



**Date: 12 December 2013**

**To: Shire President  
All Councillors**

**Copy: Directors  
Staff**

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

**An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 17 December 2013 at 4.00pm to consider and resolve the matters set out in the attached Agenda.**

A handwritten signature in cursive script, appearing to read 'Ian Curley', is placed on a light-colored rectangular background.

**Ian Curley  
CHIEF EXECUTIVE OFFICER**

## **PUBLIC QUESTION TIME**

**AND**

## **PUBLIC STATEMENT TIME**

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

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# **AGENDA**

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

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
  - 8.1 **ORDINARY COUNCIL MEETING – 26 November 2013**

**OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting held 26 November 2013 be confirmed as being a true and correct record of proceedings.**

- 9.0 **REPORTS OF OFFICERS AND COMMITTEES**



**9.1 DIRECTOR TECHNICAL SERVICES**

Nil.

**9.2 DIRECTOR COMMUNITY SERVICES**

| <b>9.2.1 SHIRE OF MURRAY HARDWASTE DISPOSAL</b>   |   |
|---|---|
| Reporting Officer / Officer's Interest:   | Jason Robertson, Manager Health & Building Services / Nil |
| Responsible Officer / Officer's Interest  | Steve Cleaver, Director Community Services / Nil          |
| Proponent:  | Shire of Waroona  |
| Landowner:  | Shire of Waroona  |
| Date of Report: 25 <sup>th</sup> November 2013  | File No.: 77/3  |
| Previous Reference:   | Nil   |
| Policy Implications:  | In Document   |
| Statutory Implications:   | Local Government Act 1995                                 |
| Strategic Implications:   | In Document   |
| Financial Implications:   | In Budget   |
| <b>Voting Requirements</b>  | Simple majority   |
| LINKED TO STRATEGIC OBJECTIVE NUMBER ( <i>Strategic Community Plan-SCP</i> ): <i>objective number 1 and 3</i> |   |

**PROPOSAL**

Council to consider adopting a cost schedule for a tonnage rate to be applied for refuse disposal at the Buller Road Landfill.

**BACKGROUND**

The Shire of Murray, in past years, has utilised Dardanup Landfill site for its hard waste disposal however in 2012/2013 utilised the Buller Road Landfill as a trial. Last year the Shire of Waroona took hard waste from the Shire of Murray with a cubic metre rate applied for the refuse. This year, the Shire of Murray has indicated it would like to utilise the Buller Road Landfill for its hard waste disposal, however has indicated that the Shire of Waroona costs are significantly above market rates and have requested a tonnage rate applicable in lieu of a cubic metre rate.

**FINANCIAL IMPLICATIONS**

The Shire of Murray has advised that they are paying \$53.40 per tonne at Dardanup and seek a similar price from the Shire of Waroona. By way of comparison the Buller Road Landfill Site gate charge is \$70.00 per cubic metre for waste of this category.

The Shire received in the vicinity of around \$38,000 last financial year from the Shire of Murray hard waste collection. There was approximately 800 tonnes disposed of. This year, preliminary indicators show it is expected around 500 tonnes or \$26,500 income could be expected for collection and disposal.

**STATUTORY IMPLICATIONS**

Council has in the past has utilised fees and charges to accept (or prohibit) waste from outside the Shire. It is proposed that in order to limit the volume and type of



waste that is delivered the Shire enters into a contract with the Shire of Murray for collection of its hardwaste collection for 2014 only.

### **STRATEGIC IMPLICATIONS**

Of the 6 objectives outlined in Waroona's *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number 1 and 3.

### **COMMUNITY CONSULTATION**

Director Technical Services  
Director Community Services  
Shire of Murray

### **OFFICER'S COMMENTS**

The Shire currently does not have a tonnage rate applicable, it has utilised a cubic metre rate for waste disposal. Generally, landfill sites will utilise a tonnage rate if the facility has a weighbridge. The Buller Road Landfill site does not have a weighbridge at present. The benefit of a weighbridge and a tonnage rate generally limits any "leakage", that is, a more concise and accurate measure of the amount of waste being transferred.

The majority of landfill sites that have major customers (which can include Local Governments) will employ a tonnage rate to ensure a balance between commercial enterprise and long term asset management of the landfill air-space.

There is the ability to offer discounts on standard gate fees (including tonnage rates) for customers who deposit large quantities of waste.

If the Shire seeks to introduce a tonnage rate, the new charges will apply to existing clientele and there is in place an arrangement for a conversion to be applied to facilitate the Shire taking waste for various wastes for a cubic metre clearance, but having a density measure applicable for the dollar rate. This may expose the Shire to large volumes from Mandurah which would be untenable.

If the Shire enters into a contract with the Shire of Murray for the disposal of their hard waste verge collection, this would not require the Shire to amend its adopted fees and charges.

Based on preliminary figures from the Shire of Murray, it is conceivable that an income of around \$26,500 could be given from acceptance of the hard waste. Amending the adopted fees and charges is possible, but given there is both an existing arrangement and ability with other clientele to have similar; and the potential to enter into a contract with the Shire of Murray, it is not recommended to amend the Landfill Disposal fees and charges.

**COMMITTEE RECOMMENDATION**

- 1) That the Committee recommends to Council to delegate to the Chief Executive Officer to enter into a contract with the Shire of Murray for acceptance of 500 tonnes of hard waste in 2013/2014 only.**
- 2) That an equivalent cubic metre rate of \$53.40 per tonne be offered.**

| <b>9.2.2 LATE ITEM: REPLACEMENT OF HOCKER ROOF</b>   |  |
|--|--|
| 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: 13 December 2013   | File No.: 126/3                            |
| Previous Reference:  | Nil  |
| Policy Implications:   | Policy 3.3 Purchase of Budget Items        |
| Statutory Implications:  | Local Government Act 1995                  |
| Strategic Implications:  |  |
| Financial Implications:  |  |
| LINKED TO STRATEGIC OBJECTIVE NUMBER ( <i>Strategic Community Plan-SCP</i> ): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" |  |

Due to quotes closing on Friday 13 December, this agenda item will be tabled at the meeting.

### 9.3 DIRECTOR PLANNING SERVICES

| <b>9.3.1 REVIEW OF LOCAL PLANNING POLICY 1.0 - COMMUNITY CONSULTATION</b>  |  |
|--|--|
| Reporting Officer / Officer's Interest:  | Greg Delahunty, Town Planner / Nil   |
| Responsible Officer / Officer's Interest   | Louis Fouché, Director Planning and Development Services / Nil   |
| Proponent:   | N/A  |
| Landowner:   | N/A  |
| Date of Report:  | 2 December 2013  |
| File No.:  | TP 7 General 111/1   |
| Previous Reference:  | N/A  |
| Policy Implications:   | State Planning Policy 3.1 – Residential design Codes<br>Shire of Waroona Town Planning Policy 1.0 – Community Consultation |
| Statutory Implications:  | Planning and Development Act 2005<br>Shire of Waroona Town Planning Scheme No. 7   |
| Strategic Implications:  | Shire of Waroona Strategic Community Plan 2012   |
| Financial Implications:  | Cost of Advertising the Policy (Approximately \$700).  |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): 6</b><br><i>Achieve Civic Leadership</i> |  |

#### **PROPOSAL SUMMARY**

Council is requested to adopt the amended Local Planning Policy 1.0 – Community Consultation (LPP1) at **APPENDIX 9.3.1A**.

See schedule of changes made to the existing Policy at **APPENDIX 9.3.1B**.

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

Shire of Waroona Planning Officers have cited numerous operational issues in the everyday application of LPP1. Issues identified include:

- Advertising time period being inconsistent with the Model Scheme Text;
- Inability for the Director / Manager Planning and Development Services (DPS) to advertise an application for a longer period than 21 days without Council approval;
- Inconsistency with other Local Planning Policies; and
- Inconsistency with the Town Planning Scheme (TPS).

#### **PREVIOUS COUNCIL RESOLUTIONS**

At its Ordinary Meeting of 22 October 2013, Council resolved as follows:

“That pursuant to Clause 2.4 of the Shire of Waroona Town Planning Scheme No.7, Council resolves to:



1. Prepare a Draft Community Consultation Policy as set out in Appendix A.
2. Advertise the Draft Policy in accordance with the requirements of Clause 2.4.1 of Town Planning Scheme No.7.
3. Consider all submissions received as a result of advertising.'

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

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

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

### **Town Planning Scheme No.7**

Clause 4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the TPS, the several uses permitted in the TPS area in the various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

Clause 4.2.5 states that if a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may -

- a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the "SA" procedures of clause 8.2 in considering an application for planning approval; or
- c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Clause 8.2 of the TPS deals with the advertising of Planning Consent Applications.

8.2.1 Where an application is made for Planning Consent to commence or carry out development which involves "SA" use, the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this clause.

8.2.3 Where the Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out:

- a) Notice of the proposed development to be served on the owners and occupiers of the land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- b) Notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;

- c) A sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

8.2.4 If notices have been given, after expiration of twenty-one days from the publication of the notice, the erection of the notice or the posting of the notice to the owners and occupiers, whichever is the latter, the Council shall consider and determine the application.

In terms of Clause 2.4 of the Scheme, once a Draft Town Planning Scheme Policy has been developed, Council needs to resolve to adopt the draft policy and then advertise the policy for a minimum period of 21 days. All submissions to the draft policy need to be considered by Council and then Council can resolve to adopt the policy, amend it or not proceed with the policy.

Although a town planning scheme policy does not bind Council, it shall have regard for the policy when making a decision.

## **PLANNING – STRATEGIC IMPLICATIONS**

### **State Planning Policy 3.1 Residential Design Codes (R Codes)**

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. The R-Codes splits the assessment of a proposal up into separate design elements with each design containing a number of deemed to comply provisions.

All residential development is to comply with the requirements of the R-Codes. Approval under and in accordance with the R-Codes is required if the proposed residential development:

- (a) does not satisfy the deemed-to-comply provisions of Parts 5 and/or 6 of the R-Codes as appropriate; or
- (b) proposes to address a design principle of Parts 5 and/or 6 of the R-Codes which therefore requires the exercise of judgement by the decision-maker.

Tables 1, 2a, 2b, 3 and 4 as well as a number of figures demonstrate how an applicant can meet the deemed to comply provisions of the Codes.

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

Local Planning Strategy serves as Council's main strategic planning instrument guiding development within the Shire. The LPS outlines land uses that are permissible and discretionary within the six (6) precincts of the Shire. The classification of these land uses as permitted or discretionary is then reflected in Table 1 Zoning Table of the TPS. LPP 1 sets the level of advertising required based on the land use classification of the TPS Zoning Table.



### Planning Policy 1.0 Community Consultation

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

### Planning Policy 4.0 Heritage

Special Procedural Considerations:

Where development is proposed on a site on the Heritage List, or adjacent to a site on the Heritage List, Council may refer applications to the Regional Heritage Advisor or other Heritage professional/s for comment, or may require the undertaking of a heritage assessment at the applicant's expense, prior to determination of an application.

### Planning Policy 5.0 Setbacks and Building Envelopes

In terms of the Special Procedural Considerations of Policy 5.0, where it is deemed that a proposed modification to a building envelope is of a minor nature, unlikely to impact on the amenity of adjoining properties or the locality in general, advertising of the proposal to adjoining landowners is not required.

### Planning Policy 7.0 Ancillary Accommodation

Special Procedural Considerations:

1. Except where inconsistencies are deemed to be of a minor nature unlikely to generate significant impact on the amenity of adjoining properties, applications for assessment of Ancillary Accommodation proposals in the context of the Performance Criteria set out in the Residential Design Codes must be subject of consultation in accordance with Part 2.5 of the Codes.
2. Ancillary Accommodation proposals not subject of the Residential Design Codes must be subject to consultation in accordance with Clause 8.2 of the Scheme.

### Planning Policy 8.0 Moyanup Heights and Lake Moyanup Estate

Where Planning Consent applications are received where a dwelling or outbuilding is considered to be inconsistent to the requirements of this Policy (alternate materials, oversized shed, etc.) such applications will be referred to the potentially affected adjoining neighbours for their comment. Any comments received will be considered by Council in its assessment of the proposal.

### Planning Policy 12.0 Brooklyn Rise – Special Residential Zone building Standards

Where Planning Consent applications are received where a dwelling or outbuilding is considered to be inconsistent to the requirements of this Policy (alternate materials, oversized shed, etc.) such applications will be referred to the potentially affected adjoining neighbours for their comment. Any comments received will be considered by Council in its assessment of the proposal.

### Planning Policy 13.0 Intensive Agriculture

#### Special Procedural Considerations:

Applications should be referred to Department of Agriculture and Department of Environment, Water and Catchment Protection.

### Planning Policy 13.0 Industrial / Commercial Land Use and Development

#### Special Procedural Considerations:

Advertise 'major' developments for public comment prior to determination of the application. The determination of whether an application is a major development should be determined on a case-by-case basis, however, any development that is likely to have significant implications on the use of public space or interaction with nearby properties should be advertised. 'Commercial' or 'competition' issues should generally not be considered as relevant in the determination of applications.

### Planning Policy 15.0 Extractive Industry

#### Special Procedural Considerations:

- a) Where extraction activity has been the subject of a decision by the Environmental Protection Authority, applications shall be referred to that authority for comment prior to determination.
- b) Where extraction activity may have the potential for significant environmental impact and the proposal has not already been referred to the Environmental Protection Authority, Council shall require referral of the proposal to that authority prior to giving consideration to the application.
- c) Prior to lodging an application with Council, either for a new proposal, or for the expansion of an existing operation, the applicant should seek the advice of the Water and Rivers Commission with respect to groundwater issues.
- d) All applications (other than applications for renewal and which do not involve an expansion of the extraction area) shall be referred to the Department of Environment, Water & Catchment Protection and the Department of Mineral & Petroleum Resources.

### Planning Policy 25.0 Outbuildings

#### Special Procedural Considerations

5.3 Outbuildings that comply with all the criteria specified in Columns B and C of Table 1 are deemed acceptable and will be approved without referral to neighbours for comment except where:

- a) In the opinion of the Chief Executive Officer potential adverse impacts on the streetscape may occur.
- b) The proposed development does not comply with another provision of the Town Planning Scheme, the R-Codes or Local Planning Policy.

5.4 Applications for outbuildings that do not comply with one or more of the criteria specified in Columns B and C of Table 1 or that are subject to the provisions of

Clause 5.3 of this Policy, will be advertised for public comment before being determined.

|   |
|---|
| <b>Column C</b>   |
| <b>Conditions to be met for approval without advertising.</b>   |
| <b>Urban Zones</b>  |
| <ul style="list-style-type: none"> <li>I. The proposed outbuilding is located behind the existing dwelling; and</li> <li>II. The proposed outbuilding is set back from side and rear boundaries in accordance with Tables 2a and 2b of the R-Codes, is located entirely within an approved building envelope or is proposed to be located in accordance with the setbacks applicable to the particular area as stipulated in the Town Planning Scheme or relevant Local Planning Policy; and</li> <li>III. The proposed outbuilding is constructed of a style and of colours and materials which are complementary to and compatible with the existing or proposed dwelling or in keeping with the amenity of the area</li> </ul> |
| <b>Rural Zones</b>  |
| <ul style="list-style-type: none"> <li>I. The proposed outbuilding is located entirely within an approved building envelope or is in accordance with the setbacks applicable to the particular area as stipulated in a town planning scheme or relevant local planning policy and in keeping with the amenity of the area.</li> </ul>   |

Planning Policy 26.0 Holiday Homes

Community Consultation

All applications for planning approval for the establishment of new Holiday Homes will be the subject of a process of community consultation in accordance with clause 8.2.2 of the Town Planning Scheme and Local Planning Policy 1.0 – Community Consultation.

**REFERRALS**

None applicable.

**INTERNAL REFERRALS**

N/A.

**STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS**

Shire of Waroona Community Strategic Plan 2012

The community expects Council to regularly review plans with community consultation on significant decisions affecting the shire.

**FINANCIAL ISSUES/IMPLICATIONS**

Cost of Advertising the Policy (Approximately \$700).



**POLICY ISSUES/IMPLICATIONS**

None applicable.

**LEGAL ISSUES / IMPLICATIONS**

See Statutory Implications

**COMMUNITY CONSULTATION**

In terms of Clause 2.4.1 of the TPS, the draft amendments to the Planning Policy were advertised for two consecutive weeks (5<sup>th</sup> and 12<sup>th</sup> November) in the local newspaper (Harvey Reporter). Within the 21 day advertising period no submissions were received.

**OFFICER'S FINAL COMMENTS / CONCLUSIONS**

Particular procedural issues, identified by officers during the everyday application of LPP1, have instigated the requirement for its amendment. It is envisaged that the updated Policy will aid the Planning Department in processing Planning Consent applications faster. The reduced processing time will also benefit applicants.

**Unnecessary advertising of a Planning Consent application with no local Impact**

Upon receiving a Planning Consent application, Council's Planning Officers will review the potential impact that the proposal may have on the amenity of the locality and the surrounding landowners. Currently the LPP 5, Setbacks and Building Envelopes, gives the DPS the discretion to advertise if he is of the opinion that the proposal is minor of nature and will have no local impact. This is inconsistent with LPP1 wherein such discretion is not available to the DPS. In order to rectify this a new provision has been inserted into the consultation procedure table attributing discretion to the DPS, ensuring consistency with LPP5.

**Unnecessary length of advertising time period**

It is considered that applications that have an impact on a limited number of people are not required to be advertised for 21 days. Shire of Waroona Town Planning Scheme Amendment No.32 has amended the advertising requirements of the TPS by reducing the time period from 21 to 14 days. This is consistent with the Model Scheme Text. The amendment to LPP1 has considered the new TPS text and the advertising requirements have been updated accordingly. For applications with the potential to have a wider reaching impact, the advertising period has remained at 21 days. (Note that the amended policy timeframes will only be applied upon the gazettal of Amendment 32).

**Inconsistencies with the TPS**

The policy currently allows for neighbours to undertake the advertising of their application prior to submitting the proposal to Council for consideration. However, should Council decide to give notice of an application, the advertising procedure of clause 8.2 must be followed. This inconsistency renders the advertising, undertaken by the applicant, immaterial. Further clarification has been added to LPP1 stating that where the applicant has undertaken advertising and the DPS is satisfied that the advertising has been undertaken correctly, the DPS may determine that the proposal

has no impact and advertising of the proposal is not required therefore the provisions of 8.2 are not applicable.

Discretion for Director / Manager to advertise for a longer time period

Currently the LPP1 states that the DPS must get Council approval to advertise an application for a longer period than 21 days. This is considered to be an unnecessary extra step in the development approval process. LPP1 acts as Council's tool setting the level of advertising required for an application. Should a situation arise, where in the opinion of the DPS extra time is required for advertising, LPP1 now offers the DPS the opportunity to do so. This provision has the potential to significantly increase processing times as well as reducing the number of reports to Council. Council will ultimately still be responsible for determining the application unless it has been delegated to the Chief Executive Officer.

Conclusion

In conclusion the amended policy will serve to reduce processing times by reducing timeframes and giving discretion to the DPS. The Policy will be more consistent with the Model Scheme Text, the TPS and the other LPPs. It is therefore recommended that Council adopt the draft policy on Community Consultation.

|                             |            |  |
|-----------------------------|------------|--|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers: 9.3.1A &amp; 9.3.1B</b> |
|-----------------------------|------------|--|

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**That pursuant to Clause 2.4 of the Shire of Waroona Town Planning Scheme No.7, Council resolves to:**

- 1. Adopt the Community Consultation Policy as set out in Appendix 9.3.1A.**
- 2. Publicly advertise the adopted Policy in accordance with the requirements of Clause 2.4.1 (c) of Town Planning Scheme No.7 of 1996.**

| <b>9.3.2 PROPOSED ROAD NAME FOR NEWLY CREATED ROAD BEING EXCISED FROM STATE FOREST 14 – LOT 10 INVARELL ROAD, WAROONA</b> |  |
|---|--|
| Reporting Officer / Officer's Interest:   | Greg Delahunty, Town Planner / Nil   |
| Responsible Officer / Officer's Interest  | Louis Fouché, Director Planning and Development Services / Nil   |
| Proponent:  | Gregory and Carol McDonald   |
| Landowner:  | N/A  |
| Date of Report:   | 6 December 2013   File No.: A2135  |
| Previous Reference:   | N/A  |
| Policy Implications:  | Town Planning Policy 16.0 Geographic Names<br>Town Planning Policy 27.0 - Waroona East Hills Development |
| Statutory Implications:   | Land Administration Act 1997   |
| Strategic Implications:   | Shire of Waroona Strategic Community Plan 2012   |
| Financial Implications:   | Nil  |
| <b><i>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): 6</i></b><br><i>Achieve Civic Leadership</i>   |  |

### **PROPOSAL SUMMARY**

Council is requested to support a name for the proposed new road reserve being excised from State Forest 14. The proposed road will provide a legal access to lot 10 Invarell Road, Waroona.

The Department of Parks and Wildlife (DPaW) is preparing a submission, for the Conservation Commission and the Minister for Environment, in relation to the new Road Reserve. Prior to the consideration of the proposal, by the Conservation Commission, DPaW have requested that the landowner engage a surveyor to draft the Deposited Plan and that the Shire of Waroona make an application for a road name to Landgate.

A site location plan is attached at **Appendix 9.3.2A**.

### **BACKGROUND / INITIAL COMMENTS**

In 2006 the landowners of lot 467 (now lot 10) Invarell Road, Waroona, sought Council's support for the creation of a new road reserve that would provide the lot with a legal access. Council supported the request and since this time the proposal has been progressing through the complex administrative process involved in the dedication of a new road reserve.

On the advice of the Department of Lands, Council sought and received non-objections, to the road dedication, from DPaW (formerly the Department of Environment and Conservation), the Western Australian Planning Commission and the Forest Products Commission. Upon Council's receipt of these non-objections, DPaW advised that it would assume the responsibility for contacting all other relevant stakeholders. DPaW has since advised that it has received further non-objections from the Department of Water and the Department of Mines and Petroleum.

A current rezoning application (TPS7A31) may facilitate the future subdivision of lot 10. The future subdivision will most likely include a new road that will link with the one proposed to be excised from the State Forest. TPS7A31 is currently with the Minister for Planning for final approval. **See Appendix 9.3.2B.**

### **PREVIOUS COUNCIL RESOLUTIONS**

At its ordinary meeting, held on 10 January 2006, Council resolved to:

- 1) To request, pursuant to Clause 56 of the Land Administration Act 1997, that the Minister for Lands dedicate a new road reserve between Invarell Road and Lot 467, generally located in a position as shown as Option 2 on the attached plan on an alignment to be agreed by the Department of Conservation and Land Management, the owner of Lot 467 and the Shire of Waroona.
- 2) Forward a request to the Department of Conservation and Land Management to initiate the process to remove the land required for the proposed road reserve from State Forest, to allow the dedication to proceed.
- 3) Advise the owner of Lot 467 Invarell Road of resolutions 1 and 2 above, and that they will be responsible for:
  - a. Any costs associated with the dedication not borne by the Department of Conservation and Land Management; and
  - b. The cost of physical works of clearing and installation of the road carriageway to a standard required by Council.

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

#### Land Administration Act 1997

#### 56. Dedication of land as road

- (1) If in the district of a local government —
  - a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or
  - b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
    - i. the holder of the freehold in that land applies to the local government, requesting it to do so; or
    - ii. those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;or
  - c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- (2) If a local government resolves to make a request under subsection (1), it must —
- a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
- a) subject to subsection (5), by order grant the request; or
  - b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
- a) unallocated Crown land or, in the case of a private road, alienated land; and
  - b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

### Peel Region Scheme

Part 3 of the Peel Region Scheme (PRS) deals with land Reserved under the PRS. The subject land is reserved as “State Forests” under the PRS.

### Town Planning Scheme No. 7 of 1996 (TPS)

Clause 3.1 of the TPS deals with TPS Reserves.

The subject lot is reserved as “State Forest” under the Shire’s TPS.

## **PLANNING – STRATEGIC IMPLICATIONS**

### Town Planning Policy 16.0 Geographic Names

The assignment of geographic names is determined by the Geographic Names Committee (GNC), which is a branch of the Department of Lands. In administering this responsibility the GNC has regard to an extensive set of criteria. With regard to road names, these may be summarised as follows-



1. Name duplication within local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
2. Names of living individuals shall not be used.
3. Names characterised as follows are to be avoided: incongruous; given/first names; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminatory names; company names; or, commercialised names.
4. Preferred sources of names include: Aboriginal names; Pioneers of the State or area; War Casualty lists; or thematic names e.g. fauna, ships etc.

Whilst ultimate responsibility for the naming of roads rests with the GNC, their officers undertake consultation with Local Authorities as part of the process of assigning names. To assist this process a Local Authority can develop policies to guide their advice to the GNC.

#### Town Planning Policy 27.0 - Waroona East Hills Development

It is an objective of this policy to indicate preferred future road connections to be incorporated into subdivision guide plans and implemented at subdivision stage in the Policy Area.

The proposed road alignment accords with Figure 2 'Road Network Connections'.

#### **REFERRALS**

None applicable

#### **INTERNAL REFERRALS**

Upon referral to the Shire's Technical Services Directorate, the Consulting Senior Development Engineer stated that there are no concerns with the proposed road naming.

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

##### Shire of Waroona Community Strategic Plan 2012

The Shire of Waroona is committed to serving its residents to the highest level of professionalism whilst maintaining an approachable manner reflective of a small community.

#### **FINANCIAL ISSUES/IMPLICATIONS**

None at this stage however Council will become responsible for the maintenance of the road and road name signs in the future.

#### **POLICY ISSUES/IMPLICATIONS**

None applicable



## **LEGAL ISSUES / IMPLICATIONS**

See Statutory Issues

## **COMMUNITY CONSULTATION01**

Nil

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

DPaW wrote to the owners of lot 10 and asked them to suggest a name to Council for endorsement. The landowners were provided with Council's Reserved Road name list and made a selection. The owners originally recommended three names:

1. **Pungura**
2. **Twentyeight**
3. **Drakesbrook**

Drakesbrook Close is an existing road in Preston Beach. For this reason, in accordance with LPP 16, this name is not supported.

Once Drakesbrook was removed from the equation the application was presented with the remaining choices and decided to opt with Pungura.

### Pungura

Indigenous name for the *Banksia littoralis*.

*Banksia littoralis*, commonly known as the Swamp Banksia, Swamp Oak, Pungura and the Western Swamp Banksia, is a tree in the plant genus *Banksia*. It is found in south west Western Australia from the south eastern metropolitan area of Perth to the Stirling Range and Albany.

The Swamp Banksia grows up to 20 metres tall with a gnarled trunk covered with a crumbly grey rough bark. Flowering occurs between late summer and late winter. Often partly hidden by foliage, the yellow flower spikes grow up to 200 mm long by 70 mm wide and contain in excess of 1000 individual flowers. The fruiting cones can remain on the trees for many years after shedding the flowers early. Leaves are between 100 mm and 200 mm with increasing teeth tips towards the end. The Swamp Banksia is found in grey or black peaty sand.

On the basis of the evidence above it is appropriate to select the name 'Pungura' for the proposed road. This name is on Councils' Reserved Road names list and in keeping with the woodland nature of the area. Consultation with the GNC confirmed that this name was acceptable and that it may be recommended to Council for approval.

### Suffix

The proposed road will be a closed road, meaning that it is not a through road and will terminate at lot 10 Invarell Road. Lot 10 Invarell Road is currently being rezoned under the Shire's Town Planning Scheme and it is likely that a subdivision application, with a new subdivisional road connecting to the proposed road, will follow. However, as this is not guaranteed, it is considered appropriate to select a suffix that is suitable



for both an open and a closed road. The GNC have confirmed verbally that the suffix 'View' is appropriate for both an open and a closed road. For this reason it is recommended that Council recommend, to the GNC, the name 'Pungura View', for the new Road Reserve being excised from State Forest 14.

|                             |            |  |
|-----------------------------|------------|--|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers: 9.3.2A &amp; 9.3.2B</b> |
|-----------------------------|------------|--|

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL RESOLUTION**

**That Council resolves to recommend to the Geographic Names Committee that the name "Pungura View" be applied to the newly created road being excised from State Forest 14, providing access to lot 10 Invarell Road, Waroona.**

| <b>9.3.3 LOT 302, PEPPERMINT GROVE ROAD, LAKE CLIFTON – APPLICATIONS FOR MINING LEASES (M70/1391 &amp; M70/1320)</b>  |   |
|---|---|
| Reporting Officer / Officer's Interest:   | Lucy Lyster – Town Planner / Nil  |
| Responsible Officer / Officer's Interest:   | Louis Fouché – Director Planning & Development Services / Nil   |
| Proponent:  | WA Limestone (for PMR Quarries Pty Ltd)   |
| Landowner:  | State of Western Australia (Crown) - State Forrest  |
| Date of Report: 6 December 2013   | File No.: 88/2  |
| Previous Reference:   | N/A   |
| Policy Implications:  | State Planning Policy 2.4 Basic Raw Materials<br>Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy<br>Local Planning Strategy 2009<br>Local Planning Policy 15.0 Extractive Industry |
| Statutory Implications:   | Mining Act 1978<br>Planning and Development Act 2005<br>Environmental Protection Act 1986<br>Peel Region Scheme 2003<br>Shire of Waroona Town Planning Scheme No. 7 1996                                |
| Strategic Implications:   | Shire of Waroona Community Strategic Plan 2012  |
| Financial Implications:   | Nil   |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER</b><br><i>Objective 2 – Protect and conserve agricultural lands and rural land uses.</i><br><i>Objective 4 – Conserve our pristine environment.</i> |   |

### **PROPOSAL SUMMARY**

Two applications for Mining Leases within the Shire of Waroona were submitted to the Department of Mining and Petroleum by W.A. Limestone (for PMR Quarries Pty Ltd) on the 12 November 2013.

The Shire of Waroona received a notifications letter regarding the applications from W.A. Limestone on 27 November 2013.

The proposed applications are for two mining leases within State Forrest, located on Lot 302, Peppermint Grove Road. The lot is located to the North of Peppermint Grove Road and the West of the Old Coast Road. The submitted location plan is at **APPENDIX 9.3.3.**

Proposed mining lease area M70/1319 is located directly to the North of Peppermint Grove Road, and is approximately 123.9 ha. The second mining lease area M70/1320 abuts M70/1319 to the North and is approximately 200ha.

The Shire has opportunity to lodge comments or objections in relation to the two mining lease applications before 24 December 2013.



## **BACKGROUND/INITIAL COMMENTS**

The State Forrest reserved land where the proposed mining leases are to be located is currently being used as a tree plantation area.

Where a mining lease application encroaches onto reserved land, the application will be referred to other government agencies for comment under the reserved land provisions of the Mining Act 1978 (Mining Act).

The Mining Registrar will check the application for compliance with the provisions of the Mining Act and then recommend the mining lease to the Minister for Mines for determination. Where there are objections to the application it is referred to the Wardens Court for a hearing. The Warden will provide a recommendation to the Minister for Mines and Petroleum.

It should be noted that further approvals will be required prior to mining being permitted on the areas in question. These approvals include:

- Operating Licence in terms of the Environmental Protection Act 1986.

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

### **Mining Act 1978**

Section 24 – Classification of Reserve states that the approval for a mining lease on Reserved Land is to be approved by the Minister for Mines and Petroleum (DMP). It also states that in relation to mining leases on Reserved Lands, government agencies are to be referred to for comment.

In accordance with section 74 and Section 74 A – Application for Mining Lease, applications requires either a mining proposal or a mineralisation report. The mineralisation report is required to substantiate that significant mineralisation exists and must be accompanied with a supporting statement about likely mining operations. For basic raw materials, the preferred administrative process is that applicants submit a mining proposal rather than a mineralisation report and accompanying supporting statement. In any event, a mining proposal must be submitted and approved before mining can take place.

Under sections 24, 24A and 25 of the Mining Act, the Act prohibits mining (including prospecting, exploration and mining operations) from being carried out on the reserved land unless the consent of the Minister (for Mines and Petroleum) has been obtained.

Before a mining tenement is granted, the Minister will first consult with the Minister responsible for the reserve, and any authority having a vested interest in a reserve, and obtain their comments and recommendation / concurrence in respect to the proposed tenement.

### **Environmental Protection Act 1986**

In accordance with Department of Mines and Petroleum (DMP's) Key State Mining Approvals Map, the proposal is assessed under the EPA act at the Works approval and Operating License Stage.



### **Peel Region Scheme 2003**

It is the purpose of the Peel Region Scheme (PRS) is to provide for zoning of land for living, working and rural uses.

Clause 6 (e) states that the aim of the scheme is to provide for industrial development in planned estates where land use conflicts and environmental impacts will be minimised and efficient production facilitated.

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

The Peel Region Scheme also classifies land into zones and reserves. These applications for mining leases are subject to the following reservation under the Peel region Scheme:

(f) State Forrest – The purpose being purely to recognise state forests.

As the mining lease applications are vested on reserved land and determined by the Minister for Mines and Petroleum, PRS approval is not required.

### **Town Planning Scheme No. 7 1996**

The areas with which the applications are concerned are reserved as State Forest under the Shire of Waroona's Local Town Planning Scheme No. 7 (TPS).. Given the application of the Mining Act in relation to the mining lease applications, an application for Planning Consent under the TPS is not required.

### **Extractive Industries Local Law 1999**

As the mining lease applications relate to reserved land and determined by the Minister (for Mines and Petroleum) under the Mining Act, the Shire's Extractive Industries Local Law does not apply.

## **PLANNING – STRATEGIC IMPLICATIONS**

### **Shire of Waroona Community Strategic Plan 2012**

The Long-term sustainability of the Shire is paramount. There is a need to encourage business and allow private enterprise to flourish. Opportunities are needed for large and small-scale business. This in turn will generate employment opportunities resulting in economic benefits and industrial diversity.

### **PRS Strategic Minerals and Basic Raw Materials Policy**

It is the aim of this policy to identify land within the Peel Region Scheme area which contains mineral resources and basic raw materials of State or regional significance. The proposed land is not located within the strategic minerals and basic raw materials resource policy area.

### **Environmental Protection Bulletin No. 12 Swan Bioplan - Peel Regionally Significant Natural Areas (Peel RSNA's)**

The Swan Bioplan Project has identified natural areas with significant flora, vegetation and landform values in the Peel area. The mapped Peel RSNA's do not identify all regionally significant natural areas in the region but identifies areas that represent the range of landscapes, habitats, vegetation and flora originally found in the Peel area.

The proposed mining lease areas are not designated as Peel Regionally Significant Natural Areas.

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

The proposed mining lease sites are earmarked as State Forest within the LPS.

### **REFERALS**

Upon referral to the Shire's Technical Services Directorate, the Senior Engineering Technical Officer and the Director of Technical Services, both indicated that due to the lack of information they have the following concerns and requirements that would need to be resolved prior to the commencement of any mining operations:

- All construction costs associated with the road upgrades required to be to the satisfaction of the Director of Technical Services and are to be funded by the applicants;
- Access/egress to be confined to Peppermint Grove Road location to the satisfaction of the Technical Services Directorate;
- Traffic movements on and off Forrest Highway to be subject to Main Roads WA approval.
- The proponent must provide a Traffic Management Impact and Management Plan to the satisfaction of the Director of Technical Services at the Shire of Waroona.
- Proponents to supply details of number of trucks entering and leaving the site including proposed tonnage of each vehicle.
- Proponent to ensure that all accesses to the site are provided and maintained in good condition for the duration of the tenement.
- Repairs to main roads and Shire infrastructure are necessary to maintain a safe road surface.
- Appropriate dust suppression measures are to be put in place on the mine site and all accesses nearby haul routes.
- Projected annual tonnages to be extracted and transported for the life of the tenement are to be provided.
- Monthly reports of certified extraction volumes to be provide to the Shire.

The Director of Technical Services stated that these conditions are not an exhaustive set of requirements to meet the impact of the tenement operations on the infrastructure of the Shire of Waroona. Further conditions cannot be specified until the full details of the proposal are provided to the Shire.

Upon referral to the Shire's Building Officer, it was stated that under section 72 of the Building Act 2011 it gives an exemptions for building permits for construction 'incidental' to mining operations.

Upon referral to the Shire's Environmental Health Officer, it was stated that a Dust Management Plan and a Noise Management Plan may be required.

### **FINANCIAL ISSUES/IMPLICATIONS**

N/A

### **COMMUNITY CONSULTATION**

The mining lease application is advertised in The West Australian newspaper (Wednesday) and any person has a period of 35 days from the date of the application to lodge an objection to grant the mining lease.

The Shire of Waroona was sent notification of the application and given until the 24 December 2013 to submit objections.

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

The proposed mining lease areas are not designated as Peel Regionally Significant Natural Areas. Therefore there are no objections in relation to potential habitats or fauna being cleared. In fact the area that is proposed has been used for tree plantation, meaning that it has been cleared before.

With regard to the internal comments, there is considerable concern in relation to the impact that a mine site could potentially cause within the Shire and its infrastructure network.

The applicants provided the Shire within very little information in regard to the future plans of the two potential mine sites, thus creating/causing a number of questions and concerns that the Shire's Technical Services Directorate would like resolved prior to the commencement of any mining operations.

These concerns relate in particular to the potential impact on the Shire's road network. The Shire seeks confirmation in regard to the proposed access/accesses, the planned transportation routes and associated numbers of trucks, maintenance and repair of Shire and Main roads, potential road upgrades that may be necessary. The Directorate would also request to see a Traffic Management Impact and Management Plan.

The Shire's comments are to be referred to the applicants and DMP, in order to make them aware of the potential impacts they may create within the Shire of Waroona and in particular its infrastructure network. It is intended that both parties can work through these issues and the matter be resolved accordingly.

The Technical Services Directorate's referral comments have been outlined in the council recommendation to seek further information in prior to mining operations commencing.

The Shire's Environmental Health Officer's indicated that a Dust Management Plan and a Noise Management Plan may be required and this has been included in the Council's request for further information prior to mining operations commencing. It is possible that the Department of Environmental Regulation may address these matters under the Operating Licence in terms of the Environmental Protection Act 1986.

Due to the lack of information provided in relation to the mining lease's future plans it is difficult to comment further. Whilst there are many potentially economic benefits a mine site would have within the locality, there are also potential negative impacts that a mine could have, particularly on the Shire's infrastructure network. It is therefore recommended that Council requests further information in relation to future plans on both the mining lease areas. (See Officer Recommendation).

In relation to other planning matters, the proposed mining lease areas will be located in an area that is predominantly used for tree plantation and forestry, therefore land use impacts other than those already mentioned are expected to be minimal.

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

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**That with respect to Mining Lease Applications (M70/1320 and M70/1319) located on Lot 302 Peppermint Grove Road, Lake Clifton, Council resolves to advise the Department for Mines and Petroleum and the applicant that the Shire of Waroona has the following requirements of the proponent:**

- 1. All construction costs associated with the road upgrades required to be to the satisfaction of the Director of Technical Services and are to be funded by the applicants.**
- 2. Access / egress to be confined to Peppermint Grove Road location to the satisfaction of the Director Technical Services.**
- 3. Traffic movements on and off Forrest Highway to be subject to Main Roads Western Australia approval.**
- 4. The proponent must provide a Traffic Management Impact and Management Plan to the satisfaction of the Director Technical Services prior to the commencement of any mining operations.**

- 5. Proponents to supply details of number of trucks entering and leaving the site including proposed tonnage of each vehicle.**
- 6. Proponent to ensure that all accesses to the site are provided and maintained in good condition for the duration of the tenements.**
- 7. Repairs to Main Roads Western Australia and Shire infrastructure are required to maintain a safe road surface.**
- 8. Appropriate dust suppression measures are to be put in place on the mine site and all accesses on nearby haul routes.**
- 9. Projected annual tonnages to be extracted and transported for the life of the tenement are to be provided to the Shire.**
- 10. Monthly reports of certified extraction volumes to be provided to the Shire.**
- 11. A Dust Management Plan may be required to be submitted to the satisfaction of the Shire prior to the commencement of any mining operations.**
- 12. A Noise Management Plan may be required to be submitted to the satisfaction of the Shire prior to the commencement of any mining operations.**

| <b>9.3.4 RENAMING OF HIGHWAY BETWEEN LAKE CLIFTON AND BUNBURY</b>  |   |
|--|---|
| Reporting Officer / Officer's Interest:  | Lucy Lyster – Town Planner / Nil                              |
| Responsible Officer / Officer's Interest   | Louis Fouché – Director Planning & Development Services / Nil |
| Proponent:   | Main Roads WA   |
| Landowner:   | Main Roads WA   |
| Date of Report: 21 November 2013   | File No.: 95/8  |
| Previous Reference:  | N/A   |
| Policy Implications:   | Town Planning Policy 16.0 Geographic Names                    |
| Statutory Implications:  | Land Administration Act 1997<br>Main Roads Act 1930           |
| Strategic Implications:  | Shire of Waroona Strategic Community Plan                     |
| Financial Implications:  | Nil   |
| <b><i>LINKED TO STRATEGIC OBJECTIVE NUMBER – 3 – Strong Sense of Community &amp; Effective Community Wellbeing</i></b> |   |

### **PROPOSAL SUMMARY**

A letter was received on 15 November 2013 from Main Roads Western Australia (MRWA) in relation to the renaming of the Highway between Pinjarra Road and Bunbury.

In order to remove current confusion the Minister for Transport has endorsed the proposed change of the Australind Bypass and the Old Coast Road to be renamed the '**Forrest Highway**'.

A site plan demonstrating this is attached at **Appendix 9.3.4**.

### **BACKGROUND/INITIAL COMMENTS**

The section of the highway between Pinjarra Road and Lake Clifton has already been named the Forrest Highway. The section of highway between Eelup Rotary, to the north of Australind is named the Australind Bypass and the section of highway between Lake Clifton and the Australind Bypass is named the Old Coast Road.

This has proved to be very confusing as the name 'Old Coast Road' is still used for old sections of highway between Mandurah and Lake Clifton and through Australind to Bunbury.

The issue is further confused as the press and public now often refer to the highway between Perth and Bunbury as the Forrest Highway, including recently constructed sections of the Kwinana Freeway south of Safety Bay Road.

The South West Regional Road Group Elected Members have highlighted the difficulty for emergency services in locating incidents on these sections of highway between Lake Clifton and Bunbury due to numerous names the highway is known by and confusion caused by the use of the name 'Old Coast Road'.

MRWA has requested that the Shire comment on the proposal in writing prior to 13 December 2013. MRWA have been made aware that Council's December meeting will be held on the 17 December 2013 and that they will receive comment after this date.



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

### **Land Administration Act 1997**

The Land Administration Act 1997 is the State's legislation providing for disposition and management of State land.

The following section of the Act applies to this proposal:

#### **26A. Names of roads and areas in new subdivisions**

(4) The Minister may —

- Approve the proposed name;
- Direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or
- Refuse to approve the proposed name.

In accordance with the Clause above the Minister must approve a proposed road name.

### **Main Roads Act 1930**

Main Roads administers the *Main Roads Act 1930*. Other than constituting the statutory authority of the Commissioner of Main Roads, the primary purpose of the *Main Roads Act 1930* is to provide for the construction, maintenance, supervision and management of highways and main roads.

#### **13A Local Governments to be consulted on matters to do with Highways and Main Roads**

- (1) The Commissioner shall cause the local government of each district in which the road is situated to be notified in writing of the details of any proposed permanent improvements to any highway or main road before commencing the improvements.
- (2) Before making any recommendation to the Governor —
  - (a) that any road be declared to be a highway or main road; or
  - (b) that the plans of any proposed new highway or main road or deviation from an existing highway or main road be approved,

the Commissioner shall cause a notification to be given in writing to the local government of each district in which the road so to be declared is situated or the new road or deviation is proposed to be made of his intention to make the recommendation and shall inform the local government of a date, being not less than 30 days from the date of the notification, before which any objections by that local government may be made, and any such objection shall be considered by the Commissioner and responded to by him before making his recommendation.

- (3) Any local government which feels aggrieved by any recommendation may, within 30 days after notification of the response of the Commissioner following his consideration of that local government's objections, appeal to the Minister, who may vary or disallow the proposed recommendation.

## **PLANNING – STRATEGIC IMPLICATIONS**

### **Town Planning Policy 16.0 Geographic Names**

The objective of Local Planning Policy 16 is to allow for sufficient allocation of appropriate names to new or existing names within the Shire.

The background section of the policy states:

The assignment of Geographic names is determined by the Geographic Names Committee (GNC), which is a branch of the Department of Land Information (DLI). In administering this responsibility the GNC has regard to an extensive set of criteria. With regard to road names, these may be summarised as follows-

1. Name duplication within local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
2. Names of living individuals shall not be used.
3. Names characterised as follows are to be avoided: incongruous; given/first names; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminatory names; company names; or, commercialised names.
4. Preferred sources of names include: Aboriginal names; Pioneers of the State or area; War Casualty lists; or thematic names e.g. fauna, ships etc.'

Whilst ultimate responsibility for the naming of roads rests with the GNC, their officers undertake consultation with Local Authorities as part of the process of assigning names. To assist this process a Local Authority can develop policies to guide their advice to the GNC.

## **REFERRALS**

### **Internal Referral**

Upon referral to the Shire's Technical Services Directorate, the Director of Technical Services was in agreement with the proposed name change, in particular as it will improve safety and confusion when driving.

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

Strategy 3 – Maintain a strong sense of community.

The Shire of Waroona residents share strength of community support and care. The strategy specifically identifies the Shire's desire to represent and support the diverse community to improve connectivity throughout the Shire.



**FINANCIAL ISSUES/IMPLICATIONS**

N/A

**COMMUNITY CONSULTATION**

MRWA is conducting the consultation process for the renaming of the Highway.

**OFFICER'S FINAL COMMENTS / CONCLUSIONS**

The proposal is in accordance with the Main Roads Act 1930, section 13A that states Local Governments are to be consulted on matters regarding Highways and Main Roads.

In accordance with the Shire of Waroona's Local Town Planning Policy 16, the proposed name by MRWA is of a thematic nature, therefore meeting policy requirements.

The Shire of Waroona's Community Strategic Plan, Strategy 3 seeks the opportunity for the Shire to represent the community to improve connectivity within the locality. The Shire's opportunity to comment on the proposed renaming of the Highway, demonstrates the Shire representing the community on a proposal that relates to transport connectivity within the Shire.

Main Roads WA requested that the Shire provide contact details of ratepayers who currently use the Old Coast Road and Australind Bypass. The Shire advised that it is not possible to determine exactly who uses the above mentioned Road. The Shire suggested that the residents of Preston Beach and Lake Clifton both lie close to the Highway, and that they could contact Kirsty Ferraro for their postal addresses if they require them.

The Shire's Technical Services Directorate supports the proposed renaming of the Highway between Pinjarra Road and Bunbury. The resolution to the current confusion in the road naming and the potential improvements in relation to safety are supported.

The current confusion that is being caused and the difficulty emergency services are experiencing due to the current road naming is a concern. The proposal to rename the entire stretch of the Highway between Pinjarra Road and Bunbury to the Forrest Highway is supported.

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

|                                  |
|----------------------------------|
| <b>Appendices Numbers: 9.3.4</b> |
|----------------------------------|

**VOTING REQUIREMENTS**

Simple Majority.



**OFFICER RECOMMENDATION**

**That in relation to the proposed renaming of the Highway between the Old Coast Road (Lake Clifton) and Bunbury to Forrest Highway, Council resolves to advise Main Roads Western Australia that the proposed renaming is supported.**

**9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

| <b>9.4.1 ACCOUNTS FOR PAYMENT</b>  |  |
|--|--|
| 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: 11/12/2013   | File No.: 1/3  |
| Previous Reference:  | N/A  |
| Policy Implications:   | N/A  |
| Statutory Implications:  | N/A  |
| Strategic Implications:  | N/A  |
| Financial Implications:  | N/A  |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b> |  |
| <b>Voting Requirements</b>   | <b>Simple Majority</b>   |

|                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Appendices Attached:</b> Yes | <b>Appendices Numbers:</b> 9.4.1 |
|---------------------------------|----------------------------------|

**OFFICER RECOMMENDATION**

That Vouchers numbered:

| <b><u>ACCOUNT</u></b>                  | <b><u>CHEQUE NOS.</u></b>         | <b><u>TOTAL \$</u></b>     |
|--|-----------------------------------|----------------------------|
| Municipal                              | Cheques 7527 - 7578               | \$29,273.43                |
| Trust (Cheque/EFTs)                    | EFT 17333, 17429-17432            | \$3,305.25                 |
| Electronic Transfers<br>Municipal Fund | EFT 17267 - 17509                 | \$645,768.79               |
| Direct Wages                           | 01/11/2013 – 30/11/2013 inclusive | \$177,932.60               |
| <b>GRAND TOTAL:</b>                    |                                   | <b><u>\$856,280.07</u></b> |

and attached at Appendix 9.4.1 be endorsed.



|  |  |
|--|--|
| <b>9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2013 TO 30 NOVEMBER 2013</b>  |  |
| Reporting Officer / Officer's Interest:  | Ashleigh Nuttall – 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: 12/12/2013   | File No.: 1/1  |
| Previous Reference:  | N/A  |
| Policy Implications:   | N/A  |
| Statutory Implications:  | N/A  |
| Strategic Implications:  | N/A  |
| Financial Implications:  | N/A  |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b> |  |
| <b>Voting Requirements</b>   | <b>Simple Majority</b>   |

|                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Appendices Attached:</b> Yes | <b>Appendices Numbers:</b> 9.4.2 |
|---------------------------------|----------------------------------|

**OFFICER RECOMMENDATION**

**That the Monthly Statements of Financial Activity for the period 1 July 2013 to 30 November 2013 at Appendix 9.4.2 be received and noted.**



| <b>9.4.3 FORWARD CAPITAL WORKS PLAN; &amp; ROYALTIES FOR REGIONS</b>  |                              |
|---|------------------------------|
| Reporting Officer / Officer's Interest:   | John Crothers; No Interest   |
| Responsible Officer / Officer's Interest  | Laurie Tilbrook; No Interest |
| Proponent:  | Not Applicable               |
| Landowner:  | Not Applicable               |
| Date of Report: 3 September 2013  | File No.: 194/1              |
| Previous Reference:   | OCM12/11/145                 |
| Policy Implications:  | See detailed note            |
| Statutory Implications:   | See detailed note            |
| Strategic Implications:   | See detailed note            |
| Financial Implications:   | See detailed note            |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b> |                              |

### **PROPOSAL SUMMARY**

To have Council consider the adoption of a Forward Capital Works Plan.

A draft FCWP has now been completed and it is supplied to Councillors as a separate attachment to this report (**Appendix 9.4.3**).

### **BACKGROUND/INITIAL COMMENTS**

In 2008 the National Party proposed that a special Fund be established called "Royalties for Regions", with almost all such monies to be spent outside the metropolitan area. This occurred for most of the first few years. However, the State Budget for 2013/14 states that the allocations to individual Councils will cease.

The "Royalties monies were administered by the Department of Regional Development [DRD], and their previous agreements required Council to adopt a Forward Capital Works Plan, which includes priorities for projects, and for the Plan to be submitted to that Department by no later than 31 December

The Department of Regional Development will not normally release any Country Local Government Funds monies to any Council which does not complete and adopt a Forward Capital Works Plan and submit a copy to them.

While the need for such a Plan may not be applicable in future years, it is considered prudent that a Plan now be adopted, to indicate the future directions that Council wishes to pursue.

### **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable

### **REFERRALS**

None Applicable



**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

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

**FINANCIAL ISSUES/IMPLICATIONS**

There are no financial implications from this Plan, as it is merely an indication to the DRD. As circumstances change, then such Plans will need to change.

When there are financial implications, then these will be placed before a Council meeting.

**POLICY ISSUES/IMPLICATIONS**

There are no policy issues or implications associated with this new Plan.

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

There are no statutory issues or implications associated with this new Plan.

**LEGAL ISSUES/IMPLICATIONS**

There are no legal issues or implications associated with this new Plan.

**COMMUNITY CONSULTATION**

No consultations are seen as being necessary, as this Plan is merely to give a State Government Department some idea of possible projects for the next 5 years.

Projects contained within the plan will form the basis for other Council financial plans eg Long Term Financial Plan & Corporate Business Plan

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

A FCWP does not include plant items or any furniture or equipment. The DRD have stated that they do not want such items included.

It is considered prudent that a new FCW Plan now be adopted, to indicate the future directions that Council wishes to pursue.

|                             |            |                                  |
|-----------------------------|------------|----------------------------------|
| <b>Appendices Attached:</b> | <b>Yes</b> | <b>Appendices Numbers: 9.4.3</b> |
|-----------------------------|------------|----------------------------------|

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

- 1. That the draft Forward Capital Works Plan for the period 2014/15 to 2018/19 be adopted;**
- 2. That a copy of this Plan be forwarded to the Department of Regional Development, for their reference.**



| <b>9.4.4 RESERVATIONS AT NEW NICHE GAZEBO FACILITY</b>   |   |
|--|---|
| Reporting Officer / Officer's Interest:  | Laurie Tilbrook – Deputy CEO/Director Corporate Services; Kirsty Ferraro – Senior Rates Officer/Nil |
| Responsible Officer / Officer's Interest   | Ian Curley, Chief Executive Officer/Nil   |
| Proponent:   | Not Applicable  |
| Landowner:   | Not Applicable  |
| Date of Report:  | 06.12.2013 File No.: 30/1   |
| Previous Reference:  | N/A   |
| Policy Implications:   | <i>Cemeteries Act 1986</i>  |
| Statutory Implications:  | <i>See heading below</i>  |
| Strategic Implications:  | <i>Nil</i>  |
| Financial Implications:  | <i>Nil</i>  |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b> |   |

### **PROPOSAL SUMMARY**

To set guidelines for administration purposes for the newly completed niche wall gazebo located at the Drakesbrook Public Cemetery.

### **BACKGROUND/INITIAL COMMENTS**

In 2011 the Cemetery Working Group along with Council identified the need for the construction of a new niche wall facility at the Drakesbrook Public Cemetery due to the lack of remaining plots in the existing niche wall. As a result of Royalties for Regions funding the new niche gazebo is now complete. The new niche gazebo contains 108 double and 54 single niche plots, a total of 162 available plots overall. The original niche wall contains 80 doubles and 70 singles with only 2 double and 24 singles remaining. The original wall is estimated to have been constructed sometime before 1980 therefore having a lifespan of approximately 33 years.

Council currently allows for reservations for all facilities located at Drakesbrook Public Cemetery (burial plots, original niche wall and memorial gardens) for a fee as determined in the fees and charges of the adopted budgeted.

Prior to making the new niche gazebo facility available to the public, consideration is required by Council to determine whether the current practice for allowing reservations at the Drakesbrook Public Cemetery is suitable for this facility.

The Council is requested to consider guidelines to restrict and place conditions on the number of reservations to prevent wholesale reserving; for example, entire rows.

This could be achieved by allowing a reservation only at the time of an interment and then only for a maximum of 25 years (subject to renewal).

Research on the administration of other cemeteries was sought from other local authorities of which the results are detailed below:

| SHIRE                           | RESERVATIONS ALLOWED | FEE (non-refundable) |
|---------------------------------|----------------------|----------------------|
| Shire of Donnybrook             | ✓                    | \$ 58.00             |
| Shire of Harvey                 | ✓                    | \$ 75.00             |
| Shire of Murray                 | ✓                    | \$ 220.00            |
| Shire of Dardanup               | ✓                    | \$ 150.00            |
| Shire of Collie                 | ✓                    | \$ 82.00             |
| Shire of Serpentine/Jarrahdale  | ✓                    | \$ 70.00             |
| Shire of Boddington             | ✓                    | \$ 135.00            |
| Shire of Merredin               | ✓                    | \$ 154.00            |
| Shire of Busselton              | ✓                    | \$ 365.00            |
| Shire of Manjimup               | ✓                    | \$ 55.00             |
| Shire of Augusta Margaret River | ✓                    | \$ 600.00            |

The fee for all local authorities detailed above is for both double and single reservations.

The Shire of Waroona currently charges a non-refundable reservation fee of \$150.00 for a double and \$75.00 for a single.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

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

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

### **FINANCIAL ISSUES/IMPLICATIONS**

As detailed above, fees for other local authorities were reviewed. Our current fee is relatively comparative to those reviewed above and is not recommended to be changed.

### **POLICY ISSUES/IMPLICATIONS**

There are currently no policies in relation to administration at the Drakesbrook Public Cemetery, however, should Council resolve not to allow reservations at the new niche gazebo facility a policy detailing this will be required.



**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Cemeteries Act 1986 & Shire of Waroona Cemeteries Local Law.

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

As this an administration issue the Cemetery Working Group have not been consulted. There have been several requests from the public requesting reservations in the new niche gazebo, all of which have been advised that the administration has not yet been determined.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

It is important that Council determine the administration of the new niche gazebo prior to the opening of the facility in relation to reservations. Preliminary administration work including mapping, data recording systems, sample plaques and a draft brochure have been completed by staff and the determination of reservations is the only remaining administration issue.

|                             |           |                            |
|-----------------------------|-----------|----------------------------|
| <b>Appendices Attached:</b> | <b>No</b> | <b>Appendices Numbers:</b> |
|-----------------------------|-----------|----------------------------|

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That it be a recommendation to the Council that:**

**In regard to the “Niche Gazebo” facility located within the Drakesbrook Cemetery the following policy guidelines be adopted.**

- 1. A lot reservation can only be make upon application for an interment;**
- 2. Such reservations shall be limited to the equivalent of two interments, in addition to the original internment;**
- 3. All reservations shall be for a period not exceeding 25 years from date of original approval;**
- 4. A reservation may be made for a further period of 25 years subject to the payment of a further reservation fee applicable at the time of renewal.**



| <b>9.4.5 LOCAL GOVERNMENT PROPERTY LOCAL LAW</b>  |  |
|---|--|
| Reporting Officer / Officer's Interest:   | John Crothers, Coordinator Corporate Planning; No Interest |
| Responsible Officer / Officer's Interest  | Laurie Tilbrook, Director Corporate Services; No Interest  |
| Proponent:  | Not Applicable   |
| Landowner:  | Not Applicable   |
| Date of Report: 17 December 2013  | File No.: 26/7   |
| Previous Reference:   | 9.4.5 of 22 October 2013                                   |
| Policy Implications:  | Not Applicable   |
| Statutory Implications:   | See detailed note  |
| Strategic Implications:   | See detailed note  |
| Financial Implications:   | See detailed note  |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b> |  |

### **PROPOSAL SUMMARY**

The proposal is for Council to review and amend an existing Local Law which is applicable to various items of Council Owned/Controlled Property, but in particular being - Swimming Pools, Recreation Reserves, Foreshores, Parks and Gardens.

The '**Purpose**' of this Local Law is to enable Council, and its staff and volunteer rangers, to regulate the care, control, and management of property of the local government, in particular the use of Council Owned/Controlled Properties.

The '**Effect**' is this Local Law is to control the use of Local Government property, and it includes providing that some activities are permitted only under a licence/permit, or that some activities are restricted or prohibited. Breaches of the Local Law provisions are considered as offences of inappropriate behaviour, and Infringement Penalty Notices may be issued.

The majority of the amendments were already considered at a Council meeting of 26 June 2012. The "determinations" have been taken out. Other relevant changes since Council's 2012 consideration of this Local Law involve some new wording clarifications, following discussions with staff at the Councils of Mandurah and Murray.

The only other major changes relate to certain prohibitions or control certain activities of Foreshore areas, in particular, Preston Beach. The "designated" area at Preston Beach has been changed, and a map of the proposed 2x100 metre 'No Fishing' Zone is clearly shown on schedule 3.1 which is part of section 3 "Reserves and Foreshores" of the new proposed amendments.

Page 10 of the proposed amended Local Law includes Sub-Section 3.4, which lists the various Prohibited Activities. Page 18 shows Schedule 5.1 which lists the proposed modified Infringement Penalties. These are in line with a number of other 'Coastal Council' Penalties currently in force.

## **BACKGROUND/INITIAL COMMENTS**

The review of Council's Local Laws was commenced a number of years ago, with some having been re-endorsed/retained without change.

The existing Shire of Waroona "Local Government Property Local Law" was made on 27 August 2001. It is now proposed that the old Local Law be amended, by being replaced by the new proposal.

As stated under 'Community Consultation' below, the proposed amended Local Law was advertised on 23 October 2013, with submissions closing on 6 December 2013. One (1) submission was received, being from Councillor Dew (**Appendix 9.4.5A**).

An extra attachment to this report sets out the items raised by Councillor Dew, and officer comments as to action is now proposed on the issues raised. It is now proposed to effect some additions, as listed in the 'extra attachment' (**Appendix 9.4.5B**), and now incorporated in the draft Local Law placed before Council on 17 December 2013.

## **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable

## **REFERRALS**

None Applicable

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

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

## **FINANCIAL ISSUES/IMPLICATIONS**

Minor extra expenses have been incurred, due to advertising. Some further advertising will be again incurred over the next few months.

New Signage Costs can be expected, as well as printing and advertising costs.

## **POLICY ISSUES/IMPLICATIONS**

There are no policy issues or implications emanating from this report.

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

Section 3.5 of the Local Government Act 1995 [as amended] provides the power for Local Governments to make Local Laws to help perform their functions.

There are set Statutory steps applicable before any Local Law takes effect, including any amendment to a Local Law. Such steps are now being followed.

## **COMMUNITY CONSULTATION**



When the review process commenced a few years ago, submissions were originally sought for this amended Local Law in September 2010, with no correspondence received.

This proposal was advertised on 23 October 2013 with closure of submissions being 6 December 2013. One (1) submission was received, being from Councillor Dew.

### **LEGAL ISSUES/IMPLICATIONS**

Local Laws provide local governments with the power to manage and control issues and activities within their own district, for the good governance for the people in their district, as well as the activities of visitors to the district. Local Laws, once adopted and gazetted, they become legally enforceable laws.

There are no identified “National Competition Policy” [NCP] effects/implications to apply by the adoption and enforcement of this amended Local Law. The new proposal follows that of a ‘model’ Local Law for Local Government Properties which is used by many Councils, but with their own additions. Therefore no NCP applies.

Following Council’s final adoption at its 17 December 2013 meeting, with any changes if deemed appropriate, then the proposed new Local Law needs to be published in the Government Gazette. Then final local public notice is given by way of a 14 day advertisement. The new provisions would then, basically, apply for the next summer season as the recommended applicable commencement date is 1 April, 2014.

The enforcement of the new changes should be delegated to the CEO, who should, in turn, sub-delegate the enforcement to the Council Rangers and/or other staff.

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

All of the proposals of Councillor Dew are supported as they involve only minor changes to the intentions previously proposed, with the exception of item 9. The extension of the “Designated Area” would be a substantial change as the recommended proposal of 200m (ie 100m north & south of the walkway) is already a doubling of the existing “no fishing” zone which is 100m north only.

In addition it should be noted that this change is significant enough to require a further public advertising period of the proposed local law.

A Council resolution is needed on the attached proposed, amended, Local Law.

Subsequent to the Council adopting the proposed law, it will be sent to the Minister for Local Government, who will, in turn, refer it to a ‘Delegated Legislation’ Committee for their assessment. This Committee will then ascertain the appropriateness of the proposal, whether any sections/parts should be disallowed, or whether there is any inconsistency with any State Legislation.

|   |                                      |
|---|--------------------------------------|
| <b>Appendices Attached:</b> Yes , 2 items | <b>Appendices Numbers:</b> 9.4.5A, B |
|---|--------------------------------------|

### **VOTING REQUIREMENTS**

Absolute Majority



**OFFICER RECOMMENDATION**

- 1. That the proposed Local Government Property Local Law, as advertised, be adopted, including amendments 1-8 on Appendix 9.4.5B, with the Local Law to come into force from 1 April 2014;**
- 2. That the proposed Infringement Penalties be adopted under sections 6.16 of the Local Government Act, and that these be advertised as Charges applicable from the date that this Local Law amendment becomes effective, being 1 April 2014;**
- 3. That the Enforcement actions relating to this Local Law are delegated to the CEO;**
- 4. That the CEO shall maintain an up-to-date list of all Authorised Staff to whom he subsequently delegates Enforcement Powers**
- 5. Such staff shall keep appropriate records of all identified offences as well as details of Infringement Penalty Notices issued, and any related actions taken;**
- 6. The Council shall be provided with details of any prosecutions effected under this Local law**

| <b>9.4.6 LOCAL LAW – REPEAL OF LOCAL LAW – BUSHFIRE BRIGADES</b>  |   |
|---|---|
| Reporting Officer / Officer's Interest:   | John Crothers [CCP]; No Interest                          |
| Responsible Officer / Officer's Interest  | Laurie Tilbrook, Director Corporate Services; No Interest |
| Proponent:  | Not Applicable  |
| Landowner:  | Not Applicable  |
| Date of Report: 12 December 2013  | File No.: 26/4  |
| Previous Reference:   | 9.4.4 of 22 October 2013                                  |
| Policy Implications:  | See detailed note   |
| Statutory Implications:   | See detailed note   |
| Strategic Implications:   | See detailed note   |
| Financial Implications:   | See detailed note   |
| <b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b> |   |

### **PROPOSAL SUMMARY**

It is now proposed that the necessary steps be taken to repeal one (1) old Local Laws, as it is seen as being no longer relevant or applicable. This were reported to Council’s meeting of 22 October 2013. Where it was resolved to proceed with the repeal of this old Local Law.

Prepare a repeal Local Law to effect the repeal of the Bushfire Brigades Local Law.

### **BACKGROUND/INITIAL COMMENTS**

The review of Council’s Local Laws was commenced a number of years ago, with some having been re-endorsed/retained without change, while some have needed to be repealed.

This existing Local Law was made in 2001, under the Bush Fires Act 1954, and seemed relevant at that time. The Bushfire Brigades Local Law relates to various ‘Administrative’ issues, which have now been superseded by State Government involvement which was FESA, and now include items from the Department of Fire and Emergency Services [DFES].

### **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable

### **REFERRALS**

None Applicable

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

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



**FINANCIAL ISSUES/IMPLICATIONS**

There are to be only minor Financial Implications. Some extra advertising costs have been incurred, and some further advertising is now anticipated.

**POLICY ISSUES/IMPLICATIONS**

There are no policy issues or implications emanating from this report.

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Section 3.16 of the Local; Government Act 1995 requires that a Council, within a period of 8 years, reviews each local law “to determine whether or not it considers that it should be repealed or amended”.

**LEGAL ISSUES/IMPLICATIONS**

No legal issues or implications have been identified with regard to these proposed repeals.

**COMMUNITY CONSULTATION**

No new community consultations are seen as being needed with regard to these proposed repeals.

The repeal action was adopted on 22 October 2013, and statewide public notice was given that Council intends to repeal such old local laws. Submissions closed on 6 December 2013, and none were received.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The final steps to repeal these items now need to be effected.

|                             |           |                            |
|-----------------------------|-----------|----------------------------|
| <b>Appendices Attached:</b> | <b>No</b> | <b>Appendices Numbers:</b> |
|-----------------------------|-----------|----------------------------|

**VOTING REQUIREMENTS**

Absolute Majority

|  |
|--|
| <p><b><u>OFFICER RECOMMENDATION</u></b></p> <ol style="list-style-type: none"> <li><b>1. That Council’s existing Local Law applicable to “Bushfire Brigades” be repealed, and that the Local Law effecting such repeal be now adopted.</b></li> <li><b>2. That all the necessary steps be taken to finalise the repeal process relating to this matter.</b></li> </ol> |
|--|



## 9.5 CHIEF EXECUTIVE OFFICER

| <b>9.5.1 LAKE CLIFTON HERRON PROGRESS &amp; SPORTING ASSOCIATION</b>  |  |
|---|--|
| Reporting Officer / Officer's Interest:   | Ian Curley/Nil   |
| Proponent:  | Lake Clifton Herron Progress & Sporting Association (LCHPSA) |
| Landowner:  | Shire of Waroona   |
| Date of Report: 11 December 2013  | File No: 44/18, 1/7  |
| Previous Reference:   | Nil  |
| Policy Implications:  | Nil  |
| Statutory Implications:   | Nil  |
| Strategic Implications:   | Nil  |
| Financial Implications:   | Funds included in current budget                             |
| <b><i>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 3<br/>"Maintain a Strong Sense of Community"</i></b> |  |

### **PROPOSAL SUMMARY**

To provide funding by way of a \$3000 grant to the LCHPSA to assist with the replacement of carpet in the Lake Clifton community hall. The grant will be used to apply for further funding from Lotterywest.

### **BACKGROUND/INITIAL COMMENTS**

Council has included in the 2013/14 Budget an amount of \$10,000 towards entry signage for the Lake Clifton area. The LCHPSA has been asked for their comment on where to locate appropriate signage. They have advised that they wish to seek further grant funding from other bodies towards a larger project to include tourist signage for the area (approximately \$30,000). It is unlikely that this project will commence earlier than 2014/15 so Council's funds will, in all likeness, be held over until the next financial year.

The committee is also seeking funding towards replacing the existing carpet in the Lake Clifton Hall with hardwearing vinyl flooring at a cost of \$16,510 and has enquired as to the possibility of Council providing funding of \$3,000 towards this project.

The Lake Clifton Hall is leased to the LCHPSA and is located on Council reserve 40087. The Hall was used by the Council during the final phase of the recovery process following the Lake Clifton fires of 2011.

### **FINANCIAL ISSUES/IMPLICATIONS**

\$10,000 is included in the 2013/14 budget for signage for the Lake Clifton area.

### **COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

It is recommended that Council assist the LCHPSA by providing \$3,000 in funding to assist in the replacement of carpet in the Lake Clifton Hall. Minimal funding is provided in this year's budget to support other projects in the Lake Clifton area.

|                             |           |                            |
|-----------------------------|-----------|----------------------------|
| <b>Appendices Attached:</b> | <b>No</b> | <b>Appendices Numbers:</b> |
|-----------------------------|-----------|----------------------------|

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council re-allocates the amount of \$3,000 from account 135940 (Lake Clifton signage) and provides it to the Lake Clifton Herron Progress & Sporting Association for the replacement of the carpet in the Lake Clifton community hall.**

**10. CONFIDENTIAL REPORTS**

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

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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13. CLOSURE OF MEETING**