement measures to avoid the risks of spills or leaks of chemicals including fuel, oil or other hydrocarbons; and
 - b. Ensure that no chemicals or potential liquid contaminants are disposed of on site.
9. Stockpiles of gravel and topsoil shall not be located on the high ridgelines of the property and stored in an east/west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion).
10. No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of Shire of Waroona 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. This approval is valid for a period of five years. On or prior to the end of this period, the use is to cease and the land reinstated to its original condition.

ADVICE TO APPLICANT:

1. The applicant is advised that compliance is required with the Environmental Protection (Noise) Regulations 1997 at all times during the operation of the Extractive Industry.

2. The applicant is to seek all other necessary approvals required for the operation of an Extractive Industry, including but not limited to Clearing Permits, Works Approvals and removal of Vegetation Conservation Notices where applicable.
 3. As recommended by the Department of Water, the extractive industry is operated in accordance with Water Quality Protection Notes 15 – Extraction industries near sensitive water resources.
 4. The Department of Water and Environmental Regulation has advised that any groundwater abstraction, including pit dewatering and dust suppression, in the proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water and Environmental Regulation. The issuing of a groundwater license is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.
- B. Issue an Extractive Industry Licence valid for a period of five years subject to the conditions imposed through the development approval for the Extractive Industry in (A) above.

CARRIED 8/0

COUNCIL RESOLUTION

OCM19/02/008

MOVED: CR SNELL

SECONDED: CR SCOTT

That the Shire investigate the process of how the appropriate government agency monitors the extractive depth with regard to the highest known water table for extractive industries.

CARRIED 8/0



Cr Walmsley declared a proximity interest in Item 9.3.4, as landowner of adjacent land and left the meeting at 4.35 pm. The Deputy Shire President Cr Scott assumed the Chair.

9.3.4 INTENSIVE AGRICULTURE – LOTS 270, 271, 272 & 20 BULLER ROAD, HAMEL	
Reporting Officer / Officer's Interest:	Leonard Long; Executive Manager Planning & Building Services / Nil
Responsible Officer / Officer's Interest	Leonard Long; Executive Manager Planning & Building Services / Nil
Proponent:	Fruitico Investments Pty Ltd
Landowner:	Fruitico Investments Pty Ltd & Alcoa of Australia
Date of Report: 16/02/2019	File No.: TP2083
Previous Reference:	NA
Policy Implications:	Environmental Protection Authority Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses (2005) State Planning Policy 2.5 Land Use Planning in Rural Areas; State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment (2003); Peel Region Scheme Strategic Agricultural Resource Policy (2003); Department of Health's Guidelines for Separation of Agriculture and Residential land uses – Establishment of Buffer Areas; Local Planning Policy 13 – Intensive Agriculture; Local Planning Policy 1 – Community Consultation.
Statutory Implications:	Planning and Development Act 2005; Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979; Peel Regional Scheme 2003 Shire of Waroona Local Planning Scheme No. 7 1996;
Strategic Implications:	Local Planning Strategy 2009; Shire of Waroona Strategic Community Plan 2016/17-2025/26;
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

PROPOSAL SUMMARY

Council is requested to consider a retrospective application for development approval for Intensive Agriculture – Vineyard on Lots 270, 271, 272 & 20 Buller Road, Waroona. See location Map at **APPENDIX 9.3.4A**.

The application is retrospective as works have already been undertaken on the site, including the planting of stage 1 and the commencement of the clearing of land for stage 2.

As a result of community consultation a number of submissions / objections were received. The submissions have been considered and are discussed further in this report under Community Consultation.

Officers recommend approval of the development application subject to conditions.

BACKGROUND / INITIAL COMMENTS

The site is located on the north-eastern corner of the intersection of Buller Road and Somers Road, approximately 5 km north-west of the Hamel Town site.

Perennial horticulture has occurred during Stage 1 on Lots 270, 271 and 272, with clearing on Lot 20 having been commenced for the proposed stage 2. The area to be planted as Stage 2 of the vineyard covers 41.74ha and the total area of the vineyard including Stage 1, is 117ha.

The land adjoining the subject lot is freehold general agriculture zoned lots. The closest residence, not a part of the subject horticulture operation, is 65m west of Lot 20.

The proponent proposes to develop the in-ground cultivation system to grow table grape varieties. The table grapes are grafted onto selected rootstock suitable to the soil types of the lot. After the initial setup, no further cultivation is required. Permanent cover crops are planted to maintain soil health throughout summer.

In support of the application the applicant has submitted a Site Management Plan which includes irrigation management, nutrient management as well as a nutrient export risk assessment. Following the first round of consultation the applicant proposed the installation of 5m high fabric windbreaks in a north south orientation as well as a 200m long vegetated screen along a portion of the western boundary of the site as shown in **APPENDIX 9.3.4B**.

The Site Management Plan has been referred to the appropriate government departments to ascertain its acceptability with no government departments having any objection or requiring specific conditions. The comments received are addressed further in this report under Referrals.

Officers hold concerns that the proposed 5m high fabric windbreak along the western boundary of Lot 20 will have a negative impact on the amenity of the area. The negative impact could potentially be addressed by setting back the windbreak 20m from the boundary and planting a natural vegetative screen along its entire length.

PLANNING – STRATEGIC IMPLICATIONS

Local Planning Strategy 2009 (LPS)

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

The objective of the Priority Agriculture Area is to protect it from lifestyle subdivision and other non-compatible development in an area which has, or is capable of having, irrigation infrastructure to allow for a range of diverse agricultural uses.

Under considerations the LPS states the following:

1. *“Applications for Intensive Agriculture shall be referred to the Department of Water and Department of Agriculture for comment.*

Officer Comment:



The application has been referred to the Department of Water and Environmental Regulation and the Department of Primary Industries and Regional Development (which includes the previous Department of Agriculture and Food), who have no objection to the proposed development and have not recommended any conditions.

2. *Applications for Intensive Agriculture shall have regard to groundwater quality and availability.*

Officer Comment:

The proposed development is not reliant on groundwater and obtain water from Harvey Water.

3. *Applications for Intensive Agriculture shall have regard to stocking rates and nutrient management.*

Officer Comment:

The applicant included in the Site Management Plan a Nutrient Export Risk Assessment. This information was provided to the Department of Water and Environmental Regulation as well as the Department of Primary Industries and Regional Development (which includes the previous Department of Agriculture and Food). None of the departments had any objection to the nutrient export risk assessment or required any conditions. The comments received are addressed further in this report under Referrals.

4. *Appropriate buffers are to be determined to separate Intensive Agriculture uses from sensitive land uses such as dwellings.”*

Officer Comment:

There are a number of guidelines that recommend various buffer distances between certain uses. Buffer distances are further addressed under the Policy and Referral sections of this report.

REFERRALS

External Referrals

The Department of Water and Environmental Regulation had no objection and did not require any conditions, and provided the following comment:

‘The operation employs best management practices to ensure very little nutrients leave the site by applying the required amount of irrigation and fertiliser for plant uptake and monitoring allows any adjustments to the application rates.’

The Department of Primary Industries and Regional Development (which includes the previous Department of Agriculture and Food) had no objection and did not require any conditions and provided the following comment:

- *‘The Pinjarra system, P3, doesn’t have a high to very high risk of phosphorus export, but it is regarded as not suitable for in-ground horticulture due to high risk of waterlogging during winter. The applicant has successfully installed a drainage system in Stage 1 and similar system will be installed in Stage2. The installing of the drainage system does not make this soil suitable for in-ground horticulture as demonstrated by the success of Stage 1.*
- *No application of fertiliser or irrigation will be applied during the wet season. This significantly reduces the risk of nutrient export. The installation of the lysimetric system*

similar to those in Stage 1 will ensure additional capability to fine tune fertiliser and water applications.'

The Department of Health had no objection and no conditions required, and provided the following comment:

'Department of Health WA's Guidelines for Separation of Agricultural and Residential Land Uses. Notwithstanding this, the principles such as vegetative buffers, suitably designed constructed buffers are options that may assist minimise potential adverse impacts to and from neighbouring farm activities.'

The Department of Health WA encourages the proponents to have open communication with their neighbours throughout the planning and operation of their vineyard to foster good neighbour relations, this can include advance warning of certain activities including pesticide treatments that may impact their neighbours. This allows their neighbours to take any appropriate actions and steps they see fit, such as keeping their family, personnel and pets away from the treated vicinity, cover water tanks, susceptible plants etc. Advance notification is not a legal requirement but helps fosters positive relationships.'

Internal Referrals

The development application has been referred internally with any requirements included in the recommendation.

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 retrospective development application fee of \$16,665 has been received.

POLICY ISSUES/IMPLICATIONS

The development application has been assessed against the relative state and local policies with advice received from the various government departments that enforce the policies / acts.

Officers are of the opinion that should Council approve the application with the recommended conditions the application complies with the relative state and local policies.

State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment

Clause 6.6 - Intensive Agriculture

- 6.6.1 Proposals to develop land for intensive agriculture will require formal development approval from the local government authority.
- 6.6.2 In consideration applications for the use of land or a rezoning for intensive agriculture, a local authority shall take account of the environmental advice of the EPA and land suitability advice from the Department of Agriculture.



- 6.6.3 The responsible authority will take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Estuary in considering the suitability of land for intensive agriculture use. Generally only land on the foothills of the Darling Scarp or deep yellow Spearwood soils on the Western edge of the catchment have suitable qualities to sustain intensive agriculture apart from such uses which rely on hydroponics and thereby do not result in contamination of groundwater or surface drainage, or include red mud, or other suitable soil amendment, at rates recommended by the Department of Agriculture.
- 6.6.4 Proposals which would provide additional direct drainage to the Estuary, its tributaries or Water Authority drainage systems will not be permitted without appropriate nutrient reduction measures.
- 6.6.5 Works approvals and licences will be required from the EPA where the proposal has a wastewater discharge or falls within the list of scheduled premises under Part V of the Environmental Protection Act. Some intensive agriculture proposals may require environmental impact assessment under Part IV of the Environmental Protection Act.

State Planning Policy 2.5 Rural Planning

The objectives of this policy are to:

- (a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;
- (b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;
- (c) outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;
- (d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;
- (e) avoid and minimise land use conflicts;
- (f) promote sustainable settlement in, and adjacent to, existing urban areas; and
- (g) protect and sustainably manage environmental, landscape and water resource assets.

Clause 5.8 – Intensive agriculture:

- (a) intensive agriculture is generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed;
- (b) intensive agriculture sites of State significance should be protected from encroachment;
- (c) in considering buffer distances between intensive agriculture and sensitive land uses, the requirements of clause 5.12.1 should be observed, and the following matters may also affect the buffer –
 - (i) types of chemicals used and their method of application;

- (ii) the characteristics of the site/s, including vegetation, topography and prevailing winds;
 - (iii) potential mitigation approaches, including fencing, vegetation buffers, open space, road reserves and other compatible uses; and
 - (iv) potential staging and/or expansion intention of the intensive agriculture operator; and
- (d) where an intensive agriculture proposal may affect the nutrient load of a river, estuary or associated tributary and the system and/or its receiving water body has no further capacity to assimilate nutrients without an adverse impact on ecosystem health, a reduction in nutrient export is to be demonstrated.

Clause 5.12.1 - Avoiding land use conflict

- (b) where a development is proposed for a land use that may generate off-site impacts, there should be application of the separation distances used in environmental policy and health guidance prescribed standards, accepted industry standards and/or Codes of Practice, followed by considering –
- (i) whether the site is capable of accommodating the land use; and/or
 - (ii) whether surrounding rural land is suitable, and can be used to meet the separation distances between the nearest sensitive land use and/or zone, and would not limit future rural land uses; and
 - (iii) whether if clauses (i) and/or (ii) are met, a statutory buffer is not required;

Peel Region Scheme - Strategic Agricultural Resource Policy (2003)

The objectives of the Policy are as follows:

- (a) To identify strategic agricultural land within the Peel Region Scheme area considered to be of State or regional significance.
- (b) To protect the agricultural base of the Peel Region from the unplanned loss of high quality productive agricultural land due to permanent changes of land use.
- (c) To minimise land use conflicts between agricultural activities and other land uses within and adjacent to the identified strategic agricultural areas.
- (d) To ensure considerations relating to the protection of the identified strategic agricultural areas are taken into account in preparing amendments to the Peel Region Scheme, town planning schemes and scheme amendments, and in assessing subdivision and development applications.

The subject lots are identified as being a strategic agricultural resource.

Local Planning Policy 13 – Intensive Agriculture

The objectives of the Policy are as follows:



- (a) To ensure new Intensive Agriculture enterprises pose a low risk to Catchment water quality and are able to meet or improve Catchment standards for water quality improvement.
- (b) To encourage new types of Intensive Agriculture enterprises to the Policy Area which are compatible with Catchment water quality improvement standards.
- (c) To encourage high standards in Intensive Agriculture management practices in all parts of the local government area.
- (d) To ensure strategic and statutory proposals do not compromise existing well-managed intensive agriculture developments, or compromise the potential future development of relatively high capability areas.

Department of Health’s Guidelines for Separation of Agriculture and Residential Land Uses – Establishment of Buffer Areas

Department of Health Guidelines for separation of Agricultural and Residential Land Uses specifies a buffer distance of 300m or alternatively 40m where a vegetative buffer has been adequately designed.

However, it must be noted that the guidelines defines residential development as follows, and as such are not applicable to the subject application.

‘Urban subdivision, low-density residential subdivision and rural allotments created primarily for residential purposes and other places uses as human accommodation, excluding dwellings associated with bona fide agricultural holdings’.

These guidelines exclude single houses on lots predominantly used for agriculture from requiring buffer areas.

Environmental Protection Authority Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses 2005

Appendix 1 of the Guidance Statement provides generic separation distances for industrial land uses where site specific studies have not been carried out, and recommends that a vineyard maintain a minimum separation distance from sensitive land uses (dwellings) of 500m in the absence of site specific investigations or mitigation measures.

Appendix 1 of the Guidance Statement recommends that advice be obtained from the Department of Primary Industries and Regional Development (which includes the previous Department of Agriculture and Food) with regard to the buffer requirements.

In this regard the applicants’ environmental consultant has provided the following:

“Buffer Zone:

The nearby residential property to the west of the Fruitico proposed development is classified zoned as Rural 2 - irrigated agriculture (No R-code) rather than residential.

EPA Guidance Statement 3 may be applicable, however the nearest sensitive receptor, the dwelling to the west of the proposed Stage 2 is surrounded by agriculture with proximity of less than 300m, including on land associated with the dwelling. A large drain has been constructed on the western boundary of the Fruitico property and will not be planted with vines.

The drain provides a buffer of approximately 90m between vineyard planting and the residential dwelling to the west. Fruitico will continue to implement best practice chemical management in accordance with current practices at the existing development. Chemicals will not be sprayed on high wind days when the wind direction is westerly, and Fruitico will continue to use the local weather station measurements and spraying condition advice to identify conditions that may cause drift and are to be avoided for spraying.

The nearest weather station is located approximately 3.5 km to the east of the proposed development within a paddock on the corner of Buller and Fawcett Roads and will provide applicable local data to assess spraying conditions. Visual inspections will be carried out during spraying to ensure spray drift is minimised, as such, overall, the risk of impact to the sensitive receptor to the west of the property is considered low and a buffer zone is not required.”

This advice from the applicant’s consultant was referred to the Department of Primary Industries and Regional Development (which includes the previous Department of Agriculture and Food), and has provided the following comment:

‘The consultants advise that the drain along the property boundary will provide a 90 metre separation between the vines and the dwelling, and that chemical spraying will follow best practice and will not occur on windy days.

The consultant refers to not spraying when the winds are westerly. You may wish to clarify this as spraying should not occur when winds blow from the east across the proposed development towards the dwelling, easterly winds.

I agree with the consultant that following industry accredited spray practices (which includes not spraying when winds are blowing towards a sensitive site) combined with the separation of 90 metres from the vines, minimises the risk of spray drift impacting rural amenity of the dwelling along the western boundary.’

The advice from Department of Primary Industries and Regional Development is further supported by the approach taken by the State Administrative Tribunal in the matter of Ivankovich and Shire of Harvey.

The tribunal found that imposing a buffer condition would be unnecessary since not one of the departments who were invited to comment sought to impose any buffer conditions. The Tribunal was satisfied that the combination of the variety of crops grown by the applicant and his best practise spraying regime was sufficient to prevent a potential unacceptable impact on the amenity and health of the neighbours’ single residential dwelling located on land zoned General Farming.

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.

Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979

The regulations prohibit any party from keeping or spraying certain herbicides within a 10km radius of a site where grapes are grown for commercial production.

During the assessment of the application advice was sought from the Department of Primary Industries and Regional Development who are responsible for the implementation of the above regulations. The following comments were received:

‘Regarding the ‘Agriculture and Related Resources Protect (Spraying Restrictions) Regulations 1979’, there is no requirement to notify surrounding owners when you plan to plant a sensitive crop. When you use a chemical you (as user) have to ensure that it is used according to the requirements of the product label. The labels of all chemicals affected by the abovementioned regulation does have a warning that these chemicals can be harmful to sensitive crops like vineyards and care should be taken to avoid spray drift.’

Peel Regional Scheme 2003

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

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

The subject lots are zoned Rural 2 - Irrigated Agriculture under the LPS.

Agriculture – Intensive is a P (Permitted) use in the Irrigated Agriculture zone.

Clause 3.13.1 of the LPS states that the objectives of the irrigated Agriculture is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land 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.

Clause 3.13.3 Intensive Agriculture & Rural Industry, in considering a proposal to develop land for intensive agriculture the Council shall:

- take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Peel Harvey Estuary;
- take account of the objectives of the Commission’s Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment with respect to the potential impact of the proposal on the environment and water quality;
- Seek advice from relevant agencies and, where the proposal is located within the Peel-Harvey Coastal Plain Catchment, as indicated on the Scheme Maps, have due regard for that advice in making its determination or defer the decision pending formal assessment under Part IV of the Environmental Protection Act.

LEGAL ISSUES/IMPLICATIONS

See statutory issues.

COMMUNITY CONSULTATION

In accordance with 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; and
- Advertisement on Shire website.

A 21 day period was provided for comments relating to the application between 21st December 2018 and the 11th January 2019. Further consultation was undertaken on the basis that additional information in relation to the proposal was received from the applicant. This second round of consultation occurred from 31 January 2019 till 15 February 2019.

The submissions / objections received during the community consultation are summarised in **Appendix 9.3.4D**.

The applicants responses to the submissions received is at **APPENDIX 9.3.4C**.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The development application has been assessed against the following aspects:

Use

The use of the site for Agriculture – Intensive is consistent with the intended land use under the Shire's Local Planning Strategy and the Peel Region Scheme policy on strategic agricultural resources. The identification and protection of land with high agricultural value forms part of the proper and orderly planning of the Shire.

Spray Drift

Concerns have been raised through consultation regarding the potential for spray drift emanating from the site. Advice was obtained from the Department of Primary Industries and Regional Development as well as the Department of Health is that no buffer areas to existing homes on rural zoned land are required.

Notwithstanding the above the applicant has proposed to install four 5m high fabric windbreaks on the eastern and western boundaries of the site as well as internally, and an additional 200m long vegetative screen along a portion of the western boundary of Lot 20, to mitigate any perceived spray drift.

From an amenity perspective Officers are of the opinion that the use of a 5m high fabric windbreak on the western boundary adjoining Somers Road will impact negatively on the rural amenity. To mitigate the negative impact the 5m high fabric windbreak Officers have discussed with the applicant the potential of setting back the 5m high fabric windbreak 20m and planting a vegetated screen along the length of the western boundary of Lot 20.

The applicant has indicated that the proposal to install a 5 metre high fabric windbreak was only due to the perceived risk of spray drift, and that it would not be financially viable for them to setback the windbreak 20m or to install both a 5 metre high fabric windbreak and a vegetative screen along the entire length of the western boundary of Lot 20.

Considering the advice received from Department of Primary Industries and Regional Development as well as the Department of Health, Officers are of the opinion that should the application be approved a vegetated screen which would not have a long term impact on the amenity of the area be conditioned instead of the use of a 5 metre high fabric windbreak.

Alternatively Council may approve the applicant's proposal of installing 5m high fabric windbreaks in a north south orientation as well as a 200m long vegetative screen along a portion of the western boundary of the site as shown in **APPENDIX 9.3.4B**.

It is important when imposing conditions to ensure that they can be considered valid conditions. The State Administrative Tribunal (SAT) and other appeal bodies in Australia have generally adopted the approach taken in *Newbury DC v Secretary of State for the Environment (1981)* when considering the validity of condition. This decision holds that in order to be valid, a condition must:

- Be imposed for a planning purpose;
- Fairly and reasonably relate to the development considered; and
- Be reasonable, i.e. the condition is not so unreasonable that no reasonable planning authority could have imposed it.

In terms of State Planning Policy 2.5 Rural Planning, clause 5.8(a) – Intensive agriculture:

'(a) intensive agriculture is generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed.'

Environmental Impact

Nutrient export from the site is a significant factor to be considered. Referral responses from the Departments of Water and Environmental Regulation and Primary Industries and Regional Development have stated the acceptability of the onsite management practices and existing soil types in meeting the relevant nutrient export targets.

Dust Management during Construction

Given the nature of the soil on site and the prevailing winds during the summer months dust is considered to be a potential nuisance during construction. It is proposed that a dust management plan be required to be submitted to and approved by the Shire ensuring appropriate mitigation measures are implemented during construction to prevent any dust nuisance to neighbouring properties.

Noise

As with all uses, noise generated from the ongoing use of the site is required to be in accordance with the Environmental Protection (Noise) Regulations 1997. Noise generated is expected to be consistent with surrounding agricultural land uses, however should any issues arise the regulations provide the Shire with the ability to address any non-compliance at that time.

The Environmental Protection (Noise) Regulations 1997 recognise the need for some farming activities to be carried out at night. Vineyards are classified as rural premises under the Regulations and noise emissions from certain farming activities are bound by the requirements of the Regulations.

Conclusion

The development and use of the site as a vineyard is consistent with its identification as a strategic agricultural resource. Potential impacts from the use including spray drift, dust, noise and nutrient export have been assessed and are considered to be acceptable or able to be appropriately managed.

It is therefore recommended that the application be approved subject to appropriate conditions.

Appendices Attached:	Yes	Appendices Numbers:	9.3.4A,B,C,D
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: CR SNELL

SECONDED: CR SCOTT

That Council resolves to:

- A. Approve the retrospective application for development of Intensive Agriculture – Vineyard subject to conditions on Lots 270, 271, 272 & 20 Buller Road, Waroona.**
- 1. The development / use shall be carried out only in accordance with the approved plans, subject to the following amendment, unless otherwise agreed in writing by the Shire of Waroona:**
 - a. The exclusion of a 5m high fabric windbreak along the western boundary of Lot 20.**
 - b. The inclusion of a landscaping screen along the entire length of the western boundary of Lot 20.**
 - 2. All operations on the site (Irrigation and Nutrient Management) shall be in accordance with the approved Site Management Plan.**
 - 3. Prior to the continuation of stage 2 the applicant shall submit and have approved, and thereafter implement, a dust management plan detailing how dust will be controlled during and after the development of stage 2.**
 - 4. Prior to the continuation of stage 2 the applicant shall submit and have approved a landscaping plan prepared by a suitably qualified person detailing the size and type of vegetation to be planted as an amenity buffer along the western boundary adjoining Somers Road, and thereafter implement and maintained the vegetation screen to the satisfaction of the Shire of Waroona.**

- 5. Within 3 months of the date of this approval the applicant shall construct and seal all vehicle crossovers to the specification and satisfaction of the Shire of Waroona.**

Advice Notes:

- 1. The Departments of Water and Environmental Regulation and Primary Industries and Regional Development advices that spraying should not occur on high wind days.**
- 2. The applicant / operator shall ensure that the development / use complies with all relevant legislation.**

MOTION LOST 3/4

For the Motion: Cr's Snell, Scott & Dew

Against the Motion: Cr's Mason, Wright, Salerian, Purcell

COUNCIL RESOLUTION

MOVED: CR MASON

SECONDED: CR SALERIAN

OCM19/02/009

That further consideration of the application for the retrospective application for development of Intensive Agriculture – Vineyard on Lots 270, 271, 272 & 20 Buller Road, Waroona be deferred until the March 2019 Ordinary Council meeting and that the Dust Management Plan be circulated to Councillors and that the proponent be requested to provide a detailed chemical spraying procedure, also to be circulated to Councillors.

CARRIED 7/0

Cr Walmsley returned to the meeting and resumed the Chair, the time being 4.54pm.

Cr Snell declared a proximity interest in Item 9.3.5 as a close associate of the landowner of an adjacent property, and the left the meeting the time being 4.55 pm.

9.3.5 LOT 15 RICHARDS ROAD, WAROONA – APPLICATION FOR PLANNING CONSENT FOR USE NOT LISTED – EXPANSION OF EXISTING TRANSFER STATION & EXTRACTIVE INDUSTRY	
Reporting Officer / Officer's Interest:	Sarah Park; Environmental Officer / Nil
Responsible Officer / Officer's Interest	Leonard Long; Executive Manager Planning and Building Services / Nil
Proponent:	Waroona Resources Pty Ltd
Landowner:	Waroona Resources Pty Ltd
Date of Report: 14/1/2019	File No.: TP2067 & TP2080
Previous Reference:	EI27
Policy Implications:	State Planning Policy 2.1 Peel-Harvey Catchment Policy; Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992; Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005; Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 Local Planning Policy 15 – Extractive Industry Local Planning Policy 1 – Community Consultation.
Statutory Implications:	Planning and Development Act 2005; Environmental Protection Act 1986; Local Government Act 1995 Waste Avoidance and Resource Recovery Act 2007; 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:	Western Australian Waste Strategy 2012; Shire of Waroona Local Planning Strategy 2009; Shire of Waroona Strategic Community Plan 2017/18-2026/27;
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

PROPOSAL SUMMARY

Council is requested to consider an application for development approval for three Transfer Stations and another development application for an Extractive Industry and Extractive



Industry Licence on Lot 15 Richards Road, Waroona. A location plan is at **APPENDIX 9.3.5A** and a site plan at **APPENDIX 9.3.5B**.

As a result of community consultation a number of submissions / objections were received. The submissions have been considered and are discussed further in this report under Community Consultation.

Shire officers recommend approval of the development application subject to conditions.

BACKGROUND / INITIAL COMMENTS

The site is located on Richards Road, off Buller Road approximately 1km west of the access point to the Buller Road Refuse Disposal Site.

The lot is 106.7797ha in area. Clearing and removal of topsoil has occurred in cells 1-3 of stage 1 and extraction has begun in cells 2 and 3 of stage 1 as per the previous approval. The lot boundaries border other general farming lots ranging from 40ha – 218ha in size.

The lot currently operates as a Sand Quarry and a Class 1 Landfill.

The Extractive Industry approval (EI27) permits sand extraction until 2020 in a 15.2Ha area. The Class 1 Landfill operates in conjunction with the sand quarry with the cells that are extracted being infilled with waste.

Currently, waste is received and sorted at the existing 10,000m² hardstand before the material is relocated to the active landfill area.

Three hardstands and earthen bunds are proposed to house the processing and storage of waste received at the site for recycling. The hardstands are proposed to be constructed from compacted limestone and be developed as follows:

1. The existing Transfer Station hardstand is proposed to extend an additional 9976m² south and setback 45m from the southern lot boundary.
2. A concrete storage hardstand is proposed to be 54,000m² in area and be located adjacent to an existing dam, setback 40m from the southern lot boundary. This hardstand is proposed to crush and store concrete.
3. A timber storage hardstand is proposed to be 97,000m² in area and be setback 160m from the western lot boundary. This hardstand is proposed to be used to mulch and store timber.

The earthen bunds are proposed to be a minimum of 5m high and be constructed of native soil and replanted for stabilisation for buffering purposes.

The applicant has submitted an Extractive Industry Management Plan, which contains details around health and safety issues and environmental management, a copy of a current Clearing Permit and associated plans in support of the applications.

Stage 2 is proposed to be approved for extraction, which covers 9ha. The total area of the quarry, including Stage 1 is 24.2 ha. Stage 2 is required to be approved for clearing and excavation to improve operational efficiency. This will allow cells closer to infrastructure to be excavated. Stage 2 will begin to be rehabilitated prior to returning to Stage 1. See **APPENDIX 9.3.5C**.

The excavation area is set back 33m from the northern boundary, 45m from the southern boundary and 70m from the eastern boundary (All measurements are approximate).

No overburden is present. Topsoil is stripped and stockpiled. No onsite processing of sand occurs. Sand is extracted and then loaded onto trucks on the pit floor.

676,230m³ of extraction has occurred on the site from cells 1 and 2. The rate of extraction varies in response to market demand. The proposed extraction schedule is to complete cell 1 and move through stage 1 cell 2 or stage 2.

The excavation depth will be between 1m and 18m below natural ground level and the final floor level of each excavation pit is proposed to be 1.5m above the average water table.

The laydown area, consisting of a weighbridge and site office will be extended pending a clearing permit issued by Department of Water and Environmental Regulation (DWER).

The proposed hours of operation are Monday to Friday 6:00am to 5:00pm and Saturdays 7:00am to 12:00pm.

Up to 10 additional trucks will enter the site daily.

Access to the site is from Richards Road, which is sealed.

Previous Applications

The following approvals and licences have been issued on the subject lot.

- Planning consent (TP1766) and extractive industry licence (EI27) were issued on 25 September 2015.
- Planning consent (TP1328) and extractive industry licence (EI27) were issued on 24 August 2010.
- Planning consent for a class 1 landfill site (TP1234) was issued on 9 December 2009.
- Planning consent (TP1214) and extractive industry licence (EI27) were issued on 24 March 2009.
- A three lot subdivision (SD132394) was approved on 27 November 2006.

PLANNING – STRATEGIC IMPLICATIONS

Local Planning Strategy (LPS)

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

REFERRALS

External Referrals

Department of Water and Environmental Regulation provided the following comments, applicable to both applications:

- *The provisions of SPP2.1 Peel-Harvey Coastal Plain Catchment and Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 apply because the lot is located within the policy area; and*
- *The Water Quality Protection Note (WQPN) 15 – Extractive Industries near sensitive water courses (DoW, August 2013) provides best practice advice.*

Department of Planning Lands and Heritage provided the following comments:

- *Planning consent is not required under the Peel Region Scheme;*
- *Its recommended that the Shire of Waroona consider setback distances outlined in the Extractive Industries Local Law 1999, which provide governance on matters to be taken into account when excavating near boundaries of any easement;*
- *The proponent should be advised that prior to any excavation works within the DBNGP corridor, they must seek approval from the DBNGP Land Access Minister.*
- *Restrictions apply to the area of land contained within the DBNGP and the proponent must apply for the relevant approval for vehicle crossing/access, etc.*

The Dampier Bunbury Pipeline Land Manager provide the following comments:

- *As per Proposed Design Sandpit Stage 2 Drawing No PA Ex Lic 008 (2018) DBP acknowledges and supports the 40m buffer to separate the DBNGP corridor boundary from all extraction activity;*
- *DBP will need to assess any proposed crossings of the DBNGP or proposed haul roads adjacent to the corridor to ensure the pipeline is not affected;*
- *All personal who will be working on the site must attend a DBP Safety Awareness Presentation prior to any extractive works commencing for Stage 2.*

Internal Referrals

The development applications have been referred internally with any requirements included in the recommendation.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Community Plan 2017/1/8-2026/27

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

FINANCIAL ISSUES/IMPLICATIONS

The required application fees for the Transfer Stations, Extractive Industry and Extractive Industry Licence have been received.

POLICY ISSUES/IMPLICATIONS

The development applications have been assessed against the relative state and local policies with advice received from the various government departments that enforce the policies / acts.

The Shire is of the opinion that should Council approve the application with the recommended conditions the application complies with the relative state and local policies.

State Planning Policy 2.1 Peel-Harvey Catchment Policy

The objectives of this policy are:-

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

6.4.1 New developments must incorporate effluent management systems approved by the Health Department, EPA and the Water Authority of Western Australia, or connect to an existing reticulated sewerage system if available.

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

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

Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992

The purpose of this policy are:

- To set out environmental quality objectives for the estuary which if achieved will rehabilitate the Estuary and protect the Estuary from further degradation; and
- To outline by which the environmental quality objective for the Estuary are to be achieved and maintained.

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

A number of emissions are generated by industrial, commercial and rural activities and infrastructure. These include noise and air emissions (gases, dust and odours).

Generally, but not always, impacts on the environment decrease with increasing distance from the source of the emission. If the impacts from a particular industry or industrial estate are considered to be unacceptable at the boundary of the site or estate, then there is usually a need for a buffer area to separate industrial land use and sensitive land use.

The determination of the buffer area is necessary in many situations to avoid or minimise the potential for land use conflict. While not replacing the need for best practice approaches to emission management, the use of buffers is a useful tool in achieving an acceptable environmental outcome.

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

Under Appendix 1:

- Separation Distances between Industrial and Sensitive Land Uses, the setback distance for a waste – resource recovery plant is assessed on a case by case.
- Sand extraction operations should maintain a minimum separation distance from sensitive land uses (dwellings) of 300m - 500m depending on their size.

Officer Comment

Separation distances of approximately 1350m and 1240m are provided to the nearest dwellings to the south and north of the proposal respectively. These distances are in excess of those required by the guidance statement.

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.

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 act sets out noise limits which have been carefully designed to ensure that noise from other premises is kept to acceptable levels.

Waste Avoidance and Resource Recovery Act 2007 (WARR)

The primary objective of the WARR Act 2007 is to contribute to sustainability, and to the protection of human health and the environment. It is also designed to help Western Australia to move towards a waste-free society by:

- Promoting the most efficient use of resources, including resource recovery and waste avoidance;
- Reducing environmental harm, including pollution through waste;
- Consideration of resource management through avoidance of unnecessary resource consumption and disposal;
- Resource recovery which includes reuse, reprocessing, recycling and energy recovery; and
- The WARR Act 2007, also reflects the principles set out in the Environmental Protection Act 1986 section 4.

Peel Regional Scheme 2003

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

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

Clause 12 (e) states that Rural – is to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and

minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.

Shire of Waroona Local Planning Scheme No. 7 1996 (TPS7)

The proposed transfer station is a 'Use not listed' under Clause 3.2 Zoning Table.

The subject lot is located within the 'Rural 1 – General Farming' zone of TPS7 and is subject to Clause 3.13. An extractive Industry is an A (discretionary) use in the General Farming zone.

Clause 3.32.1, Objective and Policies states, Council's objective is to preserve the rural character of the District's farming lands and to ensure that they continue to contribute materially to the District's economy, whilst recognising that changes in land use practices will affect land 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.

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

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

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.

Section 17(1)(b) of Part 6 – Prohibitions specifies that a person must not without the written approval of the local government, excavate within 20 metres of any land affected by a registered grant of easement.

Section 17(1)(e) of Part 6 – Prohibitions specifies that a person must not without the written approval of the local government, excavate within 3m of the maximum water table level.

LEGAL ISSUES/IMPLICATIONS

See statutory issues.

COMMUNITY CONSULTATION

The application was advertised in accordance with Local Planning Policy 1. One submission was received for the application for the expansion of the existing transfer station and two submissions were received for the extractive industry. A Schedule of Submissions provided at **Appendix 9.3.5D** outlines the comments received and officer responses.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Land Use and Zone Objectives

As stated in Clause 3.13.1 of the Local Planning Scheme, the objective of the Rural zones is to preserve the rural character of the district's farming lands and to ensure that they continue to contribute materially to the district's economy. A Transfer Station is a "Use Not Listed" within the Scheme, however, this land-use will contribute to the districts economy and can therefore be considered to be consistent with the objective of the zone.

Impact on Adjoining Owners

The buffer distance between the transfer station and sensitive land-uses is determined on a 'case by case' basis. This determination is guided by the Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005. The closest residence is 1,200m from the area proposed to be used for the transfer station on the lot. Mulching green waste and crushing concrete are the recycling processes that will be conducted at the hardstand areas. Therefore, these processes are the only processes associated with this land-use that may produce noise or dust pollution. Conditions are proposed to be included in the approval to ensure that best practice approaches to emissions management are in place prior to operation. 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 transfer station does not detrimentally affect the surrounding lots in terms of noise or dust pollution. Therefore, the separation distance of 1,240m Between the land-use and the closest dwelling is satisfactory.

Environmental Impact

The applicant proposes to clear a 10,000sqm area for the transfer station hardstand. The lot does not contain environmentally sensitive vegetation, as determined by Department of Water and Environmental Regulation (DWER), however, the clearing is setback approximately 80m from a registered lake under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992. The proposed clearing is not expected to determinately impact the aquatic and riparian vegetation and fauna associated with the inland lake, however, the replacement of vegetated areas with hardstands and the establishment of earthen bunds and fencing is likely to interfere with connectivity function of the habitat and subsequently reduce ecological diversity in the area. Contaminated surface water run-off is likely to occur without management practices/infrastructure in place as the natural topography of the land slopes towards the wetlands. The applicant has submitted a clearing application to DWER, as well as an amendment to the Licence approval for the Class 1 Landfill. This application has also been referred to DWER, who have not raised environmental issue with the application. Therefore, no conditions relating to environmental management are recommended.

Waste

The Western Australian Waste Strategy ‘*Creating the Right Environment*’ 2012 aims to increase the proportion of waste diverted from landfill through strategic planning, regulatory measures, economic incentives and community education and engagement. The strategies and targets are aimed at increasing the proportion of waste diverted from landfills through recycling.

In addition, the State Planning Strategy 2050, states:

“There is now a presumption against siting putrescible landfills on the coastal plain or other environmentally sensitive areas.”

“To reverse the trend of steadily growing rates of waste generation in Western Australia, action will be taken to reduce waste to landfill, and increase resource recovery and waste avoidance.”

Excavation depth

The applicant proposes to excavate to a maximum depth of 1.5m above average water table level. Extractive Industry Local Law states that excavation within 3m of the maximum water table level should not be done without Shire approval. The application was referred to Department of Water and Environmental Regulation and no objection to the proposed excavation depth was expressed.

Vehicle access

The area on Lot 15 is accessed via a private road constructed along the eastern boundary of the lot. The access road provides access to the site from Buller Road. An additional 10 trucks are expected to use the access road per day to accommodate the expansion of the extractive industry.

Noise and dust suppression

Noise is managed by restricting operating hours to be during daylight Monday to Saturday only. The bulk of excavation, screening and loading operations occur within the pit in order to reduce noise emissions to surrounding residents, the closest of which is approximately 1,000m south of the pit.

Dust is suppressed through coordinating and reducing the amount of time sand is exposed to the elements between clearing and rehabilitation works. Stockpiles of sand and topsoil are to be configured in an east-west configuration to minimise wind erosion.

On-ground dust suppression is achieved via wetting down of sand as necessary of water delivered to the site. An advice note is included to require that a portable water tank be located on site at all times for the purpose of dust suppression. Dust is also suppressed at the access of the lot where the road is sealed, approximately 200m east of the intersection of Buller Road and Richardson Road.

Stormwater management

Stormwater that occurs within the active pit area and other areas of disturbance dissipates through the sandy soil.

Concrete culverts along Richardson Road prevent stormwater run-off from the access road. Any potential impact associated with the landfill and dampland/wetland is assessed in the DWER licence application, the following controls are currently in place:

- maintain 1.5m buffer between the lowest level of excavation and the average groundwater table;
- landfilling of Class 1 inert waste only;
- fencing of the site to exclude all classes of livestock;
- restricting vegetation clearing to the active sand extraction area; and
- revegetation of land between the sand extraction area and the wetlands.

Weed control

Weed prevention is undertaken through vehicle, material and equipment hygiene measures as per Condition 3 of Natural Vegetation Clearing Permit 1525/3. Site operations do not extend outside of the approved excavation area and access road, therefore minimal risk of spreading weeds to vegetated or wetlands areas on site.

Rehabilitation and decommission

Rehabilitation and reinstatement of the excavation site is to be undertaken progressively. The pit will be filled with Class 1 waste (inert) material prior to re-contouring to align the site with the local topography. Vegetation cover will be reasonably consistent in composition with surrounding vegetation type with species of the Jp vegetation type and transitioning to the BaEm type. Rehabilitation monitoring will be undertaken via visual observations to determine if additional activities are required. An agreed monitoring method and criteria for determining successful rehabilitation will be discussed with DWER.

Decommissioning will be undertaken at the completion of sand extraction and landfill activities at the site, prior to final rehabilitation works commencing, including a contaminated site investigation, removal of the shipping container, disposal of all inert waste on-site and removal of all other waste off-site.

Conclusion

A transfer station provides opportunity to divert waste from landfill and attain targets outlined by the State Waste Strategy. Provided best practice management of emissions from processing activities are engaged and given the state targets for waste diversion, it is recommended that the proposed Transfer Station be approved subject to appropriate conditions.

Lot 15 has operated as an Extractive Industry under the previous planning consents 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.

Appendices Attached:	Yes	Appendices Numbers:	9.3.5A,B,C,D
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM19/02/010

MOVED: CR MASON

SECONDED: CR SCOTT

That in relation to the applications for development approval and Extractive Industry licence for expansion to the existing waste transfer facility and Extractive Industry at Lot 15 Richards Road, Waroona, Council resolves to:

- A. Approve the application for development application for the expansion of existing transfer station and the construction of two additional transfer stations, 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.**
- B. Approve the application for planning consent for the Extractive Industry subject to the following conditions:**
- 1. Except to the extent inconsistent with any other conditions set out hereunder, all development on the site shall comply with the approved Extractive Industry Management Plan and any subsequent amendments to that Extractive Industry Management Plan as may be agreed in writing between the applicant and the Shire of Waroona from time to time;**
 - 2. Except as otherwise approved by the Shire of Waroona, the hours of operation of the extractive industry, including the movement of trucks in or out of the site, shall be restricted to:**
 - a. The hours of 6:00am – 5:00pm Monday to Friday, and 7:00am – 12:00pm Saturday, with no operation of the extractive industry permitted on Sundays and / or Public Holidays.**
 - 3. All stormwater and drainage run-off shall be contained on site or connected to a Shire stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**

4. The developer shall prevent the generation of visible particulates (including dust and debris) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the subject site by using where necessary appropriate dust suppression techniques including but not limited to the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environment and Conservation's dust management guidelines dated March 2011.
5. The applicant shall:
 - a. Implement measures to avoid the risks of spills or leaks of chemicals including fuel, oil or other hydrocarbons; and
 - b. Ensure that no chemicals or potential liquid contaminants are disposed of on site
6. Stockpiles of sand and topsoil shall not be located on the high ridgelines of the property and stored in an east/west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion);
7. Topsoil shall, when possible, be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs to the satisfaction of the Shire of Waroona;
8. A minimum separation distance of 1.5m between the maximum excavation depth and the highest known groundwater level shall be maintained at all times;
9. Prior to the commencement of the use the operator shall enter into an agreement with the Shire of Waroona, prepared at the operators cost, by which the operator agrees to financially contribute to the following:
 - i. Repair and maintenance of the local road network to be used by heavy vehicle traffic generated by the extractive industry; and
 - ii. Local road network upgrades required to accommodate heavy vehicle traffic generated by the Extractive Industry.

The agreement is to address the following matters:

- a. The rate and frequency of contributions and the length of road for which the contribution is required;
- b. The provision of heavy vehicle movement numbers and/or tonnages of material to the Shire by the operator for the purpose of calculating the contributions;
- c. The preparation of a report by the operator detailing the intended routes to be used by heavy vehicle traffic generated by the extractive industry and any necessary works to upgrade these routes; and

- d. The contribution level and method of calculating contributions required for any necessary upgrades to the local road network to accommodate heavy vehicle traffic generated by the Extractive Industry;**
- 10. The Shire reserves the right to direct that cartage over particular roads may be redirected from time to time and in case of road failure or potential road failure, may direct that cartage over designated roadways cease entirely for the period specified**
- 11. In accordance with Part 6 Section 17(1)(b) of the Shire of Waroona Extractive Industries Local Law 1999, excavation within 20 metres of the DBNGP corridor must not occur without the prior written approval of the local government.**
- 12. 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.**
- 13. This is valid for a period of five years. On or prior to the end of this period, the use is to cease and the land reinstated to its original condition.**

ADVICE TO APPLICANT:

- 1. The applicant is advised that compliance is required with the Environmental Protection (Noise) Regulations 1997 at all times during the operation of the Extractive Industry.**
- 2. The applicant is to seek all other necessary approvals required for the operation of an Extractive Industry, including but not limited to Clearing Permits, Works Approvals and removal of Vegetation Conservation Notices where applicable.**
- 3. Prior to any crossings or works within the DBNGP corridor or any proposed haul roads adjacent to the corridor, the proponent must seek approval from the DBNGP Land Access Minister to ensure the pipeline is not affected.**
- 4. All personal who will be working on the site must attend a DBP Safety Awareness Presentation prior to any extractive works commencing for Stage 2.**
- C. Issue an Extractive Industry Licence for a period of five (5) years, subject to the conditions imposed through the development approval for the Extractive Industry in (A) above.**

CARRIED 7/0

Cr Snell returned to the meeting, the time being 4.56 pm.



9.4 DEPUTY CHIEF EXECUTIVE OFFICER / DIRECTOR CORPORATE SERVICES

9.4.1 PAYMENT LISTING FOR THE MONTH'S OF DECEMBER 2018 & JANUARY 2019	
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: 12/2/19	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>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

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 months of December 2018 & January 2019.

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 adopted budget.

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

Appendices Attached:	Yes	Appendices Numbers:	9.4.1
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM19/02/011

MOVED: CR DEW

SECONDED: CR SALERIAN

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 9067 - 9108	\$49,811.10
Trust (Cheque/EFTs)	Chq: 11198-11202 EFT 29173, 29174, 29176, 29326, 29327, 29407	\$3,700.83
Electronic Transfers Municipal Fund	EFT 29107 to 29408	\$1051,691.36
Direct Wages	01/12/18 – 31/01/19 inclusive	\$442,032.42
Direct Debits	01/12/18 – 31/01/19	\$110,227.27
GRAND TOTAL:		<u>\$1,657,462.91</u>

and attached at Appendix 9.4.1 be endorsed.

CARRIED 8/0



9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2018 TO 31 DECEMBER 2018 AND 1 JULY 2018 TO 31 JANUARY 2019	
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: 12/2/2019	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>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
<i>No 6 Good Government: Active & Responsible Civic Leadership, & 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;

- o Statement of Financial Activity by Programme
- o Statement of Financial Activity by Nature and Type, and
- o Statement of Financial Position
- o Note 1 – Significant Accounting Policies
- o Note 2 – Graphical Representation
- o Note 3 – Net Current Funding Position
- o Note 4 – Cash and Investments
- o Note 5 – Major Variances
- o Note 6 – Budget Amendments
- o Note 7 – Receivables
- o Note 8 – Grants & Contributions
- o Note 10 – Capital Disposals and Acquisitions
- o Note 11 – Significant Capital Projects
- o Note 12 – Trust
- o 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.

Appendices Attached:	Yes	Appendices Numbers:	9.4.2
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**OCM19/02/012****MOVED: CR PURCELL****SECONDED: CR MASON**

That Council receive the Monthly Statement of Financial Activity for the period 1 July 2018 to 31 December 2018 and 1 July 2018 to 31 January 2019 as presented.

CARRIED 8/0

9.4.3 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN – 1ST JANUARY 2018 TO 31ST DECEMBER 2018	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Corporate Services; 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: 12/02/2019	File No.: 193/1
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>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

Council is requested to adopt the Compliance Audit return for the twelve month period 1st January 2018 to 31st December 2018.

BACKGROUND / INITIAL COMMENTS

The Compliance Audit is a self-assessment tool that allows Council to monitor how the organisation is functioning in relation to meeting a range of its statutory obligations under the Local Government Act 1995 and its regulations.

As per recent advice this return is completed online through the Department of Local Government, Sport and Cultural Industries Smart Hub portal.

The Department assesses these returns to examine each Local Governments compliance and identify any areas of improvement with relation to regulatory compliance.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

Nil

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Local Government Act 1995 Section 7.13 (i)
Local Government (Audit) Regulations 1996 Section 13
Local Government (Audit) Regulations 1996 Section 14
Local Government (Audit) Regulations 1996 Section 15

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

No issues of non-compliance were observed during preparation of the return.

Appendices Attached:	Yes	Appendices Numbers:	9.4.3
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM19/02/013

MOVED: CR SNELL

SECONDED: CR DEW

That the Compliance Audit Return for the Shire of Waroona for the period 1st January 2018 to 31st December 2018 be adopted.

CARRIED 8/0

9.4.4 BUDGET REVIEW FOR THE PERIOD 1ST JULY 2018 TO 31ST JANUARY 2019	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services/Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services/Nil
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 19/2/18	File No.: 1/7
Previous Reference:	2018/19 Adopted Budget
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year. The review is to be submitted to Council within 30 days of determination.

The review of an annual budget for a financial year must –

1. Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
2. Consider the local government's financial position as at the date of the review and
3. Review the outcomes for the end of that financial year that are forecast in the budget.

Within 30 days after a council has made a determination, a copy of the review and council's determination is to be submitted to the Department.

Included with the agenda at **APPENDIX 9.4.4A** is a detailed financial report (including predicted financial position as at 30th June 2019) pertaining to the 2018/19 budget. The report covers the 7 months period to 31st January 2019 by which this review is based.

FINANCIAL ISSUES/IMPLICATIONS

Entire contents of report are financial based.

POLICY ISSUES/IMPLICATIONS

This report considers the Council Policy in relation to material variances which states that “The materiality factor of highlighting variances (budget to actual) shall be 10% with a minimum of \$25,000.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The budget review is conducted in accordance with the following:

- Local Government Act 1995
- Local Government Financial Management Regulations

- Council Policies and Procedures

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Not applicable for a budget review

OFFICER'S COMMENTS

1. Operating Income

General Purpose Funding

Interim rating income of \$12,843 has been received to period end. The majority of this amount has been derived from GRV rates as a result of building licences and is less than the corresponding period previous year and also below what would normally be expected mid-year.

Investment Interest – Expected to meet or slightly exceed budget estimates due to higher than expected cash levels.

Federal Government Grants – The Council has received an increase in its General Purpose Grants as a result of final adjustments which were made prior to the distribution of the remaining 50% of the total federal funds.

Details are:

	Budget	Actual	Difference
General Purpose Grants	\$421,792	\$447,395	+\$25,603
General Road Grants	\$171,509	\$182,658	+\$11,149

Governance

The Council has received a rebate of \$9916 as a result of its participation in the Local Government Insurance Scheme (LGIS). The amount includes a good driver rebate from vehicle insurance.

Normal practice would be to allocate these funds to the “Insurance and Risk” Reserve to assist the offset of future insurance expenses (claims) etc.

It is proposed however that these funds be allocated to the “Information Technology” Reserve to offset the expected significant expenditure in IT infrastructure expected in the 2019/20 and 2020/21 financial years.

Education and Welfare

Senior Citizen Centre – An Alcoa funding contribution of \$16,597 to assist upgrade works at the Senior Citizens centre has been received subsequent to year end.

Community Amenities

Sanitation – Household Refuse – Income estimates for dumping fees at the Buller Road Refuse Site are below budget at period end. A budget amendment is not presently proposed however, will be reconsidered at a subsequent review following the conclusion of the summer period.

Sewerage – The Council's Manager Works & Services has advised that budget income estimates for disposal of effluent will not be achieved (2018/19) due to very wet winter conditions and therefore a later start to the receiving of effluent (estimated \$20,000).

Recreation and Culture

Recreation & Aquatic Centre – Overall income is consistent with budget at review period. There are however inconsistencies between individual income areas e.g. dry areas, wet areas etc. This information however, is used when preparing subsequent budgets and financial plans.

Grant funds of \$32,666 associated with the refurbishment of wet area ablutions is yet to be claimed.

Sundry Debtor Control

No doubtful debts likely to impact the end of year position have been identified. 81.66% of rates were collected as at 31 January 2019 compared with 82.48% in January 2018 and 83.44% in January 2017.

2. Operating Expenditure

General Purpose Funding

Employee expenses will exceed budget due to the recent retirement of the Council's Rates Officer. No budget amendment is proposed as there is expected to be capacity in the total Salaries and Wages budget to accommodate this additional expense.

Law Order Public Safety

Emergency Management – Employee expenses associated with emergency management remains below budget estimates as plans to engage the services of a part time (CESM) are yet to be finalised.

Community Amenities

Sanitation Household Refuse – Insufficient funds were provided when adopting the 2018/19 budget. This expenditure of approximately \$45,000 relates to contract expenditure associated with day to day operations at the Buller Road (Acct 1772.711). A budget amendment will therefore be necessary.

Town Planning

Planned expenditure of \$35,000 associated with completion of the proposed Local Planning Strategy appears unlikely to be required by 30 June 2019. This amount is proposed for reallocation.

Recreation & Culture

Recreation and Aquatic Centre – Overall operating expenditure is within budget at period end however there will be a need to review expenses associated with gas, electricity and water.

Utility expenses are difficult to predict and can vary with seasonal conditions.

Library – Recent inspections have revealed potential replacement works associated with roof and ceilings. It is unknown at this stage if any remedial works are short term and/or associated with longer term planning.

Economic Services

Regional Business – The Council has a budget allocation of \$11,500 proposed to be allocated to MAPTO. This payment is subject to review and therefore possible reallocation. Due to structural changes within MAPTO this payment is not expected to proceed and is therefore proposed for reallocation.

3. Capital

Land and Buildings

- Preston Beach Community Centre – Construction of the Preston Beach Community Centre is progressing within timeframe and budget.

It is unknown if all grant funds, recoups etc. can be finalised by June 30th therefore the Council will be updated at a later date.

- Waroona West Fire Station – Due to negotiations regarding location of the building and associated sub division formalities, construction is unlikely to commence in the current financial year.

It is possible that costs associated with land acquisition (\$6,287 to date) may be recouped prior to 30 June 2019 from the brigades own funds (Alcoa Sustainability Fund).

- Recreation & Aquatic Centre – The Council has made several budget amendments in relation to the capital upgrade at the Recreation and Aquatic Centre.

Deferment of the proposed Hoher roof repairs in order to align with the pool lining replacement and will require reconsideration of capital expenditure for the following financial year.

The installation of safety rails within the mezzanine storage area was carried out at the conclusion of the previous financial year.

Plant and Equipment

Expenditure associated with plant is a timing issue and all proposals are expected to be completed within budget and by year end.

Infrastructure Other

Several projects associated within infrastructure assets are proposed for the period March to June.

The attached “Capital Projects Listing” provides details of progress with each individual project.

Infrastructure Roads

Progress with implementation of the 2018/19 construction program is behind normal schedule that would be expected for January 31st. Capital expenditure is therefore less than at the same period previous year.

The Council’s Works Manager has advised that he expects all works to be completed on time and within budget.

Direct Grant – State Government Funding for the Council direct road grant has been restored. (From cut backs in 2017/18) and has resulted in additional income of \$34,664 in excess of budget estimates.

An overview of the works program as at 31st January 2019 is as follows:

Job No	Project	Original Budget	Proposed Budget	Actual	Status
RR07	Brooks Avenue - Crack Seal/Reseal	13,000	13,000	0	To be completed by March
RR08	Hull Heights - Crack Seal/Kerb Asphalt/Reseal	21,000	21,000	0	To be completed by March
RR09	Walmsley Street - Crack Seal/Kerb Asphalt/Reseal	20,697	20,697	0	To be completed by March
RR10	Kyamba Road - Second Coat Seal	5,000	5,000	0	To be completed by March
RR05	Somers Road - Second Coat Seal	34,000	34,000	8,311	To be completed by March
RR11	Wealand Road - Gravel Resheet	65,000	65,000	57,368	Complete
RR12	Mitchell Avenue - Reseal	3,500	3,500	0	To be completed by March
RR13	Knight Place - Reseal	2,500	2,500	0	To be completed by March
RR14	Henning Street - Crack Patch/Reseal	10,000	10,000	0	To be completed by March
RC10	Dorsett Road - Realign Curves Second Coat Seal	120,000	120,000	252	To be completed by March
RC11	Coronation Road - Reconstruct & Widen	510,000	510,000	22,990	Ongoing
RC12	Johnston Road - Reconstruct	270,000	270,000	203,476	Complete
RC01	Southern Estuary Road - Reconstruct Realign Curves	210,000	210,000	1,619	To be completed by April
RC02	Somers Road - Reconstruct	360,000	360,000	156,356	Complete
US04	Elliott Street/Hill Street - Truncate Corner Drainage	16,819	16,819	0	To be completed by April
	TOTAL	1,661,516	1,661,516	450,372	

The following table indicates the state of all capital works as at 31st January 2019

COA	PROJECT	ASSET TYPE	BUDGET	ACTUAL TO 31/01/19	COMMENTS
0544	Admin Building - Install LED Lights	Buildings	4,500	\$3,088	Complete
0544	Admin Building - Repair Damp Problem in Passage & MCS Office	Buildings	11,000	\$0	Scheduled for May
0544	Admin Building - Repair Staff Door	Buildings	2,500	\$1,000	Complete
0544	Admin Building - Internal Wall Repair due to Water Damage	Buildings	2,500	\$0	Scheduled for May
0574	Changeover CEO Vehicle	Plant & Equipment	47,000	\$39,009	Complete
0574	Changeover DCEO Vehicle	Plant & Equipment	42,000	\$0	Scheduled for May
0574	Changeover MCS Vehicle	Plant & Equipment	26,000	\$0	Scheduled for May
0774	Construct Waroona West Fire Station	Buildings	500,000	\$0	Outstanding Order for \$8070
0924	Replace Ranger Vehicle (P0070)	Plant & Equipment	49,000	\$0	Outstanding Order for \$56206
0924	Volunteer Ranger Vehicle (ATV)	Plant & Equipment	21,000	\$19,278	Complete
0934	Take Over Preston Beach CCTV & Relocate to Community Centre	Furniture & Equipment	6,000	\$0	On Hold until Completion of Community Centre
0934	Install Security Camera at Waroona Cricket Club	Furniture & Equipment	14,000	\$0	Outstanding Order for \$12796
1524	Compactor Upgrade	Plant & Equipment	5,000	\$0	Due to be completed June
1524	Loader Upgrade	Plant & Equipment	5,000	\$0	Due to be completed June
1534	Refuse Site - Install Water Monitoring Bores	Infrastructure Other	36,000		Quotes currently being requested
1534	Construct 1st Stage - Transfer Station	Infrastructure Other	62,500	\$8,642	In Progress
1534	Replace Battery Shed - Refuse Site	Infrastructure Other	5,000		Outstanding Order
1534	Replace Office - Refuse Site	Infrastructure Other	12,000	\$14,499	In Progress
1534	Install Potable Water Tank	Infrastructure Other	10,000	\$8,600	In Progress
1954	Liner Replacement - 1st Anaerobic Waste Ponds	Infrastructure Other	15,000	\$0	Due to be completed May/June
1954	Construct 2nd Anaerobic Pond Expansion	Infrastructure Other	50,000	\$3,424	In Progress
2014	Townsite Drainage - Elliott Street/Hill Street	Infrastructure - Other	16,819	\$0	Scheduled for April
2254	Changeover DSD Vehicle (gross)	Plant & Equipment	37,500	\$0	Outstanding Order \$35968
2444	Construct Preston Beach Community Centre	Buildings	698,000	\$152,266	In Progress
2464	Office Furniture for Preston Beach Community Centre	Furniture & Equipment	5,800	\$0	Completion of Community Centre
2474	Memorial Hall - Repair & Prevent Damp Area	Buildings	15,000	\$0	Scheduled for May
2484	Lake Clifton Community Centre - Upgrade Pergola & Install Paving	Infrastructure - Other	20,000	\$0	Scheduled for May
3044	Library - Install Bay Ends & Pin Up Boards	Furniture & Equipment	4,000	\$0	Scheduled for June
3144	Historical Society - External Recladding & Painting	Buildings	30,000	\$0	Outstanding Order \$16,616
3634	Preston Beach Carpark - Replace Park Shelter	Infrastructure - Other	9,000	\$0	Under Design - Completed April/May
3634	Playground Equipment - Various Refurbishment	Infrastructure - Other	3,300	\$0	Due to be complete April/May
3714	Install Carpark Lighting at Football Club	Infrastructure - Other	15,000	\$0	Outstanding Order for \$13800
3724	Refurbish Sporting Ovals Reticulation Systems	Infrastructure - Other	30,000	\$0	Design approval in progress - April/May complete
7104	Rec Centre - Kids Pool Area - Barrier Required to Comply with OSH Standard	Buildings	15,000	\$2,759	On hold for Pool Liner Repairs next financial year
7104	Rec Centre - Shower Cubicle Refurbishment - Women's Toilet Pool Area	Buildings	8,500	\$0	Budget Amendment Below
7104	Area	Buildings	7,000	\$0	Budget Amendment Below
7104	Rec Centre - Ceiling Replacement - Women's Toilet Pool Area	Buildings	8,500	\$0	Budget Amendment Below
7104	Rec Centre - Kiosk Roller Door	Buildings	3,000	\$2,759	Complete
7104	Rec Centre - Install Safety Rails Mezzanine Storage	Buildings	4,500	\$0	Completed previous financial year
7104	Rec Centre - Hocker Roof Repairs - Swimming Pool	Buildings	50,000	\$0	Next Financial Year
7114	Rec Centre - Score Board Court 3	Furniture & Equipment	6,000	\$4,915	Complete
3184	Roads to Recovery	Infrastructure - Roads	174,697	\$65,679	In Progress
3204	Road Works Total Construction	Infrastructure - Roads	1,470,000	\$384,693	In Progress
3274	South West Hwy - Millar St to McDowell St - Repair & Improve Access	Infrastructure - Other	30,000	\$8,100	In Progress
3554	Changeover MWS Vehicle (gross)	Plant & Equipment	32,500	\$0	Outstanding Order
3554	Changeover DTS Vehicle (gross)	Plant & Equipment	37,500	\$37,496	Complete
3554	Replace Holden Colorado 105WR (P0106)	Plant & Equipment	32,000	\$0	Scheduled for March
3554	Replace 3.5 Tonner Tipper WR932 (P66)	Plant & Equipment	90,000	\$0	Scheduled for April
3554	Refurbish Skid on Water Tank	Plant & Equipment	20,000	\$0	Scheduled for April/May
3554	Replace Multi Roller WR882 (P82)	Plant & Equipment	165,000	\$159,000	Complete
3554	Purchase Minor Plant	Plant & Equipment	10,000	\$4,551	In Progress
4164	Changeover EMPB Vehicle (gross)	Plant & Equipment	28,500	\$28,107	Complete
3904	Visitor Centre - Install Electronic Door	Buildings	10,000	\$10,461	Complete
3904	Visitor Centre - Enclose Rear Patio & Remove Staircase (Phase 1)	Buildings	60,000	\$0	On Hold
3904	Visitor Centre - Replace Floor Surface in Storeroom	Buildings	8,000	\$0	On Hold
			TOTAL	4,081,116	\$958,327
CAPITAL ACCOUNTS - ADOPTED BUDGET AMENDMENTS					
COA	PROJECT	ASSET TYPE	BUDGET AMENDMENT	ACTUAL 31/1/19	COMMENTS
7104	Capital Upgrade of Rec Centres Wet Area Ablutions	Buildings	76,000		
3204	RC49 - Old Bunbury Road/Lake Clifton Road	Infrastructure - Roads	67,073		Outstanding Order \$60975.78
			Sub Total	143,073	0
			TOTAL	\$4,224,189	\$958,327

4. Cash Position



Cash position as at 31st January 2019

Municipal Funds \$3,253,914 (of which \$2,900,000 is invested)

Reserve Accounts \$2,370,537

Note – Interest on Reserve Accounts is yet to be brought to account.

Municipal Account balance for corresponding period previous year - \$2,152,468.

Delays with Capital works projects is the main factor for a higher Municipal Fund account balance.

5. Summary

Attached at appendix 5.1.1B is a summary of proposed amendments to the 2018/19 adopted budget resulting in a rebalanced budget. The following observations are of particular note:

- An adjustment to the Councils opening financial position at 30 June 2017 resulted in a final surplus of \$1,038,372, an increase of \$2,594.
- Reserve account movements (within accounts) as determined by the Council (SCM18/08/77) are yet to be carried out.
- Construction of the Waroona West Fire Station will be subject to a work in progress assessment at 30th June 2019.
- Priorities for Capital works as the Waroona Recreation and Aquatic Centre and Waroona Library will impact upcoming preparation of Corporate Business Plan and Long Term Financial Plan.
- Unexpected staff termination payments (\$50,222) are expected to be absorbed into the current salaries and wages budget.

6. Budget Amendments 2018/19

The following amendments to the 2018/19 budget have been approved by the Council to date:

- Increase expenditure for Capital upgrade of Rec Centre wet area ablutions \$76,000 (7104)
Grant income received from Community Sporting Recreation Facility Fund \$32,666 (7093)
Transfer of reserve fund from Rec Centre Building Maintenance Reserve increase by \$43,334 (7135)
Reserve Account 456300 Rec Centre Building Maintenance Reserve be reduced by \$43,334
SCM18/08/077
- Increase income for a grant received for youth activities for Children's week \$1,000 (1463)
Increase corresponding expenditure for Children's week grant \$1,000 (1482)
OCM18/10/103
- Increase income for Community Development grant received for road safety campaign and local drug action team \$23,824 (5213)
Increase corresponding expenditure for road safety campaign and local drug action team \$23,824 (5332)
OCM18/10/103

- Increase income for Lake Clifton Road upgrade due heavy haulage usage \$67,073.35 (3355)
Increase expenditure RC49 Lake Clifton /Old Bunbury Road \$67,073.35 (3204)
Transfer amount from Trust T67 to Muni account for the purpose of Lake Clifton Road upgrade \$67,073.35
OCM18/12/119

Appendices Attached:	Yes	Appendices Numbers: 9.4.4A, 9.4.4B
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VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

OCM19/02/014

MOVED: CR MASON

SECONDED: CR WRIGHT

1. That the statement of budget review appended at Appendix 9.4.4A be adopted and amendments to the 2018/19 adopted budget be made accordingly.
2. That the 2018/19 adopted budget review for the period 1 July 2018 to 31 January 2019 be received.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 ALCOA WAROONA SUSTAINABILITY FUND	
Reporting Officer / Officer's Interest:	Ian Curley Chief Executive Officer, Chairperson of AWSF Advisory Committee
Proponent:	Alcoa Waroona Sustainability Fund Advisory Committee
Date of Report: 18 February 2019	File No.: AWSF File
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	<i>AWSF Deed of Agreement</i>
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

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

BACKGROUND/INITIAL COMMENTS

The AWSF is a fund established and contributed to by Alcoa of Australia Ltd and administered by the Shire of Waroona. The funds are held in the Shire's Trust Account and totalled \$1,705,546.11 as at 8/02/2019 (not including the 2019 contribution).

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

The AWSF Advisory Committee is established under the deed and operates 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 made provided that, at all times, the capital balance is not less than 50% of the contributions made by Alcoa.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

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

COMMUNITY CONSULTATION

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

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The Alcoa Waroona Sustainability Fund Advisory Committee resolved at its meeting of 8 February 2019 to recommend to Council that a 3rd round of funding be opened in March 2019 closing in May 2019. The draft AWSF grant guidelines and application forms are attached at **APPENDIX 9.5.1** and are drafted in accordance with the requirements of the AWSF Deed of Agreement and Terms of Reference for the Advisory Committee and are recommended for approval by the Council.

Appendices Attached:	Yes	Appendices Numbers:	9.5.1
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM19/02/015

MOVED: CR SALERIAN

SECONDED: CR PURCELL

That Council endorse the recommendation from the Alcoa Waroona Sustainability Committee to advertise a grant funding round from the Alcoa Waroona Sustainability Fund to open in March 2019 and close on 31 May 2019, and that the grant application form and guidelines, as attached at APPENDIX 9.5.1, be approved for circulation, subject to any minor amendments that may be approved by the AWSF Committee.

CARRIED 8/0

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 5.18 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 26 MARCH 2019 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

