



# **MINUTES**

**ORDINARY COUNCIL MEETING**

**TUESDAY 26 NOVEMBER 2013**

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

## TABLE OF CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENTS.....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED .....	3
3.	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	3
4.1	PUBLIC QUESTION TIME .....	3
4.2	PUBLIC STATEMENTS .....	3
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
6.	DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS.....	3
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS .....	4
8.	CONFIRMATION OF MINUTES .....	4
8.1	SPECIAL COUNCIL MEETING – 29 OCTOBER 2013.....	4
9.0	REPORTS OF OFFICERS AND COMMITTEES .....	4
9.1	DIRECTOR TECHNICAL SERVICES.....	5
9.1.1	TENDER – RFT 2013/04 – SUPPLY & DELIVERY OF GRAVEL BASECOURSE MATERIAL.....	5
9.1.2	TENDER – RFT 2013/06 – SUPPLY BITUMEN SEALS.....	8
9.2	DIRECTOR COMMUNITY SERVICES.....	13
9.2.1	AMENDMENT TO THE 2013/14 ADOPTED BUDGET - KIDSPORT PROGRAM – DEPARTMENT OF SPORT AND RECREATION .....	13
9.2.2	PROPOSED NEW ANGLICAN CHURCH OPPORTUNITY SHOP ON RESERVE #49080, LOT 501 FOURACRE ST. WAROONA. ....	15
9.3	DIRECTOR PLANNING SERVICES.....	23
9.3.1	LOT 21 FAWCETT ROAD, WAROONA – PROPOSED EXTENSION TO NON CONFORMING USE (STORAGE SHED) .....	23
9.3.2	LOT 1 (LOC. 52), OLD COAST ROAD, LAKE CLIFTON – PLANNING CONSENT FOR PROPOSED EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY LICENSE.....	31
9.4	DEPUTY CEO/DIRECTOR CORPORATE SERVICES .....	50
9.4.1	ACCOUNTS FOR PAYMENT .....	50
9.4.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2013 TO 31 OCTOBER 2013 .....	51
9.4.3	ADOPTION OF 2012/13 ANNUAL REPORT .....	52
9.5	CHIEF EXECUTIVE OFFICER.....	54
9.5.1	2013 REVIEW OF COUNCIL POLICY MANUAL, DELEGATIONS REGISTER AND CODE OF CONDUCT FOR ELECTED MEMBERS AND STAFF .....	54
9.5.2	TOWNSCAPE DEVELOPMENT AND BUSINESS INCENTIVE GRANTS....	56
10.	CONFIDENTIAL REPORTS.....	59
10.1	*CONFIDENTIAL ITEM* - SHIRE OF WAROONA 2014 AUSTRALIA DAY AND MERITORIOUS COMMUNITY SERVICE AWARDS .....	60
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING .....	61
12.	NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION .....	61
12.1	ELECTED MEMBERS.....	61
12.2	OFFICERS .....	61
13.	CLOSURE OF MEETING .....	61

**1. DECLARATION OF OPENING/ANNOUNCEMENTS**

The Chief Executive Officer declared the meeting open at 4.03 pm and welcomed Councillors and Staff present.

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

Cr Christine Germain	Shire President
Cr Trish Witney	Deputy Shire President
Cr Noel Dew	Councillor
Cr Lina Look	Councillor
Cr John Salerian	Councillor
Cr John Mason	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO / Director Corporate Services
Mr Steve Cleaver	Director Community Services
Mr Louis Fouché	Director Planning Services
Mr Andrew Bruce	Director Technical Services
Mr Jason Robertson	Mgr Environmental Health & Building Services
Mrs Sue Cicolari	Executive Support Officer

**APOLOGIES**

Cr Larry Scott	Councillor
Cr Craig Wright	Councillor

There were no members of the public present at the commencement of the meeting.

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil.

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

Nil.

**4.1 PUBLIC QUESTION TIME**

Nil.

**4.2 PUBLIC STATEMENTS**

Nil.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

Cr Witney declared an interest affecting impartiality in Item 10.1 as a member of the Waroona Agricultural Society and Waroona St John's Ambulance and a close associate of a Waroona Lions Club member.

Cr Germain declared an interest affecting impartiality in Item 10.1 as a member of the Waroona Agricultural Society and Waroona St John's Ambulance.



Cr Salerian declared an interest affecting impartiality in Item 10.1 as a member of the Waroona Lions Club and patron of the Waroona Agricultural Society.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES**

**8.1 SPECIAL COUNCIL MEETING – 29 OCTOBER 2013**

**COUNCIL RESOLUTION**

**OCM13/11/115**

**MOVED: Cr Witney**

**SECONDED: Cr Salerian**

**That the Minutes of the Special Council Meeting held 29 October 2013 be confirmed as being a true and correct record of proceedings.**

**CARRIED 6/0**

**9.0 REPORTS OF OFFICERS AND COMMITTEES**

## 9.1 DIRECTOR TECHNICAL SERVICES

<b>9.1.1 TENDER – RFT 2013/04 – SUPPLY &amp; DELIVERY OF GRAVEL BASECOURSE MATERIAL</b>	
Reporting Officer / Officer's Interest:	Murry Bracknell Manager of Works and Services / Nil
Responsible Officer / Officer's Interest	Ian Curley Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	Not Applicable
Date of Report: 31 October 2013	File No.: 142/1
Previous Reference:	Nil.
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>): 1</b>	
MANAGE FUTURE GROWTH	

### **PROPOSAL SUMMARY**

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2013/04 – Supply and Delivery of Gravel Base course Material.

### **BACKGROUND/INITIAL COMMENTS**

Council's 2013/14 budget includes an allocation for the purchase of gravel for use in the construction program. As the total cost of the gravel will exceed \$100,000, a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 5<sup>th</sup> October 2013. The closing date of the tender was 21<sup>st</sup> October 2013.

The Scope of Works contained in the specification called for the submission of prices the supply and delivery of gravel to the various road works sites subject to the 2013/14 construction season and to the Shire Depot. Additionally, tenderers were asked to supply an 'at gate' price plus a kilometre rate for any deliveries to locations other than works sites or the depot.

Tenderers were also instructed to describe the method in which they intended to determine volumes delivered, however the specification reserved the shire's right to reject any method and implement another.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- Tendered Price 70%
- Relevant Experience 15%
- Tenderer's Resources 15%

The specification sets out how the tenderers were to address the second and third criteria.



The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the tendered price which included allowance for the buy local policy.

### **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable

### **REFERRALS**

None Applicable

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

The relevant Strategic Community Plan issue area is number 1 Manage Future Growth.

### **FINANCIAL ISSUES/IMPLICATIONS**

The purchase of the gravel is allowed for in the 2013/14 budget. Funding sources include Roads to Recovery, Regional Road Group and Council's own funds. Costs received are slightly higher than anticipated which will have a detrimental effect on the amount of work that will be able to be achieved for the budgeted amounts.

### **POLICY ISSUES/IMPLICATIONS**

Tenders called in accordance with LG Act & Council Purchasing Policy

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

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 'Purchase of Budget Items'.

### **LEGAL ISSUES/IMPLICATIONS**

N/A

### **COMMUNITY CONSULTATION**

The tender was advertised in the West Australian on the 5<sup>th</sup> October 2013. The closing date of the tender was 21<sup>st</sup> October 2013.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

Two submissions were received, Charles Hull Contracting and B&J Catalano. Following the evaluation of the submissions the aggregate scores are as follows:

Charles Hull Contracting: 552

B&J Catalano: 478

The per cubic metre rate is slightly higher than anticipated and higher than that received in the 2012/13 tender process which was won by Charles Hull Contracting. The increase is in the order of \$3.00 per metre over last year's prices.

It is concerning that gravel prices appear to be on an upward trend, as evident from this tender and the previous two tenders let to supply gravel. As gravel is a substantial cost component involved with road works, a high gravel cost severely limits the extents to which roads can be renewed. In light of this, officers have employed cement stabilisation of existing materials in road re-construction works to reduce the import of gravel. These innovations have been in an effort to maintain the condition of council roads and the levels of service to the community. With costs expected to continue to raise officers shall be actively examining alternative gravel sources and/or construction methods so that costs can be brought down and value for money maximised.

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

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM13/11/116**

**MOVED: Cr Salerian**

**SECONDED: Cr Look**

**That Council award Tender RFT 2013/04 to Charles Hull Contracting based on the following prices:**

**To all works sites subject to 2012/13 construction season: \$33.00/m<sup>3</sup>**

**'At gate' cost plus kilometre rate: \$20.00/tonne + \$4.00/km**

**All ex GST**

**CARRIED BY ABSOLUTE MAJORITY 6/0**



<b>9.1.2 TENDER – RFT 2013/06 – SUPPLY BITUMEN SEALS</b>	
Reporting Officer / Officer's Interest:	Murry Bracknell Manager of Works and Services / Nil
Responsible Officer / Officer's Interest	Ian Curley Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	Not Applicable
Date of Report: 5 <sup>th</sup> November 2013	File No.: 142/1
Previous Reference:	Nil.
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>): 1</b>	
MANAGE FUTURE GROWTH	

### **PROPOSAL SUMMARY**

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2011/6 – Supply, Spray and Cover of Bituminous Products.

### **BACKGROUND/INITIAL COMMENTS**

Council's 2013/14 budget includes allocations for the purchase of various bituminous products, such as bitumen for primer-seals, second coat seals and reseals.

A specification was drawn up and the tender was advertised in the West Australian on the 19<sup>th</sup> of October 2013. The closing date of the tender was 4<sup>th</sup> November 2013.

The Scope of Works contained in the specification called for the submission of prices for the following elements:

- Supply and Spray of Bitumen only for primer-seal application. Shire's resources to be used to spread aggregate stone, rolling, surface preparation, traffic control etc. Primer-seals are the first seal that is applied following construction, therefore the Shire's resources and traffic control will already be onsite, necessitating only the supply and spray of the bitumen from the contractor
- Supply of a 'full service' second coat and reseal service which is to include the supply of all bitumen, aggregate stone, surface preparation, seal rolling, traffic control, and follow up sweeping.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- |                        |     |
|------------------------|-----|
| • Tendered Price       | 50% |
| • Relevant Experience  | 25% |
| • Tenderer's Resources | 25% |

The specification sets out how the tenderers were to address the second and third criteria.



The principal has adopted a best value for money approach to this tender evaluation. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria. The extent to which a tenderer demonstrates greater satisfaction of each of these will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the tendered price which included consideration for the buy local policy which was not applicable for the tenders received.

### **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable

### **REFERRALS**

None Applicable

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

The relevant Strategic Community Plan issue area is number 1 Manage Future Growth.

### **FINANCIAL ISSUES/IMPLICATIONS**

The purchase of the Supply of Bitumen is allowed for in the 2013/14 budget. Funding sources include Roads to Recovery, Regional Road Group and Council's own funds. Costs received were slightly higher than what was expected.

### **POLICY ISSUES/IMPLICATIONS**

Tenders called in accordance with LG Act & Council Purchasing Policy

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

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 'Purchase of Budget Items'.

### **LEGAL ISSUES/IMPLICATIONS**

N/A

### **COMMUNITY CONSULTATION**

The tender was advertised in the West Australian on the 19<sup>th</sup> October 2013. The closing date of the tender was 4<sup>th</sup> Nov 2013.

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

Submissions were received from the following contractors:

- Malatesta Road Paving and Hotmix
- Fulton Hogan Industries



- Green Coat

The submissions of each contractor have been evaluated against the Compliance Criteria as listed above and two submissions Malatesta and Fulton Hogan are fully compliant but the third submission Green Coat was none compliant. Green Coat pricing provided was incomplete and misleading.

The two remaining Tenders were then evaluated under the Qualitative Criteria. Since both contractors are experienced and well known with quality staff, officers scored both submissions as “fair offers, no deficiencies, meets criteria” against the Qualitative Criteria above which therefore leaves price as the deciding factor.

Using the anticipated square metres required for each of the three items, officers determined the following scores

Supply of Bitumen for Primer-seals, Supply of Full Service for Second Coats and Reseals combined scores

Malatesta	542
Fulton Hogan	558

There for officers recommendation is to award Tender RFT 2013/06 to Fulton Hogan.

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

### **VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION****OCM13/11/117****MOVED: Cr Dew****SECONDED: Cr Salerian**

**That Council award the Tender for Supply Bituminous Seals (Tender RFT2013/06) as follows:**

- 1. 'Supply and Spray of Bitumen' to Fulton Hogan Industries (as per the following schedule of rates)**

<b>SUPPLY AND SPRAY BITUMEN (FOR PRIMERSEALS)</b>			
<b>ITEM</b>	<b>GST Exclusive</b>	<b>GST Component</b>	<b>Total Cost</b>
<b>BITUMEN APPLICATION (Primer seals)</b>	<i>Rate/m<sup>2</sup></i>	<i>Rate/m<sup>2</sup></i>	<i>Rate/m<sup>2</sup></i>
Price /m <sup>2</sup> - litre/m <sup>2</sup> (based on 1.4 L / m <sup>2</sup> at 15°)	\$ 1.91	\$ 0.19	\$ 2.10
Including: a) Seal design b) Bitumen and application of bitumen			
Variation rate /L	\$ 1.02	\$ 0.10	\$ 1.12
	<b>GST Exclusive</b>	<b>GST Component</b>	<b>Total Cost</b>
<b>MOB/DEMOB</b>	<i>Lump Sum</i>	<i>Lump Sum</i>	<i>Lump Sum</i>
Price for mob/demob (total cost per visit)	<i>Included in Rate</i>	<i>Included in Rate</i>	<i>Included in Rate</i>

**2. Supply of Full Service ‘Supply Spray and Cover’ to Fulton Hogan Industries (as per the following schedule of rates)**

<b>SUPPLY, SPRAY AND COVER (SECOND COATS AND RESEALS)</b>			
<b>ITEM</b>	<b>GST Exclusive</b>	<b>GST Component</b>	<b>Total Cost</b>
<b>BITUMEN, AGGREGATE &amp; APPLICATION</b>	<i>Rate/m<sup>2</sup></i>	<i>Rate/m<sup>2</sup></i>	<i>Rate/m<sup>2</sup></i>
Price /m <sup>2</sup> - litre/m <sup>2</sup> (based on 1.8 L/m <sup>2</sup> at 15°) Including: a) Seal design b) Bitumen c) Pre-coating of aggregate d) Preparation – sweep & water e) Applic. of bitumen * aggregate f) Rolling g) Traffic Management	\$ 4.65	\$ 0.47	\$ 5.12
Variation rate /L	\$ 1.02	\$ 0.10	\$ 1.12
	<b>GST Exclusive</b>	<b>GST Component</b>	<b>Total Cost</b>
<b>SWEEPING</b>	<i>Lump Sum</i>	<i>Lump Sum</i>	<i>Lump Sum</i>
Price for sweeping (1 to 4 weeks after seal)	\$ 2500	\$ 250	\$ 2750
<b>MOB/DEMOB</b>	<i>Lump Sum</i>	<i>Lump Sum</i>	<i>Lump Sum</i>
Price for mob/demob (total cost assuming all works completed in one visit)	<i>Included in Rate</i>	<i>Included in Rate</i>	<i>Included in Rate</i>
<b>CARRIED BY ABSOLUTE MAJORITY 6/0</b>			

## 9.2 DIRECTOR COMMUNITY SERVICES

<b>9.2.1 AMENDMENT TO THE 2013/14 ADOPTED BUDGET - KIDSPORT PROGRAM – DEPARTMENT OF SPORT AND RECREATION</b>	
Reporting Officer / Officer's Interest:	Naomi Purcell – Community Development Officer
Responsible Officer / Officer's Interest	Steve Cleaver – Director of Community Services
Proponent:	Shire of Waroona
Landowner:	Shire Of Waroona
Date of Report: 1/11/2013	File No.: 48/9 & 106/1
Previous Reference:	
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	See heading below
Financial Implications:	See heading below
<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**

Council is requested to consider an amendment to the 2013/14 adopted budget in order to accept funding from the Department of Sport and Recreation for the KidSport Program.

### **BACKGROUND/INITIAL COMMENTS**

This program will make it possible for children in the Shire of Waroona to participate in community sport and recreation, no matter their financial circumstances. KidSport will allow eligible children and youth aged 5-18 years to apply for financial assistance to contribute to club fees. The fees will be paid to the registered KidSport Clubs who are participating in the project through the Shire of Waroona Local Government.

The Waroona Shire will administer, promote and validate KidSport applications. Eligible applicants will be able to apply for up to \$200 per child per calendar year.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil.

### **REFERRALS**

Nil.

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

Nil

### **FINANCIAL ISSUES/IMPLICATIONS**

Nil Financial implications as expenditure directly offsets expected income.

### **POLICY ISSUES/IMPLICATIONS**



Nil.

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

Nil

### **LEGAL ISSUES/IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Kidsport has been running successfully throughout WA and in the Shire of Waroona since 2011. The Department of Sport and Recreation and the Shire of Waroona continue to make media releases which lead to enquiries from interested parents and local sports administrators.

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

This project promotes an increased participation in sporting and recreation activities with in our community and supports membership to non-profit sporting and recreation clubs. A total of 132 vouchers distributed to 99 children over the past 2 years with 42% of these children never registering with a club before shows the benefits of this program with in our community. Funds of \$9,000 is available be expended for fee payment to clubs for eligible applicants in the 2013/2014 financial year. Any balance of these funds, shall be considered for the 2014/2015 budget as the grant agreement is from November 2013 until October 2014.

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

### **VOTING REQUIREMENTS**

Absolute Majority

### **COUNCIL RESOLUTION**

**OCM13/11/118**

**MOVED: Cr Look**

**SECONDED: Cr Witney**

**That the 2013/2014 adopted budget be amended as follows:**

- **That Council budgets in 2013/2014, expenditure from account 126620 \$9,000 (ex GST) for the Department of Sport and Recreation KidSport program.**
- **That Council authorise unbudgeted grant income of \$9,000 (ex GST) to A/C 127330**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

<b>9.2.2 PROPOSED NEW ANGLICAN CHURCH OPPORTUNITY SHOP ON RESERVE #49080, LOT 501 FOURACRE ST. WAROONA.</b>	
Reporting Officer / Officer's Interest:	Trevor Pitcher, EHO/Building Surveyor; No Interest
Responsible Officer / Officer's Interest	Jason Robertson, Manager Environmental Health & Building Services; No Interest
Proponent:	Anglican Church
Landowner:	Reserve 49080 vested in the Shire of Waroona for Community Purposes.
Date of Report: 3 September 2013	File No.: A3624, 87/1
Previous Reference:	OCM 09/034, OCM13/3/028
Policy Implications:	See detailed note
Statutory Implications:	In document
Strategic Implications:	See detailed note
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 3 "Maintain a Strong Sense of Community"</b>	

### **PROPOSAL SUMMARY**

At the Ordinary Council meeting of March 2009 Council resolved to grant permission to the Anglican Church and the owner of the Waroona IGA to relocate the Anglican Op Shop further south on the former railways land on Fouracre Street . Due to the IGA not expanding, this proposal subsequently lapsed. At the March 2013 Council meeting it was further resolved that Council would support an application for construction of a new Opportunity Shop on the Corner of Coronation and Fouracre Street, Waroona.

An application for a Building Permit, for an Opportunity Shop, was received in October 2013 for Lot 501 Fouracre Street, Waroona. The Anglican Church is proposing to construct a new timber framed, Hardie plank clad shop to replace the existing Opportunity shop on Reserve 49080, Lot 501 Fouracre Street (Appendix 9.2.2A). The reserve is vested in the Shire of Waroona

The applicant proposes a 12.2m x 19m (231.8m<sup>2</sup>) op shop. The 4.3m high building will be clad with Weatherboard wall cladding and custom orb Colorbond roof cladding. Eight parking spaces, including two disabled spaces, will be provided.

### **BACKGROUND/INITIAL COMMENTS**

The Anglican Church has for many years run an Opportunity Shop out of a small colorbond shed on Lot 501 Fouracre Street, Waroona. The applicant advises that the existing shed is too small for the activities of the Opportunity Shop and new larger premises are needed.

### **PLANNING – STRATEGIC IMPLICATIONS**

#### **Land Administration Act 1997**

Section 41 of this Act states that the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.



Section 46 of this Act states that the Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.

It is under this legislation that the management of R49080 is vested with the Shire of Waroona. The management order states the following:

- 1) Lot 501 to be utilised for Community purposes; and
- 2) An Op shop / Thrift store is permitted on R49080, provided it is not for profit.

#### Peel Region Scheme

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

Clause 18 of the PRS states that a person must not commence or carry out development on reserved land unless the development is permitted under Clause 19. The proposed development is not listed in Clause 19 as exempt from PRS approval. The applicant will be advised of the PRS approval requirement.

Peel Region Scheme Amendment 030/041 is concerned with the South Western Highway – Waroona Deviation and Associated Railway Realignment. The subject lot is being rezoned to ‘Urban’ as part of PRS amendment 030/41.

There is a Planning Control Area in place over some of the land subject to PRS amendment 030/041. The subject lot is not included in the Planning Control Area.

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

##### *Reserves*

Clause 3.1 of the TPS deals with TPS Reserves.

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

##### *Development Requirements*

Clause 6.1 of the TPS deals with the development of land.

Clause 6.1.2 states that planning approval of the Council is not required for use of land in a Reserve where such land is held by the Council or vested in a Public Authority:

- in the case of land vested in a Public Authority for any purpose for which such land may be lawfully be used by that Authority;

### *Car Parking*

Clause 6.8.1 and Table 2 of the TPS deal with the Car parking Requirements.

Table 2

Shop	1 space for each 30m <sup>2</sup> of gross leasable area.
------	---

The proposed Opportunity Shop, with a gross leasable area of 238.1m<sup>2</sup>, requires 7.9 Car Parking spaces under the TPS. As eight (8) spaces, including two (2) disabled, have been provided, this requirement is satisfied. A condition has been recommended requiring that the car park be constructed to the satisfaction of the Shire of Waroona.

### *Building Standards*

The proposed 4.3m high building complies with clause 6.12.1 of the TPS which states that no building shall exceed 9m above natural ground level.

The subject lot is located opposite a TPS designated Special Design Precinct. Clause 7.3.1.1. of the TPS requires that any development within the Special Design Precinct be finished in materials approved by the Shire, namely brick, brick veneer or masonry.

Clause 7.3.1.2 states that Council may, in a particular case, grant approval for the use of any materials not mentioned in the preceding sub-clause in the construction of walls or party walls of a building within the precincts if, in the opinion of Council, such construction would not prejudicially affect the amenity of the Precinct or the safety of the inhabitants.

Although the subject lot is not within the Special Design Precinct, the proposed Colorbond Custom Orb roof cladding and Weatherboard wall cladding are considered to be acceptable construction materials. As a colour scheme has not been provided it is recommended that the colours of the materials are consistent with those identified in Appendix 7 of the Town Centre Strategy and are in keeping with the amenity of the area.

### *Heritage*

Clause 7.1 dealing with Heritage Precincts and Places of Cultural Significance states that the purpose and intent of the heritage provisions are:

- a) to facilitate the conservation of places of heritage value;
- b) to ensure as far as possible that development occurs with due regard to heritage values.

The proposed Weatherboard wall cladding is considered to be part of the Western Australian vernacular architecture style complementing the Heritage listed buildings in the close vicinity (Waroona Hotel and Peel laundry). The proposed Colorbond roof cladding, which is widespread in commercial and residential development, is not considered to conflict with local heritage buildings. It is important that the colour scheme utilised are sympathetic to the local heritage buildings.

## **PLANNING – STRATEGIC IMPLICATIONS**

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

The subject lot is located within the Town Centre precinct of the LPS. Lot 501 is designated as “Railway” under within the Town Centre Precinct.

### **Shire of Waroona Town Centre Strategy (2003)**

The Strategy highlights that the Railway Reserve, including Lot 501, is significant in the establishment of Waroona along the South Western Highway. The Masterplan, undertaken as part of the strategy, indicates significant entry statement tree planting along the Northern boundary of lot 501.

Appendix 7 of this strategy lists an architectural colour range to be utilised within the Town Centre. It is recommended that the colour scheme used is consistent with this range.

### **Shire of Waroona Town Planning Policy 14.0 – Industrial / Commercial Land Use and Development**

It is the aim of this policy to ensure that industrial and commercial development meets minimum standards in terms of design and presentation. In order to achieve this, the following objectives are listed:

- A landscape plan shall be required as a condition of approval.
- All car-parking areas are required to provide for egress and access in a forward gear by vehicles that may reasonably be expected to visit the site on a regular basis, and also be sealed, drained and line-marked, except for small scale developments in rural areas.
- Adequate vehicle access is required for all developments, and Council may require road upgrading at the applicant’s expense where such upgrading is necessary to meet the demands that may reasonably be expected to result from the development.
- In cases where a proposed development may have unacceptable impacts in terms of noise on nearby residences, require the undertaking of an acoustic assessment; and
- Where applications are being made for the further development of existing sites, require progressive upgrading of the site to the standards required for new development.

Bullet point one of LPP14 states that a landscaping plan is required as a condition of approval for all industrial / commercial type of developments. LPP 23 – Landscaping states that particular emphasis will be placed on landscaping of a higher standard on the entrances to towns and key arterial roads including the South Western Highway and Coronation Road. The proposed development will be visible from these roads. The front (Southern) elevation of the opportunity shop will address the car parking area. This is considered to be the most attractive elevation as it incorporates a number of architectural features including a pitched roof, double entrance door, windows and a verandah.

The Eastern and Northern elevation will both be seen on approach along the South Western Highway. The Western and Northern elevation will both been seen approaching along Coronation Road. As these are important arterial routes into and



through the townsite, it is important to that the visual amenity along these roads is preserved. For this reason it is recommended that vegetation / landscaping is installed in accordance with an approved landscaping plan, which will offer screening of the opportunity shop from these roads. It is also considered necessary to screen the Eastern side elevation from Fouracre Street. The proposed landscaping of the Northern elevation is consistent with the provisions of the Town Centre Strategy Masterplan.

It is considered that, with the application of a landscaping condition, the proposal complies with the intent of this LPP14.

#### Shire of Waroona Town Planning Policy 23.0 – Landscaping

As noted in the LPP14 section, LPP 23 – Landscaping requires that particular emphasis will be placed on landscaping along key arterial roads including the South Western Highway and Coronation Road. It is recommended that landscaping is in accordance with the provisions of LPP 23.

#### **REFERRALS**

None Applicable

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

The relevant Strategic Community Plan issue area is number 3 “Maintain a Strong Sense of Community”.

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

The Anglican Church is responsible for all costs of construction and ongoing maintenance of the new shop.

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

Nil

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

Nil

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

Nil

#### **COMMUNITY CONSULTATION**

Nil

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

The Waroona Anglican Church is seeking formal permission of the Shire of Waroona to construct a timber framed; Hardie plank clad shop to replace the small Colorbond shed that has acted as the Opportunity Shop on Reserve 49080, Lot 501 Fouracre Street, Waroona. The proponent requires the permission of the Shire of Waroona to construct a building on the Reserve as the Shire of Waroona holds a Management Order over the reserve.

**CEO'S COMMENT/RECOMMENDATION**

The Officer's recommendation is in line with Council's Town Planning policy 14.0 standard conditions that are applied to new commercial premises in Waroona, however, I propose that alternative consideration be given to this application.

The applicant is a not-for-profit organisation and the ability to raise funds to undertake this project is limited. The applicant already operates a similar facility on the site that has no formal parking nor any landscaping, and, under the conditions of the management order it may continue to do so, in perpetuity, and cannot be required to replace the existing building (unless unfit for occupation) nor required to provide parking or landscaping.

In order to encourage the applicant to proceed with this project I recommend Council waive the requirement for to undertake item 1.1 the requirement to develop and implement a landscaping plan and that Council undertake that task over time; and waive the requirement for 1.4 which requires formal sealed parking and that parking continue on the existing gravel surface unless the applicant wishes to bitumen seal the area.

To waive the above policy conditions an absolute majority decision is required.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.2A &amp; 9.2.2B</b>
-----------------------------	------------	--

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

1. That Council grants permission to the Anglican Church to construct a timber framed; Hardie plank clad, Opportunity Shop on Reserve 49080, Lot 501 Fouracre St. Waroona subject to the following conditions:
  - 1.1 A landscaping plan is to be developed by the proponent and submitted to and approved by the Shire of Waroona. The landscaping plan must include botanical names, common names, pot sizes and quantities of each plant. The landscaping plan must identify vegetation in locations that will offer screening of the proposed development, minimising the visual impact to Coronation Road, the South Western Highway and Fouracre Street. The approved landscaping plan is to be implemented in full and thereafter maintained to the satisfaction of the Shire of Waroona.

- 1.2 A colour schedule is to be developed by the proponent and submitted to and approved by the Director of Planning. The colour scheme should complement and blend in with the amenity of the area and nearby development. The Colour Schemes should be sympathetic to Heritage Buildings in the area and be consistent with the colour range listed at Appendix 7 of the Shire of Waroona Town Centre Strategy (2003).
  - 1.3 All stormwater and drainage run-off shall be contained on site to the specification and satisfaction of the Director of Technical Services. Without the prior written approval of the Shire of Waroona no stormwater is to be discharged into or on the road reserve, or connected to a Council stormwater legal point of discharge.
  - 1.4 The internal access road and car park on the attached approved site plan shall:
    - a) be installed to the approval of the Shire of Waroona prior to the commencement of the approved use;
    - b) be maintained thereafter to the approval of the Shire of Waroona;
    - c) be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the Shire of Waroona;
    - d) be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;
    - e) be drained and sealed with an all-weather seal coat to the approval of the Shire of Waroona;
    - f) have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s); and
    - g) be designed in accordance with AS2890.
  2. A demolition permit is obtained for removal of the existing shed.
  3. That the Chief Executive Officer and Shire President be authorised to sign and seal a suitable lease.
  4. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.
- Advice:
- A. The applicant is advised that Planning Approval under the Peel Region Scheme (2007) is required prior to the issuance of a Building Permit.

**COUNCIL RESOLUTION****OCM13/11/119****MOVED: Cr Witney****SECONDED: Cr Salerian**

1. That Council grants permission to the Anglican Church to construct a timber framed; Hardie plank clad, Opportunity Shop on Reserve 49080, Lot 501 Fouracre St. Waroona subject to the following conditions:
  - 1.1 A colour schedule is to be developed by the proponent and submitted to and approved by the Director of Planning. The colour scheme should complement and blend in with the amenity of the area and nearby development. The Colour Schemes should be sympathetic to Heritage Buildings in the area and be consistent with the colour range listed at Appendix 7 of the Shire of Waroona Town Centre Strategy (2003).
  - 1.2 All stormwater and drainage run-off shall be contained on site to the specification and satisfaction of the Director of Technical Services. Without the prior written approval of the Shire of Waroona no stormwater is to be discharged into or on the road reserve, or connected to a Council stormwater legal point of discharge.
2. A demolition permit is obtained for removal of the existing shed.
3. That the Chief Executive Officer and Shire President be authorised to sign and seal a suitable lease.
4. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.

**Advice:**

- A. The applicant is advised that Planning Approval under the Peel Region Scheme (2007) is required prior to the issuance of a Building Permit.

**CARRIED BY ABSOLUTE MAJORITY 6/0**

The Officer's recommendation was amended as a result of the CEO's comments/recommendation as outlined in the report.



### 9.3 DIRECTOR PLANNING SERVICES

<b>9.3.1 LOT 21 FAWCETT ROAD, WAROONA – PROPOSED EXTENSION TO NON CONFORMING USE (STORAGE SHED)</b>		
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner, Greg Delahunty – Town Planner / Nil	
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning & Development Services / Nil	
Proponent:	Harry Carna	
Landowner:	Harry Carna & Teresa Carna	
Date of Report: 14 November 2013	File No.:	TP1605
Previous Reference:	N/A	
Policy Implications:	Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation Local Planning Policy 14 – Industrial / Commercial Land Use & Development Local Planning Policy 23 – Landscaping	
Statutory Implications:	Planning and Development Act 2005; Shire of Waroona Town Planning Scheme No. 7;	
Strategic Implications:	Shire of Waroona Strategic Community Plan 2012	
Financial Implications:	Nil	
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> Objective 1 – Manage future growth. Objective 2 – Conserve our pristine environment.		

#### **PROPOSAL**

An application has been received for the extension of a non-conforming use, namely the construction of Storage Shed on Lot 21 Fawcett Road, Waroona. The location plan can be seen in **APPENDIX 9.3.1A**.

The proposed storage shed will be 75.4m x 30.4m (2292.16m<sup>2</sup>) and is to be constructed of steel framing and clad with Colorbond or, similar material. The proposed structure has a maximum ridge height of 11.2m. The storage shed is proposed to be located towards the Southern boundary of the site. The site plan and side elevation plan can be seen in **APPENDICES 9.3.1B and 9.3.1C**.

The storage shed is proposed to be set back 70m from the Eastern boundary, and 20m from the Southern boundary, 153m from the Western boundary and 250m from the Northern boundary. The existing workshop is located 25.5m from the proposed storage shed.

#### **BACKGROUND**

Lot 21 has an area of 9.1Ha and is flat in topography and clear of vegetation. There is an existing industrial workshop, office building, wash pad, fuel bay and associated ancillary structures located on the subject lot.



The non-conforming use was previously approved under the Town Planning Scheme as a 'Depot' before Amendment 12 to the Scheme deleted the 'Depot' use from the land use table in 2010.

### **Previous Applications**

TP648 – Application for an Earthmoving Depot. Advertised under resolution of Council of 25 March 2003 and approved under delegated authority on 5 May 2003.

TP914 – Application to extend the existing workshop/assembly building on site. Approved by Council on 2 March 2006.

TP1201 – Application for a fuel farm (depot) and wash down bay to be used in conjunction with the existing workshop / assembly building on site. Approved under delegated authority on 20 February 2009.

TP1529 – Application for extension to non-conforming use for a wash down bay. Approved by Council on 19 February 2013.

### **STATUTORY IMPLICATIONS**

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

Lot 6 is zoned Rural 2 – Irrigated Agriculture under the TPS. In the Zoning Table a Transport Depot is classified as a use not permitted in the zone (from gazettal of Amendment 12 on 30 April 2010).

Clause 5.2 of the TPS states that a Planning Consent is required for any works which erect, alter or extend a building used in conjunction with a non-conforming use.

Clause 6.12.1 of the TPS states that no building shall exceed 9m above natural ground level.

Clause 6.13 of the TPS, deals with the discretion to modify development standards. It states that the Council may, notwithstanding that non-compliance, approve the application unconditionally or on such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and properly planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliant will not have any adverse effect upon the occupiers or users of the development or the property or the inhabitants of the locality or upon the likely future development of the locality; and
- c) the spirit and purpose if the requirement or standard will not be unreasonably departed from thereby.

Section 8.2 sets out the requirements for advertising of applications.

Clause 8.2.3 states that 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;
- a) 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 states that although a TPS policy does not bind Council, it shall have regard for the policy when making a decision

### **STRATEGIC IMPLICATIONS**

This item contributes towards achieving objectives number 1 and 2:  
Strategy 1 – Manage the Shire of Waroona's Future Growth.  
Strategy 2 – Protect Rural Land Use.

### **STRATEGIC PLANNING IMPLICATIONS**

#### Local Planning Strategy (LPS)

The subject lot is located within the Agricultural Precinct of the LPS. Lot 21 is designated Priority Agriculture within the LPS. It is the objective of the Priority Agriculture classification to protect from lifestyle subdivision and other non-compatible development an area which has, or is capable of having, irrigation infrastructure to allow for a range of diverse agricultural uses.

The LPS requires a setback of 20m from any road frontage and 10m from any other boundary in the Priority Agriculture area.

#### Local Planning Policy 1 – Community Consultation (LPP1)

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.



LPP1 requires that an application for an 'Extension to a Non-Conforming Use' is to be advertised to owners and occupiers of affected neighbour properties for a period of 21 days.

#### Local Planning Policy 14 – Industrial / Commercial Land Use and Development (LPP14)

LPP14 states that a landscape plan shall be required as a condition of approval other than in the 'Town Centre' zone or for small rural developments.

LPP14 requires all open storage areas to be screened from public view and that a landscape plan shall be required as a condition of approval.

LPP14 states that where an application proposes further development on an existing site, the site is to be upgraded to the standard required for new development.

#### Local Planning Policy 23 Landscaping

The objectives of this policy are to:

- To provide the policy framework for landscaping requirements in the town sites of Waroona, Preston Beach and Hamel;
- To provide guidelines for effective landscaping for a range of purposes including screening, shelter and shade, ornamental and other issues, and to encourage retention of existing trees in that landscaping wherever practicable;
- To provide a recommended species list for the town sites of Waroona, Preston Beach and Hamel; and
- To provide minimum standards for maintenance of landscaping requirements.

Clause 5.1 (ii) states that landscaping is require to conform to an approved landscape plan for the site. That plan is to be submitted and approved by the Manager of Planning Services prior to the issue of building licences. The landscaping plan is to indicate the location and species of all trees, shrubs and plants to be planted on site. There is no requirement for this plan to be prepared by a landscape planner though the plan must be to scale.

Clause 5.1 (ii) states that all landscaping required as a condition of approval is required to be maintained for the life of the approval. Moribund trees and shrubs must be replaced as soon as practicable. Council supports water saving principles and practices and will favourite consider water gardens which utilise on site drainage systems for landscaping.

Clause 5.2 (i) states that for the guidance of developers and applicants, the recommended species lists listed in appendix A are endorsed by Council. Council requires that landscaping plans utilise this species list in general. Council supports use of endangered or threatened endemic native species in landscaping wherever this is practicable.

## **Community Consultation**

Consultation has been undertaken for a period of 21 days in accordance with LPP1 and Clause 8.2 of the TPS. During the consultation period the Shire received one submission. A schedule of submission is at **APPENDIX 9.3.1D**.

## **INTERNAL REFERRAL**

The Shire's Building Surveyor stated that the building is to comply with the Building Codes of Australia 2013. It was also stated that fire fighting equipment is to comply with the requirements of the Department of Fire and Emergency Services.

The Shire's Environmental Health Officer stated that there were no issues in relation to Health.

Upon referral to the Shire's Technical Services Directorate the Director of Technical Services recommended that the standard drainage condition be applied.

## **OFFICER'S COMMENTS**

### **TPS**

Clause 6.13 gives Council the ability to approve development that does not comply with the standards in the TPS. In this specific case the height of the proposed storage shed being 11.2m and the TPS allowing for a maximum height of 9m.

The development can be approved provided it meets the three criteria listed in Clause 6.13. The proposed development satisfies the listed criteria as follows:

- a) approval of the proposed development is consistent with the orderly and properly planning of the locality and the preservation of the amenities of the locality. The proposed height of the storage shed is 11.2m and the existing warehouse on site is 13.75m in height. The applicant proposes to construct the shed with materials similar to that of the existing development. A condition has also been added to the approval to ensure that the proposal complements the existing development on site, and the materials are to the satisfaction of the Shire.
- b) One response was received in relation to the proposal, stating they had no concerns with the proposed development. The non-compliance is not considered to have any adverse effect on neighbouring properties. The row of native trees along the rear boundary will partially screen the shed from properties to the rear (east).

The application proposes an extension to the existing non-conforming use. The storage shed is considered to be incidental to the existing use of the site as a Depot / Workshop.

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

The proposed storage shed complies with the LPS setback requirements. It requires a 20m road setback and a 10m boundary setback. The closest distance from the proposed storage shed to a boundary is 20m from the Southern boundary.



### Community Consultation

No submissions opposing the application have been received during the advertising period.

### Local Planning Policy 14 (LPP 14) Industrial / Commercial Land Use and Development

In accordance with LPP 14, a landscaping plan has been required as a condition. This must be provided to the specification and satisfaction of the Shire.

### Colours and Materials

The storage shed is proposed to be clad in Colorbond (or similar material) to match the existing buildings on the site. A condition has been added however, requiring that the proposed development compliments the existing development on the site and the materials are to the satisfaction of the Shire.

The proposed development will not impact on the traffic volumes frequenting the site or the onsite movement of vehicles.

### Building Heights

The ridge height of the proposed storage shed is inconsistent with the 9m maximum height permissible in the TPS. However the clause 6.13 of the TPS also the councils the discretion to modify development, that is appropriate within the area. The existing developments on the sight are 13.2m in height. Therefore the proposed 11m high shed would not be inconsistent with other industrial buildings on the site.

### Local Planning Policy 23 - Landscaping

Vegetation has been installed along the perimeter of the lot offering some screening of the development on the lot from surrounding properties.). The proposed storage shed will be required to be screened from the Eastern and Southern Boundary. In accordance with this a landscape management plan will be required and requested as a condition. The recommended species list endorsed by Council will be attached to the approval.

Landscaping to all boundaries was required as a condition of approval for TP648, TP1201 and TP1529 and as such still applies to the site.

### Drainage and Stormwater Management

In accordance with the requirements of the Technical Services Directorate, the standard drainage condition has been included as a condition.

### Conclusion

The proposed extension (Storage Shed) to the existing non-conforming use (Depot) is not considered to significantly impact on the surrounding landowners given the nature of the existing development on the subject site.

The proposed 11m high shed is consistent with the height of other industrial type buildings on the site and it is therefore considered to be appropriate to apply the provisions of clause 6.13 of the TPS in this instance.

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

<b>Appendices Attached:</b> Yes	<b>Appendices Numbers:</b> 9.3.1A,B,C,D
---------------------------------	---

### **VOTING REQUIREMENTS**

Absolute Majority

### **COUNCIL RESOLUTION**

**OCM13/11/120**

**MOVED: Cr Dew**

**SECONDED: Cr Look**

**That in relation to the proposed extension to the non-conforming use (Storage Shed) at Lot 21 Fawcett Road, Waroona, Council resolves:**

- A. That the application is consistent with the provisions of Clause 6.13 of the Shire of Waroona Town Planning Scheme No. 7 of 1996.**
- B. To approve the application subject to the following conditions:**
  - 1. The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval from the Shire of Waroona.**
  - 2. Prior to the commencement of development a landscaping plan is to be developed by the proponent and submitted to and approved by the Shire of Waroona. The landscaping plan must include botanical names, common names, pot sizes and quantities of each plant. The landscaping plan must identify vegetation in locations that will offer screening of the shed, minimising the visual impact to surrounding properties towards the Eastern and Southern boundaries. The approved landscaping plan is to be implemented in full and thereafter maintained to the satisfaction of the Shire of Waroona.**
  - 3. Building materials are to be of a standard and colour scheme complementing and blending in with the amenity of the area and the existing development on site. (See Advice Note B).**
  - 4. All stormwater and drainage run-off to be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**

5. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.

**ADVICE TO APPLICANT:**

- A. The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2013.
- B. The applicant is advised that fire fighting equipment is to comply with the requirements of the Department of Fire and Emergency Services.
- C. The applicant is advised that all conditions (including landscaping) relating to previous Planning Consents (TP648, TP914, TP1201 & TP1529) remain applicable.
- D. The applicant should ensure that the proposed development complies with all other relevant legislation including but not limited to the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.
- E. With regard to condition 2 the Shire of Waroona requires that landscaping plans utilise the recommended species lists listed in appendix A of Local Planning Policy 23.0 - Landscaping. The Shire of Waroona supports use of endangered or threatened endemic native species in landscaping wherever this is practicable.
- F. With regard to Condition 3, no highly reflective or white or off white material is to be used. Colour schemes are to be of muted tones that will complement and blend in with the natural environment and the existing development on the lot.

**CARRIED BY ABSOLUTE MAJORITY 6/0**

<b>9.3.2 LOT 1 (LOC. 52), OLD COAST ROAD, LAKE CLIFTON – PLANNING CONSENT FOR PROPOSED EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY LICENSE</b>	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner, Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Rod Davis (Charles Hull Contracting Pty Ltd)
Landowner:	Charles Hull Contracting Pty Ltd
Date of Report: 18 November 2013	File No.: TP1575/EI33
Previous Reference:	E118
Policy Implications:	Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy Local Planning Strategy 2009 Local Planning Policy 15.0 Extractive Industry
Statutory Implications:	Planning and Development Act 2005; Environmental Protection Act 1986 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 Extractive Industries Local Law 1999
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER</b> Objective 2 – Protect and conserve agricultural lands and rural land uses. Objective 4 – Conserve our pristine environment,	

### **PROPOSAL SUMMARY**

Applications for Planning Consent for an Extractive Industry and Extractive Industry License have been received for Lot No 1, Old Coast Road, Lake Clifton. See location Map at **APPENDIX 9.3.2A**.

The applicant has submitted a Development Plan, Health, Safety and Environmental Management Plan, a copy of a current Clearing Permit and associated plans in support of the applications.

The area to be mined covers 1.5ha and the total area of the quarry including rehabilitated area is 4 hectares. See **APPENDIX 9.3.2B**.

The excavation area is set back 108m from the Western Lot boundary (Old Coast Road boundary). It is set back 34m from the Southern boundary, 21m from the Eastern boundary and 342m from the Northern boundary. (All measurements are approximate).

The proponent proposes that the topsoil and cap rock will be removed and stockpiled adjacent to the area being mined. The limestone will then be ripped, crushed, screened and stockpiled on the mine floor prior to trucking.

The staging and timing of the proposed extraction has not been identified as the proponent has stated that demand for raw materials is difficult to predict.



The proposed hours of production operation are Monday to Saturday 7.00am to 5:00pm, the transportation hours are Monday to Friday 7.00am to 5.00pm and Saturdays 7.00am to 3.30pm.

Access to the mine site is obtained via a limestone road located off the Old Coast Road.

### **BACKGROUND/INITIAL COMMENTS**

The site is located just off the Old Coast Road approximately 5 km south off the Old Coast Road/Old Bunbury Road intersection.

The lot is 39.3363ha in area. A large section located centrally within the lot has already been mined. The proponent proposes to continue mining the area to the north of the mined area (hatched yellow).

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

Shire Records indicated that this extractive industry has been operating for up to 33 years in this location. The original Licence was granted on 20 March 1980 for Mr & Mrs H & N Perry. The first Planning Consent was issued on the 14 November 2005 (EI 18).

To date, following the initial approvals the applicants have continued to renew the Extractive Industry Licenses and Planning Consents. The latest Planning Consent and Extractive Industry license (EI 18) was issued on 3 November 2009 and expired on the 22 April 2013. (The Extractive Industry Licence was transferred to the current operators on 12 October 2010).

The area proposed to be mined has already been lawfully cleared. The proponent has a current clearing permit for the subject site (CPS3204/1). This was issued by the Department of Conservation on 12 November 2009, expiring on 12 December 2014.

The Shire has been informed by the DER that they are currently processing an application from the applicant for a prescribed premises (Category 70) for an Extractive Industry at the subject lot.

In accordance with the PRS 2003, all development on land abutting Regional Open Space requires a PRS application. In accordance with this requirement, the applicant submitted a PRS application. A Peel Regional Scheme application was lodged and received on the 2 August 2013 by the WAPC. This application is pending the outcome of the current Planning Consent) and Extractive Industry License applications.

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

#### **Environmental Protection Act 1986 (EPA Act)**

Part V of the EP Act 1986 deal with Environmental Regulation. This section of the act covers pollution and environmental harm, the clearing of native vegetation and prescribed premises, works approvals and licences.



### Peel Regional Scheme 2003

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

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

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

Clause 18 of the PRS provides a requirement to obtain planning approval if the development is on reserved land or the development is of a kind or class specified in a resolution made by the Western Australian Planning Commission under Clause 21 of the PRS.

Clause 21 relates to development in the Rural zone (under the PRS and states in Schedule 1 to the PRS text as follows:-

‘Schedule 1: Development on zoned land requiring planning approval.

(2) ‘All development on land abutting a regional open space reservation.’

A number of exceptions are listed however the proposed development does not fall into any of these categories.

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

The subject lot is zoned Rural 3B – Coastal Highway under the Town Planning Scheme No. 7. Within this zone, ‘Industry – Extractive’ is listed as an ‘AA’ use and may be granted at the discretion of Council.

Rural zones are dealt with under clause 4.14 of the TPS.

Clause 4.14.1 states that Council’s objective is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

- Council’s objective will therefore be to permit land uses consistent with achieving this objective.

Clause 4.14.8 relates specifically to the ‘Rural 3B’ zone, and the application can be assessed using the relevant provisions of this clause.

Clause 4.14.8 states that it is the Council’s objective will be to ensure continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road and the traffic management requirements of that road by:-

(a) ensuring that rural pursuits are consistent with achieving the objective;



- (b) permitting, at Council discretion in accordance with the requirements of its Policy, other uses, additional, or special uses, appropriate to the objective and to the location of the zone including establishment of commercial uses in accordance with the provisions of Tables 1 and 2 on lots in the zone subject to:
- satisfactory advice from the Department of Conservation and Land Management and the Environmental Protection Authority, that the proposed use will not impact detrimentally on Yalgorup National Park;
  - a building setback from the lot frontage of Old Coast Road of fifty metres, and satisfactory landscaping within the setback area.

Clause 8.2 of the TPS gives Council the ability to advertise applications for Planning Consent.

2.4.3 A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Consent, but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision

#### Strategic Minerals and Basic Raw Materials Policy (PRS Policy)

Section 2 states that Industry – Extractive is a permitted use in all Rural zones.

Section 3 states that the extraction of sand, gravel and limestone should be permitted on sites where clearing of significant vegetation is not required and where the operations can be undertaken without unreasonable impact on the locality and environment. Extensive rehabilitation is to be undertaken on a cell by cell basis on all extraction sites upon completion of extraction in that cell.

Section 5 encourages the timely and comprehensive rehabilitation of mine sites.

The subject lot is also identified as a strategic minerals and basic raw materials resource policy area, and is known for its limestone resource area under this policy.

#### Extractive Industries Local Law (1999)

It is a main objective of this Local Law to regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other person's health and property.

Any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this Local Law.

The Shire's Extractive Industries Local Law 1999 stipulates the type of matters that can be imposed as conditions on a Licence.

Part 4 of the Local Law deals with the renewal of a Licence.

Part 4, Clause 14 (1) states that a licensee who wishes to renew a licence must apply in writing to the local government at least 42 days before the date of expiry of the licence and lists the documentation that must be submitted with the application for renewal.



Part 4, Clause 17 (1) of the Extractive Industry Local Law 1999 states that the applicant:

"Must not without the written approval of the Local Government, excavate within'

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare;"

#### Environmental Protection (Noise) Regulations 1997

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

The act also sets out clear methods for noise assessment and control. Providing certainty to industry as to what standard is expected.

The clear guidelines make for effective enforcement where noise emissions are excessive.

### **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.

#### Local Planning Policy No. 15.0 – Extractive Industry

Council's recognises that extractive industry is and will remain a necessary and important part of the economic life of the Shire.

Applications for planning consent for extractive industry and/or for an extractive industry licence, whether they are new applications or applications for renewal of previously granted approvals, must be accompanied by the following documentation:

- (a) A clear, concise, well-presented excavation management;
- (b) A diagram prepared by a licensed surveyor indicating existing levels, proposed levels at the time when the approval being applied for will expire and proposed levels at the termination of extraction activity; and
- (c) A rehabilitation plan that provides for clear and measurable outcomes, or, where a proposal has been assessed by the EPA, meets EPA requirements.

The primary role of the Town Planning Scheme is to determine whether the proposed extractive industry is consistent with the Zone in which is located, the amenity of adjoining or nearby properties and that the local road system is capable of supporting the demands that will be placed upon it by the transport of the



extracted material. Other issues should generally be addressed via the Extractive Industry Local Law.

Planning consent for extractive industry and extractive industry licences shall be issued for a maximum period of five years.

Where extractive industry licences are issued for more than two years duration, a condition shall be applied requiring the submission of a progress report mid-way through the period of the licence. The progress report shall be prepared to the same standard as is required for applications and, in particular, must be accompanied by a diagram prepared by a licensed surveyor indicating the extent of excavation at the time of the progress report. If the progress report is not provided and endorsed prior to the time specified in the approval, then extraction must cease until such time as a satisfactory progress report is provided.

Where extractive industry is proposed the resultant increase in traffic is likely to have a significant impact on the local road system, the applicant shall, as a condition of planning consent, be required to make a proportionate contribution.

#### Local Planning Strategy 2009

Clause 14.0 Minerals and Basic Raw Materials states:

Minerals contribute significantly to the economy. Mineral extraction and processing is a key component of the local economy. Basic raw materials are essential for the road and constructions industries.

Clause 14.1 Mineral and Basic Raw Materials Considerations:

There is one remaining gravel pit in the Darling Range. Other reserves exist and may be extracted in the future. Providing that an appropriate setback to sensitive land uses is maintained and the sites are not visible from the coastal plain, this form of extraction is supported.

The subject lot is located within the Lake Clifton Precinct of the LPS. Lot 1 is designated Rural Small Holdings within the LPS. Within the LPS in Rural Small Holdings – Considerations it states:

Those sites within the Strategic Minerals and Basic Raw Material Policy Area as indicated on the Strategy map, or within 500 metres of the Policy Area shall not be rezoned or subdivided unless otherwise considered by the Department of Industry and Resources.

### **REFERRALS**

#### External Referrals

The application was advertised to adjoining/potentially impacted landowners and relevant public authorities for comment under clause 14 (3)(c) of the Extractive Industries Local Law.

The Public Authorities that were requested to comment were;

- Department of Mining and Petroleum;



- Lake Clifton Herron Progress and Sporting Association;
- Department of Parks and Wildlife;
- Department of Environmental Regulation;
- Department of Water;
- Department of Main Roads; and
- Department of Planning.

See Schedule of Submissions at ***APPENDIX 9.3.2C***.

#### Internal Referrals

The Shire's Technical Services Directorate's engineering assessment recommended that the conditions on the previous approvals be reapplied to this proposal. This was also subject to the requirements of Main Roads WA.

The Shire's Environmental Health Officer requested that a dust management plan was required.

As there are no proposed new buildings associated with the applications, the Shire's Building Surveyor has no concerns with the proposal.

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

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

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.

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

N/A

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

N/A

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

N/A

#### **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.

Community Consultation was undertaken and the applications were advertised for 21 days. This included an advertisement in the local paper, letters to neighbours, and also a sign was placed on site.



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

This proposal is for the renewal of the Planning Consent and Extractive Industry Licence that has been operating for over 30 years. A comprehensive application from the proponent addresses the majority of issues that may arise from such a proposal.

The proposal is generally compliant with the objectives of Planning Policy 15.0. This policy recognises the need for extractive industry, undertaken in a proper manner, within the Shire of Waroona.

The applicant originally proposed the work hours to be from 6.00 am – 5.00 pm Monday to Saturdays. The Shire received two submissions from landowners in the area raising concern regarding the potential noise impact and early 6.00 am start. The Department of Environmental Regulation (DER) also highlighted the same issue. This led to the applicant moving the morning start time back to 7.00 am, and also undertaking a noise assessment.

The noise assessment indicates that the noise levels comply with the allowable noise levels prescribed by the Environmental Protection (Noise) Regulations 1997. If the noise levels are breached, the Department of Environmental Regulation can enforce the Regulations.

An advice note has also been added stating that all operations/noise levels must be in accordance with the acceptable levels stated in the Act.

The PRS aims to provide for efficient and timely extraction of raw minerals, with appropriate rehabilitation of land. The extraction at the site has been ongoing for the past 30 years, therefore meeting the PRS aims. In relation to rehabilitation a condition has been added requesting a rehabilitation plan be submitted and implemented to the satisfaction of the Shire.

An extractive Industry is listed as an 'AA' use within the Rural 3B – Coastal Highway zone in the zoning table of the TPS, and can therefore be granted under the discretion of council.

A TPS objective is to ensure the continuation of appropriate rural activities. This land has been mined for the past 30 years, employing and supplying the local area. It is therefore considered that the application meets the TPS objective.

The purpose of the Extractive Industries Local Law (1999) is to regulate extractive industry within the Shire. The proposal has been assessed and provides the applicant with conditions and advice in order to minimise adverse effects on the environment and the Shire as a whole.

The Extractive Industries Local Law (1999), states that extractive industries must be located 20m from the boundary of any land on which the excavation site is located. In accordance with this excavation area is set back 108m from the Western Lot boundary (Old Coast Road boundary). It is set back 34m from the Southern boundary, 21m from the Eastern boundary and 342m from the Northern boundary. (All measurements are approximate).

The proposal is consistent with the Shire of Waroona's Strategic Community Plan, as the proposal will generate local employment within the area.

In accordance with the Local Planning Policy 15 (LLP 15), the Planning Consent and Extractive Industry Licenses are proposed to be issued for a 5 year period. Also in line with the policy, a condition has been added stating that a mid-way progress report is to be submitted to the satisfaction of the Shire.

LPP 15 also states that where the proposal is likely to have an impact on the road system, a contribution may be required. Main Roads WA requested that the crossover be upgraded to the satisfaction of the Shire, satisfying the need for a contribution.

LPP 15 requires that rehabilitation of land affected by Extractive Industries, takes place. A condition has been added requiring that a rehabilitation plan be submitted and implemented to the satisfaction of the Shire.

The application is also consistent with the Local Planning Strategy (LPS) which supports minerals extraction that contributes significantly to the economy and construction industry within the Shire.

LPP 15 states that no extractive industry shall be seen from the Coastal Plain. The proposed location of the site in accordance with the LPP cannot be seen from the Coastal Plain.

The LPS designates Lot 1 as Rural Small Holdings. However, the site is allocated as a resource within the Strategic Minerals and Basic Raw Materials Policy Maps. The LPS states that this subject lot, therefore, cannot be rezoned or subdivided unless otherwise considered by the Department of Industry and Resources (now the Department of Mines and Petroleum).

#### Community Consultation

The Shire has received two submissions in relation to the proposal.

One of the submissions concerns the hours of operation, the proposed production and transportation commencing at 6.00 am is considered to be too early to start plant and heavy machinery. Secondly it is stated that the neighbours shouldn't have to endure the noise relating to mining activities on a Saturday.

The second response again highlights the hours of operation and states that the mine should only operate 5 days a week, from 7.00 am to 5.00 pm (normal daytime hours) and that no weekend work should be allowed. The landowners also have noise concerns relating to the machinery, reverse alarms and other nuisance relating to the location of the lot..

It is to be noted that due to the response from the DER, community concerns and internal concerns, in relation to noise from the proposed start time, the applicant amended the hours of operation with the start time being 7.00 am.

### Rehabilitation

The rehabilitation of the site is proposed to be ongoing in accordance with previous approvals and conditions. In line with previous approvals a condition will be added requiring that a rehabilitation plan be submitted to the satisfaction of the Shire.

### Length of Approval

The applicant is seeking a five to ten year approval for both the Planning Consent and the Extractive Industry Licence (EIL). In accordance with the Shire's *Extractive Industry Local Laws*, Licences may be issued for a period of up to 21 years. It is recommended that a five (5) year EIL and Planning Consent be granted. This is generally the standard period applied by the Shire in relation to Planning Consents and Extractive Industry Licences.

### External Referrals

#### Department of Water

The Department of Water (DoW) expressed concerns in relation to the Groundwater, due to the site being located with the South West Coastal Groundwater Area, of which a ground water license will need to be sought.

It was advised that the proposal should be operated in accordance with the following Water Quality Protection Notes (WQPN):

1. WQPN 15 – Extraction industries near sensitive water resources;
2. WQPN 58 - Tanks for temporary elevated chemical storage; and
3. WQPN 10 – Contaminant Spills – emergency response.

In accordance with the DoW referral, three advice notes have been added stating that the proposed extractive industry is operated in accordance with the above stated Water Quality Protection Notes.

In accordance with Water Quality Protection Note 15 all stormwater is to be contained on site. A condition has been added stating this. A condition has also been added requesting that a drainage management plan be submitted to the satisfaction of the Shire.

#### Department of Mines and Petroleum

No objections or comments as Extractive Industry, located on private land, fall outside Mining Act 1978.

#### Main Roads Western Australia

Main Roads WA have requested that the existing access/ crossover to Old Coast Road to be upgraded/ constructed to the specifications and satisfaction of Main Roads. A condition has been added requesting this.

#### Department of Parks and Wildlife

Department of Parks and Wildlife (DPaW) have expressed their concerns predominantly due to the fact the subject site is located within the groundwater



catchment of Lake Clifton and with this are many associated risks of groundwater abstraction, and the risk of hydrocarbons and pollutants spills entering the groundwater.

The applicant has submitted a Health, Safety and Management plan with their proposal. DPaW advises that this plan be implemented as an approval condition.

DPaW has advised that water abstraction requirements should be assessed and approved by the Department of Water. This is covered by the condition for the WQPN 15 mentioned in the DoW referral section.

DPaW has advised that a rehabilitation program be implemented. A condition has been added stating that a rehabilitation plan be submitted and implemented to the satisfaction of the Shire.

#### Department of Environmental Regulation

The Department of Environmental Regulation (DER) has requested that a detailed noise assessment be submitted in support of the proposal. It was also noted that a dust impact assessment and clearing permit may be required.

Under the Environmental Protection (Noise) Regulations 1997, the proposed hours of operation; 6.00 am to 5.00 pm must comply with the assigned noise levels in relation to the closest neighbouring residences.

The DER advised that it is likely that the applicant will have difficulty complying with the assigned noise levels in the Regulations. In this regard the applicant amended the hours of operation to 7.00 am to 5.00 pm.

Finally DER has noted that a Works Approval / license assessment is required for the proposed extractive Industry.

The DER has informed the Shire that in relation to the DER licensing issues:

*'we have formally advised Charles Hull that they require a DER registration for prescribed premises category 70 for the subject above, (they informed DER that screening will be less than 50,000 tonnes per year), and their application is being processed'.*

#### Internal Referrals

In accordance with the Shire's Technical Directorates advice a condition has been placed on the approval requesting that a drainage management plan be submitted to the satisfaction of the Shire.

In accordance with Main Roads WA and the Shire's Technical Services' requirements, a condition has been added requesting that the existing crossover to the site be upgraded to the satisfaction of Main Roads WA.

At the request of the Shire's Environmental Officer, a Dust Management Plan was submitted. The plan has been assessed internally and has been considered satisfactory. A condition has been added stating that operations are run in accordance with the plan.

The applicant submitted a Noise Impact Assessment, prior to the determination of the application and license. The Shire's Environmental Health Officer is also satisfied with the submitted assessment. A condition has been added stating that all operations are to be conducted in accordance with this plan.

The applicant has also been made aware in an advice note that noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.

The Shire of Waroona requested that a Dust Management Plan would be required prior to determination of the proposal. The Plan has been reviewed and the Shire's Environmental Health Officer is satisfied that the plan meets relevant requirements.

### Conclusion

The assessment above indicates that the proposal generally complies with the PRS, PRS Strategic Minerals and Basic Raw Materials Policy, TPS, Local Planning Strategy, Planning Policy 15.0 as well as the Local Law for Extractive Industries.

The concerns that were raised in received submissions from neighbours and government authorities have been addressed through the addition of conditions and advice notes.

The applications are therefore recommended for approval subject to the conditions and advice notes noted below.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.2A,B,C</b>
-----------------------------	------------	---------------------------------------

### VOTING REQUIREMENTS

Absolute Majority

**COUNCIL RESOLUTION****OCM13/11/121****MOVED: Cr Mason****SECONDED: Cr Look**

**That with respect to the proposed extension to the Extractive Industry at Lot 1 Old Coast Road, Lake Clifton, Council resolves to:**

- A. Approve the application for Planning Consent for application TP1575 subject to the following conditions and advice notes:**
- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans, unless otherwise required or agreed in writing by the Shire of Waroona.**
  - 2. Prior to the commencement of development a site rehabilitation plan shall be submitted for approval to the Shire of Waroona. The approved rehabilitation plan must then be implemented to the satisfaction of the Shire of Waroona.**
  - 3. Operations are to be implemented in accordance with the Dust Management Plan submitted by Charles Hull Contracting (dated 28 October 2013).**
  - 4. Prior to the commencement of development a Monitoring, Maintenance and Completion Criteria plan shall be submitted to the satisfaction of the Shire of Waroona.**
  - 5. Prior to the commencement of development a site environmental management plan shall be submitted to the specification and satisfaction of the Shire of Waroona.**
  - 6. Excavation depths shall not extend below one (1) metre above the highest known water table.**
  - 7. All stormwater and drainage run-off to be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**
  - 8. Prior to the commencement of development a drainage management plan is to be submitted to the specification and satisfaction of the Shire of Waroona.**
  - 9. The existing access / crossover to Old Coast Road to be upgraded / constructed to the specifications and satisfactions of Main Roads WA.**

10. **Stockpiles of sand and topsoil shall be regularly watered so as to prevent dust from blowing onto nearby properties to the satisfaction of the Shire of Waroona.**
11. **Stockpiles of gravel and topsoil shall not be located on the high ridgelines of the property and stored in an east/west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion).**
12. **Unless otherwise approved by the Shire of Waroona, topsoil shall be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs.**
13. **No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of Council detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
14. **Prior to the commencement of development a Dieback prevention plan shall be submitted and approved by the Shire of Waroona.**
15. **Prior to the commencement of development a Topsoil management plan shall be submitted and approved by the Shire of Waroona.**
16. **The development approved is to be substantially commenced within two (2) years after the date of the determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**
17. **This approval shall expire after five (five) years from the date of the determination.**

**Advice to the Applicant:**

1. **In accordance with condition 2, the Rehabilitation program should seek to establish a native vegetation community which is representative of the original native vegetation following mining.**
2. **Operations and associated noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.**
3. **In relation to condition number 4, this plan shall detail the maintenance of the site for a period of two years after the initial works are completed, incorporating weed control, re-seeding and infill planting.**

4. **As recommended by the Department of Water, the extractive industry is operated in accordance with Water Quality Protection Notes 15 – Extraction industries near sensitive water resources.**
5. **As recommended by the Department of Water, the extractive industry is operated in accordance with Water Quality Protection Notes 58 - Tanks for temporary elevated chemical storage.**
6. **As recommended by the Department of Water, the extractive industry is operated in accordance with Water Quality Protection Notes 10 – Contaminant Spills – emergency response.**
7. **The Department of Water has advised that any groundwater abstraction, including pit dewatering and dust suppression, in the proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The issuing of a groundwater license is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.**
8. **The Department of Environmental Regulation has advised that the generic buffer distance between sensitive receptors and sand and limestone extraction industries with no grinding and milling works, is 300 - 500 metres, as specified in the Environmental Protection Authority (EPA) Guidance Statement No.3. This quarry will involve crushing and screening, which may require a buffer larger than what is set out in the EPA Guidance Statement No.3.**
9. **The Department of Environmental Regulation advises that should the proposed extraction involve the clearing of native vegetation outside the current permit then an additional clearing permit is required in accordance with the Environmental Protection Act 1986.**
10. **In relation to Condition 18 should the continuation of the extractive industry be required after the expiry of the Planning Consent, a new Planning Consent application will be required.**
11. **It is recommended that operations are to be implemented in accordance with the submitted Health, Safety and Management Plan.**
12. **The applicant is advised that Council reserves the right to direct that cartage over particular roads may be redirected from time to time, and in the case of road failure, may direct that cartage operations over designated roadways cease entirely for the period specified.**

- 13. Conditions 7 and 8 are required in accordance with the Department of Water's Water Quality Protection Note 15. Which states all stormwater runoff from the disturbed land should be contained on site to ensure turbidity and contaminants do not impact surrounding areas. Stormwater that cannot be contained on site should be collected in sediment basins which provide a minimum of two hours runoff storage from a 10 – year average return interval storm event.**
- B. Recommend approval to the Western Australian Planning Commission of Peel Region Scheme application 610-17-1 subject to the conditions and advice notes in A above.**
- C. Issue an Extractive Industries Licence subject to the following conditions:**
- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans, unless otherwise required or agreed in writing by the Shire of Waroona.**
  - 2. Prior to the commencement of development a site rehabilitation plan shall be submitted for approval to the Shire of Waroona. The approved rehabilitation plan must then be implemented to the satisfaction of the Shire of Waroona.**
  - 3. Operations are to be implemented in accordance with the Dust Management Plan submitted by Charles Hull Contracting (dated 28 October 2013).**
  - 4. Prior to the commencement of development a Monitoring, Maintenance and Completion Criteria plan shall be submitted to the satisfaction of the Shire of Waroona.**
  - 5. Prior to the commencement of development a site environmental management plan shall be submitted to the specification and satisfaction of the Shire of Waroona.**
  - 6. Excavation depths shall not extend below one (1) metre above the highest known water table.**
  - 7. All stormwater and drainage run-off to be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**
  - 8. Prior to the commencement of development a drainage management plan is to be submitted to the specification and satisfaction of the Shire of Waroona.**

9. **The existing access / crossover to Old Coast Road to be upgraded / constructed to the specifications and satisfactions of Main Roads WA.**
10. **Stockpiles of sand and topsoil shall be regularly watered so as to prevent dust from blowing onto nearby properties to the satisfaction of the Shire of Waroona.**
11. **Stockpiles of gravel and topsoil shall not be located on the high ridgelines of the property and stored in an east/west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion).**
12. **Unless otherwise approved by the Shire of Waroona, topsoil shall be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs.**
13. **No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of Council detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
14. **Prior to the commencement of development a Dieback prevention plan shall be submitted and approved by the Shire of Waroona.**
15. **Prior to the commencement of development a Topsoil management plan shall be submitted and approved by the Shire of Waroona.**
16. **The Licence holder shall enter into an agreement with the Shire of Waroona by which they agree to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic, as determined in the agreement, conducted by or on behalf of the Licence holder.**
17. **This approval shall expire after five (5) years from the date of the determination.**

**Advice to the Applicant:**

1. **In accordance with condition 2, the Rehabilitation program should seek to establish a native vegetation community which is representative of the original native vegetation following mining.**
2. **Operations and associated noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.**

- 3. In relation to condition number 4, this plan shall detail the maintenance of the site for a period of two years after the initial works are completed, incorporating weed control, re-seeding and infill planting.**
- 4. As recommended by the Department of Water, the extractive industry is operated in accordance with Water Quality Protection Notes 15 – Extraction industries near sensitive water resources.**
- 5. As recommended by the Department of Water, the extractive industry is operated in accordance with Water Quality Protection Notes 58 - Tanks for temporary elevated chemical storage.**
- 6. As recommended by the Department of Water, the extractive industry is operated in accordance with Water Quality Protection Notes 10 – Contaminant Spills – emergency response.**
- 7. The Department of Water has advised that any groundwater abstraction, including pit dewatering and dust suppression, in the proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The issuing of a groundwater license is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.**
- 8. The Department of Environmental Regulation has advised that the generic buffer distance between sensitive receptors and sand and limestone extraction industries with no grinding and milling works, is 300 - 500 metres, as specified in the Environmental Protection Authority (EPA) Guidance Statement No.3. This quarry will involve crushing and screening, which may require a buffer larger than what is set out in the EPA Guidance Statement No.3.**
- 9. The Department of Environmental Regulation advises that should the proposed extraction involve the clearing of native vegetation outside the current permit then an additional clearing permit is required in accordance with the Environmental Protection Act 1986.**
- 10. It is recommended that operations are to be implemented in accordance with the submitted Health, Safety and Management Plan approved by the Shire.**
- 11. Payment of the annual licence renewal fee as determined under the Shire of Waroona Extractive Industries Local Law.**
- 12. Operations must be carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.**

- 13. Council reserves the right to direct that cartage over particular roads may be redirected from time to time, and in the case of road failure, may direct that cartage operations over designated roadways cease entirely for the period specified.**
- 14. The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
- 15. Conditions 7 and 8 are required in accordance with the Department of Water's Water Quality Protection Note 15. Which states all stormwater runoff from the disturbed land should be contained on site to ensure turbidity and contaminants do not impact surrounding areas. Stormwater that cannot be contained on site should be collected in sediment basins which provide a minimum of two hours runoff storage from a 10 – year average return interval storm event.**
- 16. In relation to Condition 18, should the continuation of the extractive industry be required after the expiry of the Licence, a renewal of the Extractive Industries Licence will be required.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

Mr Tilbrook left the meeting during discussion of Item 9.3.2, the time being 4.14 pm and returned at 4.16 pm.

**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: 18/11/2013	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 (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

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

<b><u>COUNCIL RESOLUTION</u></b>		
<b>OCM13/11/122</b>		
<b>MOVED: Cr Witney</b>		
<b>SECONDED: Cr Mason</b>		
<b>That Vouchers numbered:</b>		
<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
<b>Municipal</b>	<b>Cheques 7495 - 7526</b>	<b>\$16,277.77</b>
<b>Trust (Cheque/EFTs) Chq 11026</b>	<b>EFT 17183 &amp; 17184</b>	<b>\$77,621.94</b>
<b>Electronic Transfers Municipal Fund</b>	<b>EFT 17116 - 17266</b>	<b>\$410,611.66</b>
<b>Direct Wages</b>	<b>01/10/2013 – 31/10/2013 inclusive</b>	<b>\$254,581.00</b>
<b>GRAND TOTAL:</b>		<b><u>\$759,092.37</u></b>
<b>and attached at Appendix 9.4.1 be endorsed.</b>		
<b>CARRIED 6/0</b>		



<b>9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2013 TO 31 OCTOBER 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: 18/11/2013	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 (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

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

**COUNCIL RESOLUTION**

OCM13/11/123

**MOVED: Cr Dew****SECONDED: Cr Look**

**That the Monthly Statements of Financial Activity for the period 1 July 2013 to 31 October 2013 at Appendix 9.4.2 be received and noted.**

**CARRIED 6/0**

<b>9.4.3 ADOPTION OF 2012/13 ANNUAL REPORT</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 19.11.2013	File No.: 8/1
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995 – Section 5.35 & 5.55
Strategic Implications:	See heading below
Financial Implications:	Nil
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP): 6 ACHIEVE ACTIVE CIVIC LEADERSHIP</b>	

### **PROPOSAL**

The 2012/13 Annual Report (provided under separate cover) is to be presented to the Annual Meeting of Electors on Tuesday 17<sup>th</sup> December 2013.

### **STRATEGIC IMPLICATIONS**

Preparation of the Annual Report and subsequent conduct of the Annual Electors meeting supports the Council's obligations pursuant to Community Strategic Plan objective No.6 "Achieve Active Civic Leadership".

Future annual reports will be required to comply with the "Integrated Planning & Reporting Framework". This will involve documenting compliance/progress/outcomes with the Councils Community Strategic Plan taking into account detailed objectives contained with the Corporate Business Plan.

Further details are provided at page 13 of the Annual Report.

### **REFERRALS**

N/A

### **FINANCIAL IMPLICATIONS**

N/A

### **POLICY ISSUES**

Nil.

### **STATUTORY IMPLICATIONS**

As above.

### **LEGAL ISSUES**

Nil.



**COMMUNITY CONSULTATION**

The plan is required to be available for public consultation from Friday 29 November.

**OFFICERS COMMENTS**

In accordance with Section 5.54 and 5.55 the report is to be accepted by the Council and will then be available to the general public from Friday 29 November 2013. Hard copies and an electronic version will be made available.

<b>Appendices Attached: (Separately Bound Document)</b>	<b>Yes</b>	<b>Appendices Numbers:</b>
---	------------	----------------------------

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION**

**OCM13/11/124**

**MOVED: Cr Mason**

**SECONDED: Cr Salerian**

**That the 2012/2013 Annual Report for the Shire of Waroona be adopted.**

**CARRIED 6/0**

**9.5 CHIEF EXECUTIVE OFFICER**

<b>9.5.1 2013 REVIEW OF COUNCIL POLICY MANUAL, DELEGATIONS REGISTER AND CODE OF CONDUCT FOR ELECTED MEMBERS AND STAFF</b>	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer/Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 18/11/2013	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	Council is required to review the Policies and Delegations once in every financial year.
Statutory Implications:	Council is required to review the Policies and Delegations once in every financial year.
Strategic Implications:	Policies may form part of Council's strategic vision
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.5.1A, B, C</b>
-----------------------------	------------	---

**PROPOSAL SUMMARY**

To review Council Policies, review and endorse Delegations to the Chief Executive Officer and re-adopt Council's Code of Conduct for Elected Members and Staff.

**BACKGROUND/INITIAL COMMENTS**

1. Council's Policy Manual - a number of minor changes are proposed for Council's policies listed at **Appendix 9.5.1A**. The list is to be read in conjunction with the current Policy Manual.
2. The Delegations Register list at **Appendix 9.5.1B** contains delegations that have previously been authorised by Council and are recommended for re-endorsement. 2 new delegations are proposed delegating authority to implement provisions of the Dog Act 1976 and Cat Act 2011.
3. The Council's Code of Conduct for Elected Members and Staff listed at **Appendix 9.5.1C** is recommended for re-adoption without modification.

**PLANNING – STRATEGIC IMPLICATIONS**

As above.

**REFERRALS**

N/A

**COMMUNITY CONSULTATION**

N/A

**VOTING REQUIREMENTS**

Absolute Majority



**COUNCIL RESOLUTION**

**OCM13/11/125**

**MOVED: Cr Look**

**SECONDED: Cr Mason**

**That Council review and endorse the modifications to the Council Policy Manual and adopt the new Policies as proposed at *Appendix 9.5.1A*, endorse the Delegations Register and new delegations included at *Appendix 9.5.1B* and re-adopt the Council's Code of Conduct for Elected Members and Staff included at *Appendix 9.5.1C*.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

<b>9.5.2 TOWNSCAPE DEVELOPMENT AND BUSINESS INCENTIVE GRANTS</b>	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer /nil Naomi Purcell, Community Development Officer/nil
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer /nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	File No.: 98/1
Previous Reference:	
Statutory/Policy Implications:	Nil
Strategic Implications:	Improve town centre aesthetics
Financial Implications – Net To Council:	\$16,000- no change to budget amount
Asset Mgt. & LCC Implications:	The resulting annual operating cost will be \$16,000
Workforce Implications:	HR requirements will be provided by current staff.
<b>Linked To Strategic Objective Number (SCP):</b> 1 - Manage Future Growth 5 – Encourage a Dynamic Local Economy 6 – Achieve Active Civic Leadership	

### **PROPOSAL SUMMARY**

Council is asked to endorse the recommendations set forward by the Awards Committee for alternatives to the Townscape and Small Business Grant budgeted funds. The 2013/14 has a budget amount of \$16,000.

### **BACKGROUND/ INTIAL COMMENTS**

The Shire of Waroona established Townscape Development Grants in 2010 to provide small amounts of discretionary funds to commercial business owners in Waroona Central Business District (CBD) for upgrades to their premises. These funds were designed to assist with projects that will enhance the aesthetics of the area and compliment the recent upgrade of the town centre.

Council resolved at the October 2013 Council meeting to suspend the Townscape and Business Incentive Scheme. The budgeted amount Sixteen Thousand dollars (\$16,000) remains in the 2013/14 budget.

### **PLANNING / STRATEGIC PLAN IMPLICATIONS REFERRALS**

N/A

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

(SCP): 1 - Manage Future Growth

- 1.1 Manage moderate growth in the Shire of Waroona to protect the communities lifestyle;
  - 1.1.1 Improve urban design of locality centres.

(SCP): 5 – Encourage a Dynamic Local Economy

- 5.2 continue the current town centre upgrade to help invigorate local retail:



5.2.2. Encourage community and business initiatives to refresh and connect the town centre.

(SCP): 6 – Achieve Active Civic Leadership

6.3 regularly review plans with community consultation on significant decisions affecting the shire.

### **FINANCIAL IMPLICATIONS**

The 2013/14 budget has \$16,000.00 allocated.

### **POLICY ISSUES / IMPLICATIONS**

N/A

### **SMALL GRANTS COMMITTEE**

The Committee discussed options for expenditure of funds held in the 2013/2014 budgeted account #177820 at its recent meeting on 22<sup>nd</sup> November 2013. Different concepts discussed where as follows.

Suggestions have included:

- increasing the Christmas/night-time lighting in the CBD,
- encourage murals on large open spaces and/or empty shop windows,
- business training opportunities in web design and other marketing opportunity that could be accessed by any Waroona business.
- Improve inner town signage to inform and direct people to businesses and town spaces
- Upgrade/improve inner town area near tourist sofa on Waroona Hotel site
- Provided more public seating
- Upgrade Waroona Visitor Centre car park and information bay area near ANZAC Park
- Extend Paving around to Post Office on Millar Street

### **OFFICER'S COMMENTS**

Nil

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

### **VOTING REQUIREMENTS**

Absolute Majority



**COUNCIL RESOLUTION****OCM13/11/126****MOVED: Cr Look****SECONDED: Cr Witney**

1. That a sum of \$3,000.00 be allocated from the Townscape and Business Incentive Scheme budget #177820 to Business Training Opportunities. These opportunities may include, but would not be exclusive to web design, taxation education and web development. These opportunities shall be linked in with Waroona Community Development, Mandurah Small Business Centre, Waroona Community and Resource Centre and Waroona Chamber of Commerce.
2. That a sum of \$13,000.00 be allocated from the Townscape and Business Incentive Scheme budget #177820 to decorative lighting units for the Waroona Central Business District.
3. That the CEO shall have authority to purchase these decorative lights upon liaising with the Small Grants and Awards Committee.
4. That there is an investigation into town murals for the 2014/2015 budget.

**CARRIED BY ABSOLUTE MAJORITY 6/0**

**10. CONFIDENTIAL REPORTS****COUNCIL RESOLUTION****OCM13/11/127****MOVED: Cr Witney****SECONDED: Cr Mason**

**That the meeting exclude members of the public in accordance with Section 5.23(2)(d) of the Local Government Act 1995 to consider an item of a confidential nature relating to the award recipients for the Australia Day 2014 and Meritorious Community Service Awards, the time being 4.38 pm.**

**CARRIED 6/0**

Cr Witney declared an interest affecting impartiality in Item 10.1 as a member of the Waroona Agricultural Society and Waroona St John's Ambulance and a close associate of a Waroona Lions Club member.

Cr Germain declared an interest affecting impartiality in Item 10.1 as a member of the Waroona Agricultural Society and Waroona St John's Ambulance.

Cr Salerian declared an interest affecting impartiality in Item 10.1 as a member of the Waroona Lions Club and patron of the Waroona Agricultural Society.

Mrs Cicolari left the meeting to undertake documentation photocopying, the time being 4.47 pm and returned at 4.54 pm.

Mr Cleaver left the meeting, the time being 4.54 pm and returned at 4.57 pm.

<b>10.1 *CONFIDENTIAL ITEM* - SHIRE OF WAROONA 2014 AUSTRALIA DAY AND MERITORIOUS COMMUNITY SERVICE AWARDS</b>	
Reporting Officer / Officer's Interest:	Naomi Purcell, Community Development Officer; No Interest
Responsible Officer / Officer's Interest	Ian Curley, CEO; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report:	File No.: 58/1 12/1
Previous Reference:	Nil
Policy Implications:	<i>Nil</i>
Statutory Implications:	<i>Nil</i>
Strategic Implications:	<i>Nil</i>
Financial Implications:	<i>Nil</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	

**COUNCIL RESOLUTION****OCM13/11/128****MOVED: Cr Mason****SECONDED: Cr Look**

- a) That ERIC WALMSLEY is the recipient of the 2014 Premier's Australia Day Active Citizenship Award over - 25 year's category.
- b) That WAROONA AGRICULTURAL SOCIETY is the recipient of the 2014 Premier's Australia Day Active Citizenship Award for a Community Group or Event.

**CARRIED 6/0****COUNCIL RESOLUTION****OCM13/11/129****MOVED: Cr Dew****SECONDED: Cr Mason**

- a) That Shire of Waroona Meritorious Service Awards be awarded to : Philip Turner, Bob Jardine, Franco Family – Brad, Nikolas and Fedele, Kevin O'Brien and John Marchetti
- b) That Council request the Small Grants & Awards Committee undertake a review of the provisions of Policy 2.49 – Meritorious Community Service Awards & Premiers Australia Day Awards relating to the number of awards to be presented each year.

**CARRIED 6/0**

**COUNCIL RESOLUTION**

**OCM13/11/130**

**MOVED: Cr Witney**

**SECONDED: Cr Look**

**That the meeting resume in public, the time being 5.02 pm.**

**CARRIED 6/0**

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

Nil.

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

Nil.

**12.1 ELECTED MEMBERS**

Nil.

**12.2 OFFICERS**

Nil.

**13. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 5.50 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 17 DECEMBER 2013 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE

