



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 24 MARCH 2009

(Held at the Waroona Community Centre)

TABLE OF CONTENTS

1. DECLARATION OF OPENING/ANNOUNCEMENTS.....	4
2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	4
3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	4
4.1 PUBLIC QUESTION TIME	4
4.2 PUBLIC STATEMENTS	4
5. APPLICATIONS FOR LEAVE OF ABSENCE	5
6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS.....	5
7. PETITIONS/DEPUTATIONS/PRESENTATIONS	5
8. CONFIRMATION OF MINUTES.....	5
8.1 ORDINARY COUNCIL MEETING –	5
9. REPORTS OF OFFICERS AND COMMITTEES	6
9.1 DIRECTOR TECHNICAL SERVICES	6
9.1.1 "WAROONA TOWNSITE DRAINAGE STRATEGY"	6
9.2 DIRECTOR COMMUNITY SERVICES	8
9.2.1 STRATA TITLE SUBDIVISION OF LOT 14 JACKSON STREET WAROONA.....	8
9.3.2 REPORT TO COUNCIL ON PROPOSED AMENDMENT TO TOWN PLANNING SCHEME, WAROONA	11
9.3.6 LOT 125 STACEY RISE, LAKE CLIFTON – APPLICATION FOR PLANNING CONSENT TO PERMANENTLY KEEP UP TO THREE (3) HORSES ON SITE.....	15
9.2.3 REVIEW OF THE CONTIGUOUS LOCAL AUTHORITIES (CLAG) FUNDING SCHEME FOR HEALTH-DRIVEN MOSQUITO MANAGEMENT	19
9.3 MANAGER PLANNING SERVICES.....	24
9.3.1 REPORT TO COUNCIL ON SUBMISSIONS TO PROPOSED SUBDIVISION GUIDE PLAN FOR LOT 40, ELLIOTT STREET, WAROONA.....	24
9.3.3 REPORT TO COUNCIL ON SUBMISSIONS TO VISION SPLENDID GARDEN DEVELOPMENT.....	26
9.3.4 LOT 15 RICHARDS ROAD, WAROONA – APPLICATION FOR PLANNING CONSENT FOR EXTENSION TO APPROVED EXTRACTIVE INDUSTRY (SAND)31	
9.3.5 LOT 34 (9) ROBBIE COURT, WAROONA – APPLICATION FOR PLANNING CONSENT FOR VARIATION OF BUILDING ENVELOPE AND SHED.....	33
9.3.7 LOT 16 (29) PARNELL STREET, WAROONA – APPLICATION FOR PLANNING CONSENT FOR 8 GROUPED DWELLINGS (OVER 55'S)	36
9.3.8 LOT 9 PRINCE ROAD, WAROONA – PROPOSED 6 LOT SUBDIVISION.....	40
9.2.2 APPLICATION TO KEEP THREE (3) DOGS – 12 FITZPATRICK STREET WAROONA.....	10
9.3.9 ROAD NAMING – CORONATION ROAD, WAROONA.....	43
9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES	45
9.4.1 ACCOUNTS FOR PAYMENT.....	45
9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2008 TO 28 FEBRUARY 2009	46
9.4.3 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN - JANUARY 1, 2008 TO DECEMBER 31, 2008	47
9.5 CHIEF EXECUTIVE OFFICER.....	48
9.5.1 ROYALTIES FOR REGIONS FUNDING.....	48
9.5.2 RELOCATION OF OPPORTUNITY SHOP	55
CONFIDENTIAL ITEM.....	57
9.5.3 DIRECTOR OF COMMUNITY SERVICE – CONTRACT RENEWAL.....	57

10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING.....	58
11. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION.....	58
11.1 ELECTED MEMBERS.....	58
11.2 OFFICERS	58
12. CLOSURE OF MEETING.....	59

1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the meeting open at 1:42pm and welcomed Councillors and Staff to the meeting.

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

Cr N Dew	Chairperson
Cr M Walmsley	Deputy Shire President
Cr C Germain	Councillor
Cr J Salerian	Councillor
Cr L Scott	Councillor
Cr L Snell	Councillor
Cr T Witney	Councillor
Mr I Curley	Chief Executive Officer
Mr L Tilbrook	Deputy CEO/Director Corporate Services
Mr P Webb	Director Technical Services
Mr S Cleaver	Director Community Services
Mr R Milne	Manager Planning Services
Mr Ross Davidson	Senior Town Planner
Mrs F Dhliwayo	Town Planner
Mrs N Aiberti	Executive Support Officer/Minute Taker

APOLOGIES

Cr C Wright

There were 4 members of the public present at the commencement of the meeting.

Cr Germain, Cr Witney and Cr Salerian entered the meeting the time being 1:44pm

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

4.2.1 Mr Stuart Hawley of 175 Weir Road, Waroona, spoke in relation to Item 9.3.2 (**Appendix A1**).

4.2.2 Ms Stacey Davis of Lot 125 Stacey Rise, Lake Clifton, spoke in relation to Item 9.3.6 (**Appendix A2**).

5. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

OCM09/015

MOVED: Cr Snell

SECONDED: Cr Salerian

That leave of Absence be granted to Cr Noel Dew from 20 April 2009 to 5 May 2009 inclusive.

CARRIED 6/0

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

- 6.1 Cr Walmsley declared a proximity interest in Item 9.3.9.
- 6.2 Cr Snell declared a proximity interest in Item 9.3.4.
- 6.3 Cr Walmsley declared an interest affecting impartiality in Item 9.3.4.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

- 7.1 Mr Steve Brake from TME supported by Damien Postma from the Harvey Peel Catchment Council gave a presentation in relation to Item 9.1.1- Waroona Townsite Drainage Study.

Steve highlighted the fact that the current piped drainage system was significantly undeveloped and was only catering for a 1 in 6 month storm event with clear indications of private property damage due to lack of flood routing. Damage has occurred to road surfaces due to incorrect construction of inlet structures and incorrect positioning. Steve then spoke with the support of Damien Postma from the Harvey Peel Catchment Council and highlighted the implementation and that WSUD would provide an environmentally sound alternative to the upgrading of the entire system by using dry basins on council reserves and installation of nutrient strips using roadside infiltration systems and end of systems gross pollutant traps and end of system nutrient stripping.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING –

COUNCIL DECISION

OCM09/016

MOVED: Cr Germain

SECONDED: Cr Snell

That the Minutes of the Ordinary Council Meeting held Tuesday 10 February 2009 be confirmed as being a true and correct record of proceedings.

CARRIED 7/0

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 "WAROONA TOWNSITE DRAINAGE STRATEGY"	
Reporting Officer / Officer's Interest:	Paul Webb- Director Technical Services/ Nil
Responsible Officer / Officer's Interest	Paul Webb- Director Technical Services / Nil
Proponent:	N/A
Landowner:	N/a
Date of Report: 02 January 2009	File No.: 46/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Drainage Management Strategy
Financial Implications:	Future Budget Expenditure
Voting Requirements	Simple Majority

Proposal

Consideration that the drainage management study be adopted as a priority guide for use in the implementation of a five year plan to be reviewed by Council on an annual basis.

A Drainage Study is attached as Appendix 9.1.1a.(Full copy of the report has previously been issued to all Councillors)

Background

Minimal history is available on the current system in relation to existing drainage. This report should be read in conjunction with the TME Waroona Drainage Study, Draft.

Community Consultation

As required.

Officer's Comments

It is apparent during standard rainfall events that the Waroona drainage system cannot cope with surface water flow through the Townsite. Gutter flows are not contained or exceed standard, hydraulic pressure forces lids off manholes, inlet pits are under designed, pipeline gradients are either to flat, causing silting and upstream pressure, or to steep, causing scouring and downstream pressure. Surface defects are also evident with surface scouring of seal and kerb face, and some instances of shoulder damage. Poor geometry also leaves some properties without freeboard to residential or commercial areas.

Standard drainage construction guidelines (as adopted as part of the Shire of Waroona Subdivisional Guidelines) dictate basic capacities for stormwater capture. It is recommended that as part of Councils own construction program, that basic parameters are set for design guidance. John Argue, rainfall and runoff guidelines, and standard engineering practice indicate that piped systems should cater for 1:5 events, and a 1:100 year surface flow in the roadway. In commercial areas, protection

of asset is to be considered with 1:10 year events to be catered in the piped system and a 1:100 year event to be catered in the roadway.

Unfortunately, the Waroona Townsite drainage system has not developed in conjunction with the Townsite expansion, and full replacement of overcapacity systems is not necessarily financially viable. Alternatively standard dry basin systems can be used in Council reserves were available, with short water holding times which allow retention of, or installation of smaller pipe sizes reducing the financial burden on Councils proposed expenditure.

Prior to undertaking construction of projects within the Shire of Waroona, consideration should be given to drainage of any potential development site or project area. Adoption of a priority list of proposed projects will enable development of;

1. Drainage construction plan
2. Road construction plan
3. Pedestrian pathway construction plan
4. Tree planting program

It is appropriate that future programming of works should be undertaken in this manner to eradicate any double handling of construction projects. Services and drainage are design and installed, then the roadway is built. When this is completed new pathways are constructed on the new back of kerb, and tree planting can commence.

To progress this matter it is requested that Council consider an appropriate level of service in relation to drainage, and how that level of service will impact on Council in future rainfall events. It is requested that serious consideration be given to the adoption of the Waroona drainage study with an understanding of the Water Sensitive Urban Design principles that would be used as part of the implementation of this process, as identified in the Shire of Waroona Subdivision development guidelines and Department of Water Stormwater Management Manual.

COUNCIL DECISION

OCM09/017

MOVED: Cr Scott

SECONDED: Cr Snell

That Council resolves to adopt the TME Waroona Drainage Study as a priority listing for Drainage projects in catchments 1 and 2, and that the listed projects be used to create a 5 year plan, to be reviewed and adopted by Council on an annual basis.

CARRIED 7/0

Mr P Webb left the meeting the time being 2:24pm.

9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 STRATA TITLE SUBDIVISION OF LOT 14 JACKSON STREET WAROONA	
Reporting Officer / Officer's Interest:	Trevor Pitcher EHO/BS / Nil
Responsible Officer / Officer's Interest	Steve Cleaver DCS / Nil
Proponent:	Mr Greg I Cole – G.I. Cole & Associates P/L
Landowner:	AR Bradshaw & KL Hasluck
Date of Report: 6 March 2009	File No.: A1420
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government (Miscellaneous Provisions) Act 1960 Strata Titles Act 1985
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

That the Certificate of Local Government (Strata Titles Act 1985 Section 5B(1), 8A, 22(2) be signed by the Chief Executive Officer and forwarded to the consulting surveyors, G.I. Cole & Associates P/L, enabling the Strata Title Subdivision of Lot 14 Jackson Street to proceed

Background

An application has been received by the Shire of Waroona for the Strata Plan for Lot 14 Jackson Street Waroona to be certified by the Chief Executive Officer. – **Appendix 9.2.1a**

Under the Strata Titles Act 1985 a Certificate of Local Government is to accompany a Strata Plan when it is lodged for registration – **Appendix 9.2.2b.**

As no Delegated Authority exists within this Council for approval for an Officer to sign the Certificate the matter has been presented to Council.

Community Consultation

Nil

Officer's Comments

The six (6) units at Lot 14 Jackson Street Waroona are brick dwelling units with a colorbond steel roof and are connected to deep sewer. The six (6) units have been inspected by Council's Environmental Health Officer, Building Surveyor, Mr T Pitcher.

The inspection revealed that the buildings are in compliance with the Building Legislation and with Council's approval the Certificate can be issued to the Chief Executive Officer for signing on behalf of Council.

COUNCIL DECISION**OCM09/018****MOVED: Cr Walmsley****SECONDED: Cr Scott**

That Council support the signing of the Certificate of Local Government under the provisions of the Strata Titles Act 1985 Section 5B(1), 8A, 22(2) for Lot 14 Jackson Street, Waroona, and that the Certificate be forwarded to the consultant surveying firm G.I. Cole & Associates P/L.

CARRIED 7/0

CONFIDENTIAL ITEM

9.2.2 APPLICATION TO KEEP THREE (3) DOGS – 12 FITZPATRICK STREET WAROONA	
Reporting Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil
Responsible Officer / Officer's Interest	Jody Newton - Ranger / Nil
Proponent:	Robert Wood
Landowner:	Robert Wood
Date of Report: 10 March 2009	File No.: 42/1 A1051
Previous Reference:	Nil
Statutory/Policy Implications:	Shire of Waroona Dog Local Laws
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Report was withdrawn at the applicant's request.

Note: 9.2.3 REVIEW OF THE CONTIGUOUS LOCAL AUTHORITIES (CLAG) FUNDING SCHEME FOR HEALTH – DRIVEN MOSQUITO MANAGEMENT

Report dealt with after Item 9.3.6

9.3 MANAGER PLANNING SERVICES

COUNCIL DECISION

OCM09/019

MOVED: Cr Germain

SECONDED: Cr Salerian

That the order of business be changed so that Item 9.3.2 and 9.3.6 be considered due to the Members of the Public being present for this item.

CARRIED 7/0

9.3.2 REPORT TO COUNCIL ON PROPOSED AMENDMENT TO TOWN PLANNING SCHEME, WAROONA	
Reporting Officer / Officer's Interest:	Rod Milne – Manager Planning Services
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	Peter D Webb and Associates
Landowner:	Goldsport Pty. Ltd.
Date of Report:	11 March 2009
	File No.: TP 87 I 2387
Previous Reference:	
Statutory/Policy Implications:	See heading in report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Background

At the last meeting of Council in February 2009, a proposal to amend the town planning scheme for a site at Weir Road, Waroona, was considered. The resolution of Council was to lay the proposal on the table and reconsider the application once.

The applicants for the proposal have furnished a significant amount of further supporting information addressing a number of details and this has been distributed to councillors over the month following the February meeting.

On Tuesday 10 March, an inspection of the property by a number of Councillors occurred and a subsequent meeting raised a number of issues that should be addressed prior to initiation.

Proposal

The proposal seeks to rezone land from Rural 4 – Hills Face to Rural 6 – Rural Residential to enable a rural residential subdivision of former grazing lands on the western side of Lake Moyanup. This area is accessed by a currently unsealed track leading off Weir Road. The property is known as “Drakesdale” and any development of the site necessitates a significant upgrade of this formal road access. The proposal includes a continuation of this existing road as a cul de sac on the higher side of the ridge line.

The initial subdivisional guide plans provide for 12 lots, all with a minimum of 4 hectares, and varying in size between that minimum and 4.1 hectares. Proposed lots

2, 3, 10, 11 and 12 would contain significant wooded areas within their boundaries, with the other lots being partially cleared.

Statutory Implications

The amendment is in its initial stages and requires Council to resolve to initiate this amendment prior to any further assessment. At this stage, Council needs to assess whether it is supportive of this proposal in this area subject to further ground truthing as the process proceeds.

Environmental issues are the key ones, and a requirement (should Council decide to initiate) is for the applicants to address water impacts (ground and lake) as well as native vegetation on site.

Council can initiate the proposal and cautiously support it subject to adequate assessment of environmental impacts.

Community Consultation

This is not required at this stage though will be required in subsequent stages should Council decide to initiate the amendment. EPA and all relevant Government Departments would also be consulted at the preliminary stage.

Officer's Comments

A number of issues were raised at the 10 March 2009 inspection and meeting with some matters addressed in part by information provided by the consultants. In particular, the following were noted.-

Fire

In part due to the recent fire catastrophe in Victoria, there is concern that Council should not be initiating amendments where there is a potential for a similar situation in Waroona. The proposal has been referred to Mr. John Twaddle of the Local Fire Brigade, to ensure that the arrangements proposed would be satisfactory and the Local Brigade would be willing to attend a fire at the site. His verbal advice on 17 March was that the site would be regarded as no different from the other sites that they deal with in terms of fire fighting and the road access would be acceptable. He also said that the availability of water from the lakeside and the fact that the site is largely grassed rather than wooded assists the fire officers in a fire risk situation.

The dead end arrangement of road access is potentially problematic and Council has sought provision for a through road in the design so that future development to the north can achieve a second road of access. The status of fire trails leading west of the site is potentially problematic, especially given a recent fire in the Lyons Road area.

On site, water capacity is also an issue as to whether the tanks proposed would be adequate for fire fighting. An option should be explored with WaterCorp as regards water reticulation direct from the town supply.

Water Quality

This is the second major issues for the proposed site development and Council will require to be assured that there will be no detrimental impacts to the lake which is

used for recreation as well as other purposes. While the consultants have provided a considerable quantity of material supporting their case and dealing with impacts, verification of this will be required from the key stake holders of the Department of Water and EPA. Such a requirement can be addressed post initiation in the normal referral process.

The report contains some confusion as regards the proposed method of waste treatment with Council seeking a higher standard given the fact that the site is contiguous with the lake.

Cycle and Pathways

It was resolved that the cycle pathway ideally should run along the foreshores of Lake Moyanup in the setback open space adjoining. Provision for this should be made in the guide plan.

Road

A requirement would exist for the proponents to construct to a 6 metre wide standard the existing public dirt road leading to the property entrance. That requirement would also include all drainage, it being noted that the vertical and horizontal alignment of this road is not ideal. All roads within the development site would also require to be constructed to the satisfaction of the Engineer and be 6 metre wide with kerb and channelling.

Weeds

It was noted that the site contains a significant number of weeds which would need eradication as part of the land development process.

At the meeting with councillors held on 10 March 2009, it was felt that Council would not initiate the amendment until it was comfortable that the above key issues are adequately addressed. Consequently, it is proposed to approve in principle at this stage and proceed to formal initiation only when Council is satisfied that the above issues are fully addressed.

COUNCIL DECISION

OCM09/020

MOVED: Cr Wamsley

SECONDED: Cr Salerian

1. **That Council resolves, with respect to the proposal, to approve in principal this proposed amendment at Weir Road, Waroona subject to satisfactory addressing of the following issues.-**
 - (i) **Satisfactory addressing of water quality impacts including the provision of appropriate self-contained effluent disposal system on each lot,**
 - (ii) **Road access to be 6 m wide sealed with drainage and 6.5 m plus kerb and channel including an agreement that the proponents construct all necessary road works from their development through to the currently constructed Weir Road,**

- (iii) The satisfactory dealing with fire risk in terms of suitability of the site for land use including investigating the status of the strategic fire break between the proponent property and Lyons Road,**
- (iv) Satisfactory addressing of weed issues on site,**
- (v) Provision for a pedestrian cycleway spine along the proposed open space esplanade.**
- (vi) Water storage per lot to be a minimum of 120,000 litres.**

CARRIED 7/0

9.3.6 LOT 125 STACEY RISE, LAKE CLIFTON – APPLICATION FOR PLANNING CONSENT TO PERMANENTLY KEEP UP TO THREE (3) HORSES ON SITE	
Reporting Officer / Officer's Interest:	Rhys Bloxsidge – Town Planner / Nil
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	Stacey Davis
Landowner:	Stacey Davis & Ben Cash
Date of Report:	4 March 2009 File No.: TP1209
Previous Reference:	Nil
Statutory/Policy Implications:	See heading in report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

An application was received for the permanent keeping of up to 3 horses on site at Lot 125 Stacey Rise, Lake Clifton.

A Site Plan is attached as Appendix 9.3.6a

Background

Lot 125 is 2 hectares in area and contains an existing shed. The property is located within the 'Rural 6 – Rural Residential' zone under Shire of Waroona Town Planning Scheme No. 7.

The property is cleared of vegetation, with exception to trees planted by the applicant.

Statutory Implications

The Zoning Table of the Scheme lists equestrian activity as an 'AA' use in the 'Rural 6 – Rural Residential' zone. An 'AA' use means that Council, may at its discretion, permit the use.

Under Schedule II of the Scheme, the subject property falls under the 'R Res 11' of the Rural Residential Codes.

Clause (v) of the 'R Res 11' Rural Residential Code states:

“Stock shall only be allowed as an occasional fire control measure and only within cleared sections of the site or building envelope.”

Clause (vi) of the 'R Res 11' Rural Residential Code states that:

“Where permitted, the number of livestock shall be consistent with Department of Agriculture guidelines on the area of cleared land, not the total size. Stocking rates shall be set as those for dry pasture, with no importation of feed permitted.”

Community Consultation

The proposal was advertised in accordance with Planning and Development Policy 1.0 – Community Consultation. During the advertising period, no written objections were received.

Officer's Comments

The applicant has submitted a justification report (**Appendix 9.3.6c**) and a paddock management plan (**Appendix 9.3.6b**).

Rotational Grazing

The justification report illustrates that the horses will be rotated from paddock to paddock on a fortnightly basis. Pasture on the paddocks not in use by horses will have the opportunity to regrow. This will ensure that each paddock has sufficient pasture growth on it throughout the year, ultimately preventing dust from impacting adjoining landowners.

Irrigation

The applicant has indicated that irrigation of the paddocks will occur through the use of a bore and water tanks. Irrigated pastures require up to 15,000kL per hectare per year. Therefore the subject land requires 27,000kL of water per year. A condition has been added to ensure the property has access to a private bore and rain water tanks that can supply the site with 27,000kL of water prior to horses being placed on site.

Department of Agriculture and Food – Stocking Rate Guidelines

The Scheme requires that if permitted, stock shall be kept in conformity with the Stocking Rate Guidelines for Rural Small Holdings. Under the Guidelines, the subject property is classified as having the soil type 'SR3 – Rapidly drained pale sands.'

For this soil type, the irrigated stocking rate is 1 horse per hectare. The total cleared area of the site, discounting the building envelope, is 1.8 hectares, therefore the Stocking Rate Guidelines allow for a maximum of 1 horse on site at any one time. A condition has been added to ensure that a maximum of 1 horse is on site at any one time.

Setbacks

The Guidelines recommend a 15 metre buffer is maintained between the boundaries of properties in a rural residential estate. A condition has been added to ensure that the paddock management plan is modified to illustrate 15 metre buffers between paddocks and the property boundaries. It will also be a requirement of approval to fence the paddocks to ensure that the buffer distances are maintained.

Scheme

As mentioned, the Scheme states that:

“Stock shall only be allowed as an occasional fire control measure and only within cleared sections of the site or building envelope.”

The justification report points out that the horses would be rotated through paddocks. This will ensure that the horse will be using areas of the site occasionally, and in doing so, complying with the Scheme.

Conclusion

The proposal is contrary to the Stocking Rate Guidelines in that the Guidelines only allow for one horse to be kept on site. It is recommended to Council to approve the application but with a reduction to one horse so that the proposal is compliant with the Guidelines.

On the other, the paddock management plan may allow for more horses to be kept on site if implemented successfully.

OFFICER RECOMMENDATION

That Council resolve, with respect to the application for Planning Consent to permanently keep horses on Lot 125 Stacey Rise, Lake Clifton to approve the application subject to the following conditions:

1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application (dated 29 January 2009), except as required to be modified below, and these shall not be altered or modified without the prior written approval of Council;
2. A maximum of one (1) horse shall be permitted on site at any one time;
3. The horse shall not be permitted in any one paddock for a period longer than 14 days at any one time;
4. The paddocks shall be irrigated with at least 15,000 kilolitres of water per hectare per year for the horse to be permitted on site. Prior to the horse being located on site, measures taken to irrigate the paddock shall be to the satisfaction of the Manager Planning Services;
5. The horse shall not be permitted on site until satisfactory growth of pasture has occurred to the satisfaction of the Manager Planning Services;
6. The plans being modified to show a 15 metre buffer between the paddocks and the property boundaries. The buffer line shall be fenced to the satisfaction of the Manager Planning Services.

COUNCIL DECISION

OCM09/021

MOVED: Cr Scott

SECONDED: Cr Germain

That Council resolve, with respect to the application for Planning Consent to permanently keep horses on Lot 125 Stacey Rise, Lake Clifton to approve the application subject to the following conditions:

- 1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application (dated 29 January 2009), except as required to be modified below, and these shall not be altered or modified without the prior written approval of Council;**
- 2. A maximum of three (3) horses shall be permitted on site at any one time;**
- 3. The three horses shall not be permitted in any one paddock for a period longer than 14 days at any one time;**

4. **The paddocks shall be irrigated with at least 15,000 kilolitres of water per hectare per year for the horse to be permitted on site. Prior to the horse being located on site, measures taken to irrigate the paddock shall be to the satisfaction of the Manager Planning Services;**
5. **The three horses shall not be permitted on site until satisfactory growth of pasture has occurred to the satisfaction of the Manager Planning Services;**
6. **The buffer be in accordance with the Local Laws.**

CARRIED 6/1

Note: The Officer Recommendation was changed as the Council has satisfied that the additional information given by the applicant Ms Stacey Davis addressed any issues of concern to the Council and showed evidence that supported her request.

9.2 DIRECTOR COMMUNITY SERVICES

9.2.3 REVIEW OF THE CONTIGUOUS LOCAL AUTHORITIES (CLAG) FUNDING SCHEME FOR HEALTH-DRIVEN MOSQUITO MANAGEMENT	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	16 March 2009 File No.: 77/15
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	To provide a coordinated approach to mosquito management
Financial Implications:	Budgeted \$2500 in 08/09 financial year
Voting Requirements	Simple majority

Proposal

The State Government Department of Health is seeking submissions on a review of funding arrangements for mosquito control for Local Government "*Review of Contiguous Local Authority Group (CLAG) Funding Scheme for Health Driven Mosquito Management*". This report seeks to make Council aware of this review and to take all necessary steps to ensure mosquito management outcomes for the Peel Region are not adversely affected and that necessary improvements to the program are considered as part of any alteration to funding processes.

The funding arrangements for mosquito management have not been reviewed since 1990 and it is appropriate this be undertaken. It is critical through this process that decision makers of this funding understand the importance of this issue in the Peel Region to the community and the view of the participating Peel Mosquito Management Local Government members.

Following the 2007-2008 mosquito management season, which was the most challenging since the inception of the Peel Mosquito Management Group (Peel CLAG), a number of important improvements to the program have been identified for implementation. Far from reducing any support for the program, the Peel Mosquito Management Group is attempting to implement these improvements and seeks full support from the Department of Health.

The recommendations are that Council reaffirms the essential role the State Department of Health play in managing mosquitoes in the Peel Region and expectations about an ongoing commitment, and supports the improvement measures that have been identified that require support from the Department of Health for their implementation.

Background

The Shire of Waroona as a member of the Peel Mosquito Management Group (Peel CLAG) with the City of Rockingham, Shire of Murray and City of Mandurah in collaboration with the Department of Health has received a discussion paper "Review

of Contiguous Local Authorities Group Funding for Health Driven Mosquito Control” from the Mosquito Borne Disease Control branch calling for submissions.

The Contiguous Local Authority Group Funding Scheme has been an excellent example of cooperation between Local Governments and the State Government and this partnership has had significant benefit for the Community of the Peel Region providing a framework for funding and cooperation for Mosquito Management.

The current Contiguous Local Authority Group funding model was created following an epidemic of Ross River Virus in 1988/89 and saw a report to Cabinet by the Mosquito Control Task Force in 1990 proposing recommendations about State Government involvement in mosquito management and proposed budgets.

The initial justification for State Government funding of mosquito control was:

- The majority of mosquito breeding of public health importance occurs on Crown Land.
- The Health Department has a state wide charter to ensure the protection of public health but requires additional funding to do so.
- Effective mosquito control is beyond the resources of Local Government, even in a non-epidemic year.
- Mosquitoes cannot be eradicated, and control efforts must be ongoing.
- The threat to public health from mosquitoes is a state wide phenomenon which is likely to become more acute in the future.
- Only the Government has the capacity to fund research vital to successful mosquito control.
- Government involvement is necessary to ensure that a minimal environmental impact occurs from actions taken for mosquito control.
- This should be restricted to areas and seasons where and when an actual or potential risk to human health is posed.
- Government funding should require as a prerequisite the formation of CLAGs (Contiguous Local Authorities Groups) consisting of Local Governments with a common mosquito problem.
- Ongoing research in the areas of Ross River virus and Vector Mosquito Ecology; and Environmental Research to determine the effectiveness and impact of mosquito control earthworks this is essential to enable effective and environmentally responsible control of health threatening mosquitoes.

There has been no change in the justification and importance of this funding and the review is to determine the ongoing method of this funding allocation between State and Local Government.

Under the existing funding arrangement for CLAG groups the major breakdown of expenditure provides that the State Government Department of Health

- contributes the full cost of helicopter hire for aerial treatments
- matches half the cost of chemical larviciding with the participating Local Governments (City of Mandurah, Shire of Murray, Shire of Waroona and City of Rockingham) contribute the remaining 50%.

Participating Local Governments provide labour through Mosquito Control Officers and Environmental Health Officers, plant and machinery through vehicles and application equipment.

Given the length of time this funding arrangement has been in place it is appropriate that it be reviewed, however, the discussion paper makes some concerning statements and it is critical that continued support from the State Government is secured and improvements are made within the program in line with the expectations of the local community.

Comment

Within the Peel Region few issues have a greater impact on the lives of people than the effectiveness of mosquito management, to protect the community from mosquito borne disease and allow a reasonable quality of life and the prospect of a reduction in this program may see an increased number of cases of Ross River and Barmah Forest virus as well as significant social impact, and economic impacts particularly relating to tourism.

In the Peel Region Aerial Larviciding forms a critical part of mosquito control due to the significant area required (>200 hectares) to be covered within as little as 2 days. This method in most cases forms the most practical and environmentally appropriate mechanism for mosquito control within the Peel Region with the region undertaking far more aerial applications than other CLAG's across the state.

In addition due to size of the area and regular tidal inundations the Peel Mosquito Management Group (Peel CLAG) use large quantities larviciding products in comparison to other mosquito control programs within the state.

The Peel Mosquito Management Group has driven many improvements in mosquito control since its inception and following last year's particularly difficult season a number of recommendations were made about possible measures to take the program forward. These included the addition of increased labour support to the program and an additional vehicle and ground based application equipment.

Further major improvements to the program that could significantly benefit the Region involve development of helicopter operations which is under a contractual arrangement between the Department of Health and the Helicopter Company.

Discussion about the implementation of the application of aerial liquid *Bacillus Thuringiensis Israelensis (BTi)* products was noted within the 2004-2005 annual report and differential global positioning system (DGPS) tracking of flights has been recommended since the 2001-2002 annual report and remains in the trial phase. Contractual arrangements present currently permit the request for the use of this equipment yet the full implementation of these has been slow to develop.

Increased support by the State Government for these changes is essential for meaningful improvements to the program and presently is being affected by inadequate human resources within the Mosquito Borne Disease Control Branch of the Department of Health.

The Shire as a member of the Peel Mosquito Management Group will be providing a submission calling for an increased effort in this Region to produce improved outcomes for the community and it is hoped that through this funding review process greater attention to these key improvement areas will be made.

Community Consultation

Consultation regarding this discussion paper has been undertaken with other Local Governments within the Peel Mosquito Management Group and the document was tabled by the Department of Health at the most recent Peel Mosquito Management Group Meeting on 25 February 2009.

Officer's Comments

Mosquito-borne diseases such as Ross River and Barmah Forest Virus are estimated to cost approximately \$5,000 per case in medical expenses and loss of earnings. The number of cases in the Shire would be greatly increased if the existing program was diminished or if no program were in place to manage mosquito numbers.

In 2007/08, approximately \$110, 000 was expended on larviciding products in the Region, of which half was funded by the State Government with remainder funded by the four Local Governments. The hire of the helicopter borne by the Department of Health estimated cost in 2007-2008 was around \$100,000.

The breakdown in support of larviciding costs Peel Mosquito Management program is as follows; City of Mandurah (59.04%), Shire of Murray (31.92%), Shire of Waroona (5.25%) and City of Rockingham (3.79%). These figures were determined on the total mosquito breeding area and the number of people living with 5km of a mosquito breeding site this allocation was last adjusted in 1996.

It should be recognised that the program is seasonal and the last two years have required a higher number of aerial treatments with large quantities of larviciding products used, however, it should be considered that since the inception of the program 18 years ago, an average of \$52,215 has been spent on helicopter hire in the Peel Region with the State Government contributing an average of \$26 447 per year on larviciding chemicals.

It is felt that this expenditure by the State Government represents good value for money for such an important health issue and one that affects the lifestyle of many people both residents and visitors.

Strategic Implications

The mosquito issue in the Peel Region can have significant economic and social implications, with potentially adverse impacts on tourism and visitor numbers, the quality of life for residents as well as real estate prices. There are also clear environmental influences and impacts.

Continuing financial support from the constituent CLAG parties and the State Government is a key strategic and financial issue. The State Government's commitment is also underpinned by the Dawesville Channel Environmental Review and Management Plan (ERMP) where it was recognised that the implementation of the Dawesville Channel would significantly increase mosquito management issues within the Peel Region, which has come to fruition.

The WA Planning Commission and Council continues to recommend memorials on land titles as a means of reminding property owners of the prevalence of mosquitoes adjacent to breeding areas but further work on improving outcomes for the residents where development is proposed within close proximity to mosquito breeding sites.

Conclusion

The Shire of Waroona is committed to ensuring the best possible mosquito management outcomes for the Peel Region. It is essential that any alteration to the Contiguous Local Authority Funding Scheme ensure full and continued support from the State Government in the Peel Region and further assistance in identified key improvement areas be provided.

COUNCIL DECISION

OCM09/022

MOVED: Cr Snell

SECONDED: Cr Salerian

That Council :

- 1. Receives the document "Review of the Contiguous Local Authorities Group Funding Scheme for Health Driven Mosquito Management"**
- 2. Recognises the essential role the State Government Department of Health has in managing mosquitoes in the Peel Region and the expectations of an ongoing commitment.**
- 3. Acknowledges the need for continued research and development to ensure the Mosquito Management Program utilises best practice and the role that various stakeholders, including the State Government play in this regard.**

CARRIED 7/0

9.3 MANAGER PLANNING SERVICES

9.3.1 REPORT TO COUNCIL ON SUBMISSIONS TO PROPOSED SUBDIVISION GUIDE PLAN FOR LOT 40, ELLIOTT STREET, WAROONA	
Reporting Officer / Officer's Interest:	Rod Milne – Manager Planning Services
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	InSitu
Landowner:	Gregory Richard Jones
Date of Report: 28 February 2009	File No.: A2480
Previous Reference:	
Statutory/Policy Implications:	See heading in report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Background

Council has been assessing a Subdivision Guide Plan for this site located at Lot 40, Elliott Street, Waroona. So far, it has been conducted at an officer level, with liaison with Council Planners and the Consultants Insitu. Council's Engineer has also been involved in these deliberations due to drainage and road access issues.

As part of the progressive assessment of these guide plans, the plan was placed on public display during February. Comment was sought from the wider community prior to the matter being taken to Council for endorsement.

A Site Plan and Subdivision Guide Plan are attached as Appendix 9.3.1a

Proposal

The proposal is for a standard residential subdivision of the area. A short cul de sac would link to Elliott Street and serve most of the 11 lots to be created. The last four lots would have frontages to Elliott Street, with Lot 11 being a corner lot. Areas vary between 2000 sqm, and 2693 sqm. Proposed lot 5 would have a lengthy access handle but this is difficult to avoid given the configuration of the site.

A balance area of 11,813 sqm would exist as Public Open Space and lie along the north eastern flank incorporating the deep gully line. That area would contain the main portion of remnant vegetation on site, though a number would also exist in the residential area.

The proponents have proposed that a majority of the trees in the housing area would remain outside building envelopes, though about a dozen trees would be removed to make way for houses. Given its zoning and land expectation, the land would retain the vast majority of remnant trees. The proponents propose that building envelopes will limit removal of trees to the minimum.

Specific provisions relating to the development guide plan are listed on the plan as policy statements 1 to 11.

Statutory Implications

Subdivision of the site is approved by the WAPC though the process allows and seeks input from Council.

The process of Subdivision Guide Plans and Development Structure Plans is a new one in WA and Councils are endeavouring to develop appropriate processes to deal with them and seek public consultation.

Public consultation has occurred during February and March and on completion of this on 4 March 2009, Council endorsement of the plan is now sought.

Community Consultation

No submissions were received prior to the closing date of 4 March 2009.

Officer's Comments

In the liaison process with the consultants, Council officers have sought a number of design changes to deal with the following issues.-

- Protection of remnant vegetation on site.
- Appropriate use of the steep gully line for drainage and other uses.
- Provision of appropriate and usable public open space in a suitable configuration.
- Appropriate road access that will resonate access to sites to the south of this one.

The proposal as submitted and presented for public comment addresses these issues generally and is the best option given the constraints of the land and also the location. The proponents have endeavoured to retain as much vegetation on site within the parameters and practicalities of the zoning, and it is considered that the guide plan warrants endorsement by Council.

Research has revealed that the southern frontage of lot 40 adjacent to Elliott Street formerly contained MacDowall's Timber Tramway at the turn of the last century, this line leading up hill from the mill to the timber reserves in the ranges. It is considered appropriate to name the cul de sac proposed "Fisk", from the shire's approved road name list, this name honouring George Fisk, one of the mill train drivers at Nanga Brook.

COUNCIL DECISION

OCM09/023

MOVED: Cr Walmsley

SECONDED: Cr Witney

1. That Council resolves to:

- (i) **Endorse this development guide plan for Lot 40 at Elliott Street**
- (ii) **Endorse "Fisk" as the name of the sole cul de sac from the road names register to honour the mill tramway and driver that traversed this area at the turn of the century**
- (iii) **Advise the consultants accordingly.**

CARRIED 7/0

Cr M Walmsley left the meeting the time being 3:13pm and returned at 3:14pm
Mr S Cleaver left the meeting the time being 3:14pm and returned at 3:18pm.

9.3.3 REPORT TO COUNCIL ON SUBMISSIONS TO VISION SPLENDID GARDEN DEVELOPMENT	
Reporting Officer / Officer's Interest:	Rod Milne – Manager Planning Services
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	Dykstra Planning
Landowner:	Goldburn Investments Pty. Ltd.
Date of Report:	28 February 2009
	File No.: SD127472
Previous Reference:	
Statutory/Policy Implications:	See heading in report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Background

The former Vision Splendid Gardens site has been the subject of a subdivision application involving the Western Australian Planning Commission (WAPC).

Concurrently, Council has been seeking public submissions from the general public as regards the proposal, and in particular the proposed layout.

The Vision Splendid Gardens are listed on the Shire's Municipal Inventory (MI) for though no mechanisms exist for Council to stop redevelopment of the site. The MI is not fully integrated into the Town Planning Scheme at present.

With the review of the Scheme under way at the present time, Council may deem it desirable to integrate the MI to allow better protection of key items such as this one in future development.

A Site Plan is attached as Appendix 9.3.3a and a Detailed Area Plan is attached as Appendix 9.3.3.b

Proposal

The proposal is for a standard residential subdivision of the area which WAPC has already approved. There is provision for two new streets as well as several Public Open Space areas linking to adjacent park areas. Council has received approval from the Geographic Place Names Board to name the two streets in the development "Bonney" and "Vision Splendid" in honour of the former creator and her gardens.

Statutory Implications

Subdivision of the site is approved by the WAPC, though the process allows and seeks input from Council.

Subdivision guide plans and development structure plans are relatively new in WA and Councils are endeavouring to develop appropriate processes to deal with them and seek public feedback.

Public consultation has been sought over February and March and that response is now presented to Council.

Community Consultation

Three submissions were received and are noted in the attached schedule. In addition to this, there has been verbal feedback from a number of members of the community, mainly in relation to the replica Sydney Harbour Bridge and Council's intentions for same.

Officer's Comments

WAPC has signed off on the subdivision of this site, with names for the streets proposed already approved.

Because of the zoning of the site, there was always a reasonable expectation that the land would be developed should the property be sold, as has occurred.

Council has also agreed to protect existing trees on site by two means as follows.-

- Allowing setback variances so that trees on individual lots can be retained.
- Allowing the removal of significant trees that cannot be saved to Council parks and reserves where appropriate.
- The proposed layout allows for three parkland areas which will incorporate some of those trees and others could conceivably be shifted to those areas from proposed residential areas.

As regards the bridge, the stance from the Engineering section is the cost of shifting and recycling the bridge is likely to be prohibitive. As this is outside of the provenance of Town Planning, any further advice on the bridge should be directed to Council's Director of Engineering and Technical Services. It is understood that the bridge is now sold and to be relocated to an adventure recreation site nearby.

Council's Heritage Advisor, Mr Eddie Marcus, was driven past the site in late February and advocates interpretive signage on key sites such as this. Ideally plaques would be installed in the three public open space areas explaining the story of the gardens and the work done by the creator Bonney Brooks.

Mr Marcus has provided some guidelines for appropriate honouring of the site in this format and it is considered appropriate for Council to proceed with this.

Paul returned at 3:30pm

OFFICER RECOMMENDATION

1. That Council resolves to:
 - (i) Allow appropriate relaxation of normal set back requirements throughout the Vision Splendid subdivision site to allow of protection of existing trees within building lots.

- (ii) Remove suitable trees that are within building sites and unable to be accommodated to nearby parklands where appropriate
- (iii) Seek from the applicant the provision of appropriate interpretive signage in public open space areas to illustrate the story of the site in accordance with the recommendation of the heritage advisor
 - 1. Advise submitters of the above and inform them also that the bridge will be removed to an active recreation site.

COUNCIL DECISION

OCM09/024

MOVED: Cr Germain

SECONDED: Cr Witney

1. That Council resolves to:

- (i) Allow appropriate relaxation of normal set back requirements throughout the Vision Splendid subdivision site to allow the protection of existing trees within building lots.
- (ii) Remove suitable trees that are within building sites and able to be accommodated to nearby parklands where appropriate
- (iii) Seek from the applicant the provision of appropriate interpretive signage in public open space areas to illustrate the story of the site in accordance with the recommendation of the heritage advisor
- (iv) Advise submitters of the above and inform them also that the replica Sydney Harbour Bridge will be removed to an active recreation site.
- (v) Require the applicant to alter the Plan to show retention of existing vegetation and include appropriate wording demonstrating how the trees will be protected.

CARRIED 7/0

Note: The Officer Recommendation was changed with the addition of v to clarify the existence and protection of vegetation.

Schedule of Submissions (Development Guide Plan for Vision Splendid Subdivision, Parnell Street, Waroona

Submitter Name	Comment or Objection	Officer Representation	Possible outcomes and response
Local resident	The development of the site should have been opposed given the importance of the gardens in the community	Once the site was sold, the new owners had the expectation to subdivide the land because of its zoning which allowed this; the option of Council acquiring the site was not followed	Council's options were always limited as regards this site because of its zoning and private ownership; acquisition of the site would have been costly

	Structures on site should have been reused elsewhere by Council	All structures on site belonged to the land owners who were entitled to sell them (the bridge is to be removed to another active recreation site). The Engineering Department had concerns about the state of the bridge and its likely high maintenance cost.	Council has endeavoured to use what it can from the site where practicable; the land owner owns all structures on site and can dispose of them as wished
	Trees on site should be protected	Council has agreed to allow of variations to normal setbacks to protect trees on individual lots and appropriate significant trees may be removed to other sites if threatened by the development.	Given the zoning of the site which allows of normal residential land uses, Council has endeavoured to save as many trees on site through variances and options for relocation
Local resident	The site is the habitat for the rare black cockatoo and frogs breed there	The site is a very small isolate in the middle of an urban area and has limited value as habitat; also the majority of trees on site are non endemic and exotic	It is improbable that the site has a high habitat value given its size, location in the middle of the town area and non endemic species
	There is no demand for a subdivision at this time given the market	Subdivisions are approved by the WAPC. No assessment of likely market is made.	Approvals are made by the WAPC

Local resident	The submitter keeps a dog and is concerned that the fence currently in use will be removed making it difficult for the dog to be kept in	Fences between adjoining land owners are normally the province of private individuals and Council has no involvement unless Council is an adjacent landowner	For determination	Council's
----------------	--	--	-------------------	-----------

ADJOURNMENT

The Chairperson adjourned the meeting at this point for a recess the time being 3:37pm.

RECONVENED

All those present at the adjournment of the Meeting were present in the room after the adjournment. The Meeting reconvened at 3:49pm.

Cr Snell declared a proximity interest as being closely associated to the adjoining landowner, and left the meeting, the time being 3:52pm.

9.3.4 LOT 15 RICHARDS ROAD, WAROONA – APPLICATION FOR PLANNING CONSENT FOR EXTENSION TO APPROVED EXTRACTIVE INDUSTRY (SAND)	
Reporting Officer / Officer's Interest:	Rhys Bloxsidge – Town Planner / Nil
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	David Tognela
Landowner:	David & Rosetta Tognela
Date of Report: 12 March 2009	File No.: TP1214 & EI 27
Previous Reference:	OCM05/053
Statutory/Policy Implications:	See heading in report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

An application was received for an extension to the current approved pit boundaries of the existing extractive industry at Lot 15 Richards Road, Waroona.

A Site Plan is attached as Appendix 9.3.4a.

Background

The current extractive industry (sand) existing on Lot 15 was approved by Council in May of 2005. An Extractive Industry Licence was also issued at the same time.

Prior to Council's approval of the extractive industry, The Department of Environment and Conservation issued a clearing permit greater in area than what Council issued approval for. A diagram illustrating the clearing permit area and Council's approval is at ***Appendix 9.3.4b***

The applicant is applying to Council to extend the current Council approved boundaries of the pit to align with the area designated with a clearing permit. A diagram illustrating the proposed extension is at ***Appendix 9.3.4c***

Statutory Implications

An Extractive Industry is listed as an 'AA' use in the 'Rural 1 – General' zone and therefore a decision on an application for one is at Council's discretion.

The Shire of Waroona Town Planning Scheme No. 7 is silent on any provisions relating to applications for Extractive Industry.

Planning and Development Policy 15.0 – Extractive Industry sets out the policy requirements for applications for Extractive Industry. The essential elements of the Policy are as follows:

1. A granting of a Licence for up to 5 years;
2. A requirement of rehabilitation plans that provide for clear and measurable outcomes;
3. A requirement of monitoring reports, including survey information, identifying rates of extraction and rehabilitation progress; and
4. A requirement of an upgrading of the local road system where the proposal will have a significant impact on that system.

The *Extractive Industries Local Law 1999* also sets out requirements for obtaining a Licence and lists a number of conditions that may or may not be imposed on a Licence and/or Planning Consent.

Community Consultation

The proposal was advertised to adjoining landowners for a period of 21 days. During the advertising period, two submissions was received. A Schedule of Submissions is at **Appendix 9.3.4d**

Officer's Comments

The current approved extractions have been operating without any complaints from adjoining landowners. A site inspection undertaken by the Town Planner revealed that extensive rehabilitation at the entrance to the pit has been undertaken. The revegetation has been successful to date in that the vegetation has been protected from kangaroos by plastic guarding.

As a clearing permit has been obtained by the applicant for the area of extension, it is recommended to Council to approve the extractive industry extension with the same conditions as issued for the initial approval.

It is recommended to Council that Planning Consent and the Licence for the extension expire at the same time as the existing approved area. Planning Consent and the Licence for the current operation expire on 24 May 2010.

COUNCIL DECISION

OCM09/025

MOVED: Cr Witney

SECONDED: Cr Salerian

That Council resolve, with respect to the application for Planning Consent for the extension to the existing Extractive Industry (sand) at Lot 15 Richards Road, Waroona to approve the application subject to the following conditions:

1. **A Rehabilitation Plan being submitted to the satisfaction of the Manager Planning Services;**
2. **A Drainage Management Plan being submitted to the satisfaction of the Manager Planning Services;**
3. **The unmade road reserve from Buller Road to the subject site being constructed to the satisfaction Director Technical Services. The first 75 metres from Buller Road to be sealed;**
4. **The fencing of remnant vegetation to occur prior to extraction commencing on site.**

CARRIED 6/0

Cr Snell returned to the meeting the time being 4:02pm.

9.3.5 LOT 34 (9) ROBBIE COURT, WAROONA – APPLICATION FOR PLANNING CONSENT FOR VARIATION OF BUILDING ENVELOPE AND SHED	
Reporting Officer / Officer's Interest:	Rhys Bloxsidge – Town Planner / Nil
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	Alan David Hewitt
Landowner:	Alan David Hewitt
Date of Report:	26 February 2009 File No.: TP1208
Previous Reference:	Nil
Statutory/Policy Implications:	See heading in report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

An application was received for a variation of the building envelope and a shed at Lot 34 (9) Robbie Court, Waroona.

A Site Plan, and submitted plans are attached as Appendix 9.3.5a.

Background

Lot 34 is located within the 'Urban 5 – Special Residential' zone under Shire of Waroona Town Planning Scheme No. 7.

The lot is 4030m² in area and contains an existing shed and dwelling.

Statutory Implications

Lot 34 is subject to the provisions of Clause 4.9 of the Scheme, relating specifically to the 'Urban 5 – Special Residential' zone. Clause 4.9.2(d) of the Scheme allows a building envelope to be varied if Council is satisfied that the variation will not detrimentally impact adjoining landowners.

Clause 6.11 of the Scheme relates to the size and height of outbuildings. The Scheme states that, unless otherwise approved by Council, an outbuilding in the 'Urban 5 – Special Residential' zone shall not be greater than 100m² in area and 4.2 metres in height.

Community Consultation

Community consultation was undertaken in accordance with Planning and Development Policy 1.0 – Community Consultation.

Subsequently, the proposal was advertised to adjoining landowners and during the advertising period no submissions were received.

Officer's Comments

The applicant has proposed to vary the existing building envelope by splitting it into two portions. As indicated on the submitted plan, a section of the existing building envelope has been moved to the northern corner of the lot to accommodate a shed.

A small orchard of fruit trees currently exists within the existing building envelope. In order to both construct a shed and save the fruit trees the building envelope is required to be split.

The building envelope has setbacks of 4 metres from the rear boundary and the adjacent side boundary.

The Scheme does not provide specific setback requirements for variations of building envelopes, however, for a property with no defined envelope, buildings must be set back 5 metres from both the side boundaries and rear boundary.

A site inspection revealed that 3 native trees will be located within the split portion of the envelope. It is likely that these trees will be removed to accommodate construction of the shed. A condition has been added to ensure the trees are replaced.

As no objections were received with regard to the setbacks of the variation, it is deemed that the variation will not detrimentally impact adjoining landowners.

The proposed shed is 110.25m² in area and is therefore in lieu of the prescribed 100m² maximum as set out in Clause 6.11 of the Scheme. The shed is also 4.32 metres high, in lieu of the prescribed 4.2 metre maximum height. The Clause states that Council may permit a shed over the prescribed size. In this case, the shed is only minimally over 100m² and 4.2 metres in height and no objections with regard to the size of the shed were received.

In summary, the proposal is unlikely to have a negative impact on the amenity of the area. Conditions will ensure that the proposal does not have a negative impact on the amenity of the area.

OFFICER RECOMMENDATION

That Council resolve, with respect to the application for Planning Consent for a variation of the building envelope and shed at Lot 34 (9) Robbie Court, Waroona to approve the application subject to the following conditions:

A. Building Envelope

1. No buildings and other structures shall be permitted to be constructed outside the building envelope hereby approved;
2. Clearing of indigenous trees and other substantial vegetation shall not occur outside the building envelope hereby approved without the prior written approval of Council.

B. Shed

1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application (dated 26.02.2009) and

- these shall not be altered or modified without the prior written approval of Council;
2. Building materials shall be of a colour not detrimental to the natural landscape of the locality, that is colours to be non-reflective, of muted tones and in sympathy with the surrounding environment;
 3. All stormwater and drainage run-off shall be contained on site to the specification and satisfaction of the Manager Planning Services. Without the prior written approval of Council, no stormwater is to be discharged into or on the road reserve, or connected to a Council stormwater legal point of discharge;
 4. A landscaping plan detailing size, location and type of vegetation for the area between the shed and the adjacent rear and side boundaries shall be approved by the Manager Planning Services prior to the commencement of works on site. The approved landscaping shall be implemented within 60 days of practical completion of the development hereby approved and thereafter maintained to the satisfaction of the Manager Planning Services;
 5. This approval shall expire if the development hereby approved is not completed within 2 years of the date hereof, or within any extension of time which upon written application is made to Council (made at least 60 days prior to the expiry of the approval) is granted in writing.

Advice to applicant:

- i. A Building Licence must be obtained prior to undertaking any works on site.

COUNCIL DECISION

OCM09/026

MOVED: Cr Germain

SECONDED: Cr Walmsley

That the Item 9.3.5 – Lot 34 (9) Robbie Court, Waroona – Application for Planning Consent for Variation of building Envelope and Shed, lie on the table until the following month, for further investigation of the existing shed and the intentions of applicant in respect to this shed.

CARRIED 7/0

9.3.7 LOT 16 (29) PARNELL STREET, WAROONA – APPLICATION FOR PLANNING CONSENT FOR 8 GROUPED DWELLINGS (OVER 55'S)	
Reporting Officer / Officer's Interest:	Rhys Bloxside – Town Planner / Nil
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	Doepel Marsh Architects
Landowner:	The Grand Lodge of Western Australia of Ancient Free and Accepted Masons
Date of Report:	16 March 2009 File No.: TP1211
Previous Reference:	Nil
Statutory/Policy Implications:	See heading in report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

An application was received for Planning Consent for 8 grouped dwellings for over 55's at Lot 16 (29) Parnell Street, Waroona.

A Site Plan and Submitted Plans are attached as Appendix 9.3.7a.

Background

Lot 16 is 2023m² in area and currently contains the Masonic Lodge.

The lot is located within the 'Urban 2 – Community and Civic' zone under Shire of Waroona Town Planning Scheme No. 7.

The lot lies opposite the Waroona Bowling Club and is a walkable distance from the town centre of Waroona.

The old Masonic Lodge is located on site and as part of the application, it has been proposed to demolish the building.

Statutory Implications

The proposal is subject to Clause 4.6 of the Shire of Waroona Town Planning Scheme No. 7, which relates specifically to the 'Urban 2 – Community and Civic' zone.

The proposal is also subject to the Residential Design Codes of Western Australia (R Codes) as the land has been allocated with a coding of R30.

Community Consultation

The proposal was advertised in accordance with *Planning and Development Policy 1.0 – Community Consultation*. During the advertising period, no objections were received by Council.

Officer's Comments

Scheme – Clause 4.6 relating to the 'Urban 2 – Community and Civic' zone

The objective of the zone is to encourage the establishment of community uses in the zone and to ensure that the amenity of the area is enhanced.

The proposal is compliant with the Scheme's objective in that the aged dwellings will contribute to the community by providing accommodation for the elderly.

The removal of the Masonic Lodge and the construction of the new dwellings will enhance the streetscape of Parnell Street as the Masonic Lodge is in a poor state at present.

Residential Design Codes of Western Australia (R Codes)

The land has an R Coding of R30. For the R30 coding, grouped dwellings can have a minimum size of 270m², with an average size of 300m².

For a grouped dwelling development for the aged, the mentioned site requirements may be reduced by up to one third, therefore the proposal can have a minimum grouped dwelling size of 180m² with an average size of 200m².

The proposal has a minimum grouped dwelling size of 204.11m², with an average size of 211.68m² and is therefore compliant with the site requirements of the R Codes.

The R Codes also list a set of special provisions that aged grouped dwellings developments must comply with.

The proposal is compliant with all the provisions such as wider internal corridors, a wheelchair specific parking bay, and outdoor living requirements.

The proposal has only one exception to the special provisions for aged dwellings in that the R Codes specify that such a development must be limited to only 5 dwellings. The proposal has 8 grouped dwellings, however, the site area is great enough to accommodate all 8 dwellings within the confines of the mentioned minimum site area requirements, therefore it can be deemed that the proposal does not typify over-development.

Masonic Lodge

The Masonic Lodge is listed on the Shire's Municipal Inventory as 'retain and conserve' if possible. In this regard, the proposal was forwarded to the Peel Regional Heritage Advisor for comment.

The Advisor recommended that the developer be asked to engage an independent consultant to report on the possibility of adaptive reuse of the Lodge. If adaptive reuse was not possible, relocation of the Lodge was advised to be explored.

Furthermore, the Advisor stated that if retaining and conserving the Lodge were not possible, the Shire should consider proponent to place interpretive signage at the front of the lot. The advisor recommended the development be named and signed "Masonic Court.'

In response to this, the proponent signalled that the Freemasons had no intention of retaining the Lodge on site but were happy for relocation to occur at the Shire's expense. The proponent also signalled that they were happy to erect a sign at the front of the property stating 'Masonic Court.'

Taking the advice into account, Council has two realistic options:

- a. Add a condition to ensure the Masonic Lodge is relocated to a suitable place at Council's expense;
- b. Allow the demolition of the Lodge but add a condition to ensure that the site is named and signed as 'Masonic Court.'

Conclusion

As the proposal is consistent with the majority of the provisions of the R Codes, there is no reason for the proposal not to be conditionally approved.

With regard to the Masonic Lodge, a condition has been recommended for demolition to take place, however, Councillors may feel that the Lodge is important to Waroona's history and have the condition changed.

COUNCIL DECISION

OCM09/027

MOVED: Cr Witney

SECONDED: Cr Germain

That Council resolve to approve the eight (8) grouped dwellings (over 55's) at Lot 16 (29) Parnell Street, Waroona subject to the following conditions:

- 1. The development hereby approved shall occur in accordance with the amended plans and specifications (dated 12 March 2009) and these shall not be altered or modified without the prior written approval of Council;**
- 2. A Drainage Management Plan shall be approved by Council prior to the issue of a Building Licence to the satisfaction of the Manager Planning Services. The Drainage Management Plan shall show finished floor levels, demonstrating flood routing levels;**
- 3. All roof areas shall be connected by gutters and downpipes to soakwells. The soakwells may be interconnected with a piped system to the specification and satisfaction of the Manager Planning Services. Without the prior written approval of Council, no stormwater shall be discharged into or on the road reserve or connected to a Council stormwater legal point of discharge.**
- 4. All impervious trafficable surfaces (i.e. driveways) shall be provided with grated soakwells in the ratio of not less than 1m³ of soakwell to 60m² of impervious surface to the satisfaction of the Manager Planning Services;**
- 5. The lot shall be drained and filled to a gradient of 1:100 from the rear of the lot to the kerb of Parnell Street to the satisfaction of the Manager Planning Services;**
- 6. Landscaping shall occur in accordance with the approved Landscaping Plan dated 12 March 2009;**
- 7. Building materials of each grouped dwelling shall be of a colour not detrimental to the amenity of the locality, that is colours to be non-reflective, of muted tones and in sympathy with each other and the surrounding locality;**

8. All proposed dwellings shall be connect to the reticulated water and sewer system prior to occupancy;
9. At least one inhabitant of each grouped dwelling is over 55 years of age;
10. All buildings, materials and septic systems located on site shall be demolished and removed prior to the commencement of site works;
11. Interpretive signage shall be constructed at the front of the subject property to the satisfaction of the Manager Planning Services;
12. This approval shall expire if the development hereby approved is not completed within 2 years of the date hereof or within any extension of time which upon written application to Council (made at least 60 days prior to the expiry date of the approval) is granted by it in writing.
13. *A drainage contribution of \$3.85 per m2 (a total of \$7,789.193 based on the development area of 2,023.16 m2) shall be paid to the Shire of Waroona, as this development falls within Catchment of the Waroona Drainage Development Area. The contribution is to contribute towards the development of an adequate drainage service within the Waroona Townsite. Payment shall be made prior to the issuing of a building licence and prior to any work commencing on the site.*

CARRIED 7/0

Note: *The Officer Recommendation was changed to include the text in italics as at condition 13.*

9.3.8 LOT 9 PRINCE ROAD, WAROONA – PROPOSED 6 LOT SUBDIVISION	
Reporting Officer / Officer's Interest:	Rhys Bloxsidge – Town Planner / Nil
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	Greg Rowe & Associates
Landowner:	Drakesbrook Wines Pty Ltd
Date of Report:	10 March 2009 File No.: SD139424
Previous Reference:	Nil
Statutory/Policy Implications:	See heading in report
Strategic Implications:	See heading in report
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

A Western Australian Planning Commission referral was received for the 6 lot subdivision of Lot 9 Prince Road, Waroona.

A Site Plan and Submitted Plan is attached as Appendix 9.3.8a.

Background

Lot 9 Prince Road, Waroona, is located within the 'Rural 5 – Darling Range' zone.

The lot is 93 hectares in area.

The land is currently being used as a winery and there are ancillary buildings located on site associated with the winery.

The land is generally cleared with some large pockets of remnant vegetation existing.

The property has frontage to Prince Road, which is of gravel construction. Access to the site stems from Scarp Road.

Statutory Implications

Shire of Waroona Town Planning Scheme No. 7 and the Local Planning Strategy are the primary statutory documents concerning the proposal.

Under the Scheme, the subdivision proposal is subject to Clause 4.14.10, relating to the 'Rural 5 – Darling Range' zone.

Under the Strategy, the subject land is located within the Scarp and Darling Range Precinct and has a classification of 'Hills Landscape Protection.'

Community Consultation

No community consultation is undertaken for subdivision referrals.

Officer's Comments

For land zoned 'Rural 5 – Darling Range,' the Scheme's objective is to encourage the retention of rural pursuits and the development of suitable recreational and holiday facilities.

The proposed subdivision will allow the existing winery to continue operating whilst harnessing the potential for other rural pursuits to be introduced on the remaining 5 lots.

For land with a classification of 'Hills Landscape Protection,' the Strategy requires a 10 hectare minimum lot size for subdivision. The subdivision proposal has 5 lots ranging between 10 hectares and 12.8 hectares. The lot containing the existing winery is at 43 hectares. The subdivision proposal is compliant with the minimum lot size standards of the Strategy.

Although the proposed subdivision is compliant for the most part with both the Scheme and the Strategy, access to the subdivision is fatally flawed.

For a vehicle to reach Prince Road, of which the proposed subdivision relies on for access, the vehicle must use the full length of Scarp Road. This includes having to cross the Waroona Dam wall, which is not a legal access way.

The dam wall is owned by the Water Corporation and is not a public road reserve. The Water Corporation has the right to close the dam wall at anytime it sees fit, and if this was to occur, access to Lot 9 is not possible.

Furthermore, emergency services (fire and ambulance services in particular) may not have the opportunity to access the subdivision if the dam wall was closed. The Strategy stipulates that for subdivisions, proponents must demonstrate that acceptable protection can be offered to future residents from bushfire hazard. The subject area is a known high risk fire area. The proponent has indicated that they are expecting to be required to submit a fire management plan as part of the proposal, however, they have not indicated how future residents may be protected from the hazard of bushfire with no legal access to the subject land. In this sense, the proposal is not compliant with the Strategy.

As at present there is no legal access to the proposed subdivision, it is recommended to Council to recommend to the Western Australian Planning Commission to refuse the subdivision on that basis.

COUNCIL DECISION

OCM09/028

MOVED: Cr Snell

SECONDED: Cr Scott

That Council advises the Western Australian Planning Commission that it does not support the six (6) lot subdivision of Lot 9 Prince Road, Waroona due to the following reasons:

- 1. There is no legal access provided by a surveyed, dedicated, constructed road to the proposed subdivision;**
- 2. The subdivision proposal is not compliant with the Local Planning Strategy in that the Strategy stipulates that acceptable protection must be offered to future residents from bushfire hazard. The subject area is a**

known high risk fire area. As no legal right of access exists to the subject land, fire emergency services may not have the opportunity to protect future residents from the hazard of bushfire.

Advice to Commission:

- a. Further to reason 1, the sole existing route to the proposed subdivision requires access across the Waroona Dam wall, which is not a surveyed road reserve. The Waroona Dam wall is owned by the Water Corporation. The Water Corporation can legally close access across the wall and if this was to occur, access to the proposed subdivision is not possible;**
- b. Further to reason 2, the submission of a fire management plan would be a condition of approval of the proposed subdivision. It is expected that a fire management plan would require legal access to the site. Presently, legal access does not exist.**

CARRIED 7/0

Cr Walmsley declared a proximity interest in item 9.3.9 as an adjoining landowner to the road, and left the meeting the time being 4:23pm.

9.3.9 ROAD NAMING – CORONATION ROAD, WAROONA	
Reporting Officer / Officer's Interest:	Rhys Bloxside – Town Planner / Nil
Responsible Officer / Officer's Interest	Rod Milne – Manager Planning Services / Nil
Proponent:	Denise Warner and Sean & Tammy Goodridge
Landowner:	Shire of Waroona
Date of Report:	10 March 2009 File No.: 132/4
Previous Reference:	Nil
Statutory/Policy Implications:	See heading in report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

To name an unnamed road reserve off Coronation Road as Wynne Road.

Background

In 2008, a portion of Coronation Road, approximately 8 kilometres west of Waroona, was straightened in order to remove sharp bends in the road.

As a result of the straightening, a portion of constructed road (previously part of Coronation Road) was left unnamed.

The proponents have requested Council to formally name the roads so that their properties can be accessed without confusion, especially by emergency services.

A Site Plan illustrating the unnamed road reserve is attached as Appendix 9.3.9a.

Statutory Implications

Planning and Development Policy 16.0 – *Geographic Names* is the primary statutory document concerning the proposal.

The Policy states that in the case of existing unnamed roads, the application of names on the *Reserved Road Names List* shall be recommended. In the case of new subdivisional roads, the Policy states that themed road names shall be supported.

Ultimately, the Geographic Names Committee approves road names after Council's recommendation.

Community Consultation

No community consultation is required for the naming of roads and none was undertaken.

Officer's Comments

The proponents have suggested that the road be named 'Gecko Bend' as they have stated that there are a number of small geckos found in the area. The Policy, however, states that names from the *Reserved Road Names List* should be applied to existing unnamed road reserves.

It is recommended to Council to apply Wynne Road to the subject unnamed road.

Wynne is name on the *Reserved Road Names List*.

Jack Wynne, founder of Wynne Meat Industries, was instrumental in the establishment of Clover Meats Waroona Abattoirs.

Clover Meats began operations in July of 1959. Mr. Wynne was the general manager of the abattoir until 1960.

Clover Meats ceased operations in 1998.

Source: Snell, L.J. (1986). *Drakesbrook Days and Waroona Years*. Shire of Waroona. Waroona: Western Australia

OFFICER RECOMMENDATION

That Council resolves to recommend to the Geographic Names Committee to name the unnamed portion of road reserve connecting to Coronation Road, Waroona, as Wynne Road.

COUNCIL DECISION

OCM09/029

MOVED: Cr Salerian

SECONDED: Cr Snell

That Council resolves to recommend to the Geographic Names Committee to name the unnamed portion of road reserve connecting to Coronation Road, Waroona, as Gecko Bend.

CARRIED 6/0

Note: The Officer Recommendation was changed as the Councillors felt that the name Wynne is of significant importance in the Waroona Community and should be for a more substantial Road. As Gecko Bend had been one of the names also considered because of the large number of Gecko's in this area, it was decided that this name was more suitable.

Cr Walmsley returned to the meeting, the time being 4:27pm.

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.4.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Joe Dineley – Senior Finance Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report:	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.4.1a

COUNCIL DECISION

OCM09/030

MOVED: Cr Witney

SECONDED: Cr Snell

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal Trust	5609-5646	\$87,328.54	\$87,328.54
Electronic Transfers	EFT 8434-8611	N/A	\$ - \$ -
		\$349,846.64	\$349,846.64
Direct Wages	14/02/09	68,975.20	68,975.20
	25/02/09	68,159.60	68,159.60
	TOTAL:		\$574,309.98

and attached at Appendix 9.4.1a be endorsed.

CARRIED 7/0

9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2008 TO 28 FEBRUARY 2009	
Reporting Officer / Officer's Interest:	Tamara Olsson – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report:	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.4.2a, 9.4.2b & 9.4.2c

COUNCIL DECISION

OCM09/031

MOVED: Cr Witney

SECONDED: Cr Germain

That the Monthly Statements of Financial Activity for the period 1 July 2008 to 31 January 2009 & for the period 1 July 2008 to 28 February 2009 Appendix 9.4.2a, 9.4.2b, & 9.4.2c be received and noted.

CARRIED 7/0

9.4.3 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN - JANUARY 1, 2008 TO DECEMBER 31, 2008	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO / Director Corporate Services / Nil
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO / Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 20 March 2009	File No.:193/1
Previous Reference:	Feb. 07 Item 9.4.3 OCM07/031
Statutory/Policy Implications:	The Compliance Audit Return is an annual requirement of the Local Government Audit Regulations 1996.
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simply Majority

Proposal

N/A

Background

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 and its Regulations.

Community Consultation

Nil

Officer Comments

Nil

COUNCIL DECISION**OCM09/032****MOVED: Cr Witney****SECONDED: Cr Scott**

That the Compliance Audit Return for the Shire of Waroona for the period January 1, 2008 to December 31, 2008 be adopted by the Council.

CARRIED 7/0

Mrs F Dhiwayo left the meeting the time being 4:57pm

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 ROYALTIES FOR REGIONS FUNDING	
Responsible Officer / Officer's Interest	CEO
Proponent:	CEO
Landowner:	N/A
Date of Report: 16.03.2009	File No.: 194/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	Projects recommended adhere to Council's Strategic Plan principles.
Financial Implications:	\$841,779 income in addition to 2008/2009 Budget
Voting Requirements	Absolute Majority to amend the 2008/2009 Budget

Proposal

To accept the sum of \$841,779 from the Country Local Government Fund under the State Government Royalties for Regions program 2008/2009 allocation.

Background

The allocation of funds is tied to expenditure against the following local government asset classes according to the *Local Government Accounting Manual*:

- Buildings
- Infrastructure:
- Roads
- Bridges
- Drainage
- Parks, gardens and reserves
- Footpaths and cycleways
- Airports
- Sewerage
- Other

For the purpose of providing information to the Government on how the funds are to be spent, Council needs only provide an aggregated amount for the above headings. There is no time limit applied to when the funds must be expended and funds can be set aside in Reserve for future projects or to add to other grant funding.

Grant funds cannot be applied to expenditure on non-infrastructure items and are not to be used for purchasing plant and equipment, employing staff, engaging consultants, retiring debt or any other organisation requirements that fall outside the above asset classes.

Future Year's Allocations -

In future years the Country Local Government Fund will provide infrastructure support to local governments directly and through regional groupings of councils.

Up to 50 per cent of the Country Local Government Fund in years two, three and four will be allocated through existing and emergent regional governance groups of local governments.

The funding allocated through these regional groups will be the sum of the allocations of the local governments in that group. Regional groups will then reach mutual agreement on the priorities for expenditure of their regional funding allocation.

If a local government does not participate in a regional group then, subject to special circumstances, that share of the regional allocation will be held over and may be used to augment local government capacity building initiatives.

It is envisaged that the Country Local Government Fund will evolve and the processes will be refined in response to experience and achievements and improved information.

Provisional allocations for the Peel region are 09/10 \$1,932,919; 10/11 \$2,692,280; 11/12 \$2,692,280. It is expected that these funds will be delivered through the Peel Development Commission and be available for regional projects in the districts of Mandurah, Murray, Waroona, Boddington and Serpentine Jarrahdale.

To acquire a share of the regional funds we will need projects that are of regional importance. Some projects that may fit the requirements are –

- Extension of the Health & Community centre
- Funding towards co-locating emergency service buildings
- Some road or bridge projects eg. Old Bunbury Rd; Coronation Rd

Officer's Comments

The following projects are forwarded to Councillors for consideration for funding under the 2008-09 allocation. Many of these projects either appear in Council's forward plans or have been considered, but unsuccessful, in obtaining funding in previous budgets –

<u>Recreation Centre, Hill Street</u>	\$
1. Installation of air extraction fans on original indoor basketball court. <i>This will improve air circulation throughout through court 1, particularly for basketball, school concerts etc during hot weather.</i>	13,000
2. Swimming pool blanket winch. <i>Current blanket is manually pulled across the pool. A winch would improve our manual handling requirements in this area.</i>	7,000
3. Install automatic opening front doors. <i>This has been unsuccessful in several previous budgets.</i>	8,000

4. Sand and reseal indoor basketball courts 2 & 3. 10,000
Routine maintenance recommended to be done.

Playgroup Building, Henning Street

5. Internal & external repaint of building. 14,500
Routine maintenance recommended to be done

Senior Citizens Centre, Millar Street

7. Replace stramalite ceiling. 26,000
Has been considered but unsuccessful in previous budgets.

6. Internal & external repaint of building. 8,000
Routine maintenance recommended to be done.

Waroona Library

7. Install automatic opening front doors. 8,000
This has been unsuccessful in several previous budgets.

8. Internal & external repaint of building. 8,000
Routine maintenance recommended to be done.

Sporting Ovals

9. Renew pumps and update telemetry system for delivering 50,000
Harvey water to all ovals.
Current system is reaching the end of its life and constantly breaking down.

10. Continue new black fencing around town oval area. 30,000
The Millar Street side has been done, 3 sides still remain.

Preston Beach

11. Funding for upgrade of existing building or reserving funds for 60,000
future new Building.
Funds could be used for immediate upgrade of existing building or held in reserve awaiting matching funds for a new building.

12. Extend beach carpark recreation area and add overflow 7,000
carpark.
This work will finish the Preston Bch carpark upgrade. Was considered but unsuccessful in 08/09 budget process.

Lake Clifton Community Hall

13. Bitumen seal carpark and entrance road. 15,000
This was considered but unsuccessful in the 08/09 budget process.

Shire Administration Centre

14. Additional funding for extensions. 300,000

Funds recommended to be added to the current reserve fund currently totalling \$650,000. Additional funds will put the project nearer to being paid for outright and lessen any amount required to be raised from loans.

Waroona Town Entry

- | | | |
|-----|--|--------|
| 15. | Install 3 more town entry signs.
<i>One signs is due to be installed on the South Western Highway north entry to town, additional signs proposed for South Western Highway south, Coronation Road and Nanga Brook Road. Cost approx \$15,000ea.</i> | 45,000 |
|-----|--|--------|

Street & Road Signs

- | | | |
|-----|---|--------|
| 16. | Replace older style street & road signs throughout the shire.
<i>Replacement of old style B & W signs has commenced. New design included logo, larger print and high reflectiveness.</i> | 10,000 |
|-----|---|--------|

Drakesbrook Weir

- | | | |
|-----|---|-------|
| 17. | Replace Pontoon.
<i>Current pontoon is provided by Lions Club, insurance provided by Shire. This is a very high use water playground that warrants priority replacement.</i> | 6,500 |
|-----|---|-------|

Roads - General

- | | | |
|-----|--|--------|
| 18. | Reseal various townsite.
<i>Individual streets and priorities to be identified during budget process.</i> | 70,779 |
| 19. | Reseal sections of Old Bunbury Road. | 30,000 |
| 20. | Reseal McNeil Road. | 15,000 |
| 21. | Reconstruct and gravel Scarp Road.
<i>Was considered by unsuccessful in the 08/09 budget process.</i> | 45,000 |

Footpaths

- | | | |
|-----|--|--------|
| 22. | Funding for future footpath construction.
<i>Funds to be held in Reserve and to be added to grant funding when received for the next priority footpath replacement project.</i> | 30,000 |
|-----|--|--------|

AMOUNT NOT ALLOCATED

- | | | |
|-----|--|---------|
| 23. | Amount to be allocated.(to be added to Building Mtce Res if not allocated)
<i>Other projects to be considered by Councillors.</i> | 25,000 |
| | | 841,779 |

OFFICER RECOMMENDATION

That Council amend the 2008/2009 Budget to accept the amount of \$841,770 additional income from the Royalties For Regions program, and further amend the

2008/2009 Budget to expend the additional income on the following projects and transfer funds to the following Reserve Fund accounts :

<u>Recreation Centre, Hill Street</u>	\$
▪ Installation of air extraction fans on original indoor basketball court.	13,000
▪ Swimming pool blanket winch.	7,000
▪ Install automatic opening front doors.	8,000
▪ Sand and reseal indoor basketball courts 2 & 3.	10,000
<u>Playgroup Building, Henning Street</u>	
▪ Internal & external repaint of building.	14,500
<u>Senior Citizens Centre, Millar Street</u>	
▪ Replace stramalite ceiling.	26,000
▪ Internal & external repaint of building.	8,000
<u>Waroona Library</u>	
▪ Install automatic opening front doors.	8,000
▪ Internal & external repaint of building.	8,000
<u>Sporting Ovals</u>	
▪ Renew pumps and update telemetry system for delivering Harvey water to all ovals.	50,000
▪ Continue new black fencing around town oval area.	30,000
<u>Preston Beach</u>	
▪ Extend beach carpark recreation area and add overflow carpark.	7,000
<u>Waroona Town Entry</u>	
▪ Install 3 more town entry signs.	45,000
<u>Street & Road Signs</u>	
▪ Replace older style street & road signs throughout the shire.	10,000
<u>Drakesbrook Weir</u>	
▪ Replace Pontoon.	6,500
<u>Reserve Fund Transfers</u>	
▪ Amounts to be allocated to Reserve Funds :	
▪ Preston Beach Community Centre Reserve.	60,000
▪ Footpath Reserve Fund.	30,000
▪ Administration Centre Reserve Fund.	300,000
▪ Building Asset Maintenance Reserve.	25,000
▪ Roads & Carparks Construction & Maintenance Reserve Fund.	175,779

COUNCIL DECISION**OCM09/033****MOVED: Cr Scott****SECONDED: Cr Snell**

That Council amend the 2008/2009 Budget to accept the amount of \$841,779 additional income from the Royalties For Regions program, and further amend the 2008/2009 Budget to expend the additional income on the following projects and transfer funds to the following Reserve Fund accounts :

<u>Recreation Centre, Hill Street</u>	\$
▪ Installation of air extraction fans on original indoor basketball court.	13,000
▪ Swimming pool blanket winch.	7,000
▪ Install automatic opening front doors.	8,000
▪ Sand and reseal indoor basketball courts 2 & 3.	10,000
<u>Playgroup Building, Henning Street</u>	
▪ Internal & external repaint of building.	14,500
<u>Senior Citizens Centre, Millar Street</u>	
▪ Replace stramalite ceiling.	26,000
▪ Internal & external repaint of building.	8,000
<u>Waroona Library</u>	
▪ Install automatic opening front doors.	8,000
▪ Internal & external repaint of building.	8,000
<u>Sporting Ovals</u>	
▪ Renew pumps and update telemetry system for delivering Harvey water to all ovals.	50,000
▪ Continue new black fencing around town oval area.	30,000
<u>Preston Beach</u>	
▪ Extend beach carpark recreation area and add overflow carpark.	7,000
<u>Waroona Town Entry</u>	
▪ Install 3 more town entry signs.	45,000
<u>Street & Road Signs</u>	
▪ Replace older style street & road signs throughout the shire.	10,000

Drakesbrook Weir

- **Replace Pontoon.**

6,500**Reserve Fund Transfers**

▪ Amounts to be allocated to Reserve Funds :	
▪ Preston Beach Community Centre Reserve.	60,000
▪ Footpath Reserve Fund.	30,000
▪ Administration Centre Reserve Fund.	300,000
▪ <i>Drainage</i> Reserve Funds.	25,000
▪ Roads & Carparks Construction & Maintenance Reserve Fund.	175,779

CARRIED BY ABSOLUTE MAJORITY 7/0

Note: The Officer Recommendation was changed so that Building Asset Maintenance Reserve under Reserve Fund Transfers was changed to Drainage Funds as in light of the information given during the presentation by Steve Brake from TME it is felt that there is a need to put aside money for costs associated with drainage.

9.5.2 RELOCATION OF OPPORTUNITY SHOP	
Responsible Officer / Officer's Interest	CEO
Proponent:	Anglican Church & Mr L Sgambelluri
Landowner:	Crown land vested with Shire of Waroona
Date of Report: 16.03.2009	File No.: TP1064
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

To approve of the location of a new Anglican Church Opportunity Shop on Council land.

Background

Mr L Sgambelluri, developer of the IGA site in Fouracre Street, Waroona, has approached both the Shire and the Anglican Church advising of his offer to build a new Opportunity Shop on the Council reserve in Fouracre Street.

The current Opportunity Shop is a small metal shed located on Council reserve land on the corner of Coronation Rd and Fouracre Street in the area where the new carpark will be created for the IGA redevelopment. Although the Shop is not required to be moved for the purpose of building the carpark, Mr Sgambelluri has offered to build a new shop to improve its location and appearance.

The Anglican Church has given preliminary approval to the concept, subject to final plans.

Community Consultation

Consultation has been undertaken with the Anglican Church.

Officer's Comments

It is recommended to Council to approve of a new location for operating the Anglican Church Opportunity Shop on adjacent parkland in Fouracre Street as indicated on the plan attached as **Appendix 9.5.2a**.

COUNCIL DECISION

OCM09/034

MOVED: Cr Scott

SECONDED: Cr Germain

That Council approve of a new Anglican Church Opportunity Shop being built on Council vested land in Fouracre Street, Waroona as indicated on the plan attached at *Appendix 9.5.2a* or other more appropriate site in the area. Final location to be approved by the CEO dependant on the final building design and how it will fit into the amenity of the area.

CARRIED 7/0

COUNCIL DECISION

OCM09/035

MOVED: Cr Snell

SECONDED: Cr Witney

That the meeting exclude members of the public to discuss an item of a confidential nature relating to staff contracts.

CARRIED 7/0

****CONFIDENTIAL ITEM****

Mr Milne, Mr Tilbrook, Mr Cleaver & Mrs Aiberti left the meeting, the time being 4:04pm.

9.5.3 DIRECTOR OF COMMUNITY SERVICE – CONTRACT RENEWAL	
Responsible Officer / Officer's Interest	CEO
Proponent:	DCS
Landowner:	N/A
Date of Report: 16.03.2009	File No.: P120
Previous Reference:	N/A
Statutory/Policy Implications:	In accordance with the Local Government Act 1995 relating to Senior Staff Contracts
Strategic Implications:	N/A
Financial Implications:	All costs included in current and subsequent budgets
Voting Requirements	Simple Majority

COUNCIL DECISION**OCM09/036****MOVED: Cr Scott****SECONDED: Cr Walmsley**

That the current contract of the Director Community Services, Mr Stephen Cleaver, be renewed for a further 5 year period from its expiration on 3 April 2010. The terms and conditions contained in the contract to be similar to the current contract and to include additional benefits negotiated since commencement.

CARRIED 7/0

Mr Cleaver and Mrs Aiberti returned to the meeting at 5:17pm

COUNCIL DECISION

OCM09/037

MOVED: Cr Germain

SECONDED: Cr Salerian

That the meeting resume in public the time being 5:17 pm.

CARRIED 7/0

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

Nil

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

11.1 ELECTED MEMBERS

Cr Germain and Cr Witney will lay wreaths on behalf of the Council at the Waroona Anzac day ceremony. Cr Snell will lay the wreath on behalf of the Council at the Preston Beach Ceremony.

11.2 OFFICERS

11.2.1 DRAINAGE IMPROVEMENTS – ELLIOTT ST WAROONA	
Responsible Officer / Officer's Interest	Paul Webb - Director Technical Services/Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 24 March 2009	File No.: 46/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

COUNCIL DECISION

OCM09/038

MOVED: Cr Salerian

SECONDED: Cr Snell

That the Director of Technical Services be requested to advise Council on improving the drainage system in Elliott Street, north of the Hill Street intersection and the possibility of installing a footpath on the north side of the road.

CARRIED 7/0

12. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5:33 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 24 MARCH 2009 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE