



Date: 17 April 2014

**To: Shire President
All Councillors**

**Copy: Directors
Staff**

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 22 April 2014 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in black ink, which appears to read 'Ian Curley', is placed on a light-colored rectangular background.

**Ian Curley
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

AND

PUBLIC STATEMENT TIME

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

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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
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3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
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- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
 - 7.1 **DEPUTATION FROM QUAMBIE PARK BOARD MEMBERS**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **ORDINARY COUNCIL MEETING – 25 March 2014**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 25 March 2014 be confirmed as being a true and correct record of proceedings.

- 9.0 **REPORTS OF OFFICERS AND COMMITTEES**
 - 9.1 **DIRECTOR TECHNICAL SERVICES**
Nil.

9.2 DIRECTOR COMMUNITY SERVICES

| | |
|--|--|
| 9.2.1 MEN'S SHED | |
| Reporting Officer / Officer's Interest: | Steve Cleaver, Director Community Services; No Interest |
| Responsible Officer / Officer's Interest | Steve Cleaver, Director Community Services; No Interest |
| Proponent: | Shire of Waroona |
| Landowner: | Not Applicable |
| Date of Report: 27 February 2014 | File No.: 126/3 |
| Previous Reference: | nil |
| Policy Implications: | Policy 7.2 |
| Statutory Implications: | Local Government Act 1995 |
| Strategic Implications: | Shared Service |
| Financial Implications: | See detailed note |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |

PROPOSAL SUMMARY

To note community consultation for the proposed men's shed.

BACKGROUND/INITIAL COMMENTS

In December 2013 the Chief Executive Officer wrote to key users of the sportsground seeking feedback on the use of the Tennis courts as a men's Shed. **See Appendix 9.2.1A.** At the March Recreation Advisory Committee meeting it was resolved to endorse the location of the proposed Men's Shed.

At the close of the comment period no comments had been received. The matter was subsequently considered at the March Recreation Advisory committee however following the close of the comment period two submissions opposing the location of the Men's Shed were received by the Shire (**See Appendix 9.2.1B & C**).

Council considered the matter and the late submissions and resolved to refer the matter back to the Recreation Advisory Committee for further consideration.

| |
|--|
| <p><u>COUNCIL RESOLUTION</u> MOVED: Cr Wright SECONDED: Cr Scott OCM14/03/021</p> <ol style="list-style-type: none"> 1. That the matter be referred back to the Recreation Advisory Committee, and 2. That the Recreation Advisory Committee considers late comments by the Waroona Football Club and the Waroona Bowling Club. <p style="text-align: right;">CARRIED 4/0</p> |
|--|

Discussions with the President's of the Waroona Football Club and the Waroona Bowling Club advised that they are supportive of a men's shed in Waroona however not in that location.



The Recreational Advisory committee considered two alternatives in relation to this matter. Either acknowledgement of the submissions of the Waroona Football Club and the Waroona Bowling club and recommend endorsement the location of Men's shed adjacent to the old tennis club building/youth centre, or engagement of consultants to provide expert advice via a feasibility study to the Recreation Advisory Committee and Council. The consultant team usually consists of an Architect/designer and an Economics/Business expert who can put forward various models and plans for the Committee or Councils consideration. Costs are likely to be in the vicinity of fifty thousand dollars and could be part funded by State Government Department of Sport and Recreation grant, an application to the Alcoa Waroona sustainability fund, user groups and the Shire

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Currently the Men's Shed group has applied for Planning approval and prior to this approval consent of the Landowner is required. At this stage the applicant has provided a proposed floor plan.

Council should consider attributes that would enhance and not detract from the amenity of the area. As all Shire properties fronting the South Western Highway it is recommended that Council stipulate that the building be constructed of masonry, tilt panel or similar.

Car parking to be paved and drained with car park lighting as well as landscaping be included in the Planning application to the satisfaction of the Director Technical Services.

A suitable lease agreement in conjunction with the Waroona Health and Community Resource Centre is proposed with costs of services as well as maintenance to be borne by the applicant.

Applicant to provide a surveyed site plan and elevations.

It is noted that the proposed Men's Shed would require Fire Engineering. Applicant is to seek professional advice prior to lodging a Planning/Building application

Applicant is advised that due to the Building Act 2012 the Shire is unable to accept an uncertified Building Application and a third party Building Certifier is required to submit the building application.

Applicant is to inform themselves to the status of all site services of the adjoining Tennis Club/ YAC building. Any upgrading if required would form part of the project.

Stormwater disposal to the satisfaction of the Director Technical Services.

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|---------------------------------|---|
| Appendices Attached: Yes | Appendices Numbers: .9.2.1A, B & C |
|---------------------------------|---|

VOTING REQUIREMENTS

Simple Majority

OFFICERS RECOMMENDATION

That the committee recommends to Council the following:

1. That competitive quotes from consultants to undertake a feasibility study into the Men's Shed and Co-location Building be obtained.
2. That the Chief Executive Officer foreshadows expenditure in financial year 2014/2015 for a feasibility study on a co-located sporting/community building and men's shed.
3. That an application for feasibility funding be made to the Department of Sport and Recreation and the Wagerup Sustainability fund with the balance of income to fund the study to come from user groups and the 2014/2015 Shire budget.

COMMITTEE RESOLUTION

MOVED: Cr Scott

SECONDED: S Platell

That the Committee re-endorses its recommendation from its meeting on 4 March 2014, which was:

- 1. That the Recreation Advisory Committee note the community consultation on the Men's Shed proposal.**
- 2. That the Committee recommends to Council that the current proposal including site location in accordance with is endorsed.**

CARRIED 5/0

The Officers recommendation was not adopted at the Recreation Advisory Committee meeting because it did not have a Mover or Secunder.



OFFICER RECOMMENDATION

1. That the Council notes the community consultation on the Men's Shed proposal.
2. That the current proposal including site location is endorsed. Subject to the following conditions:
 - a. building be constructed of masonry, tilt panel or similar to the satisfaction of the Council,
 - b. Building design to be such that it has adequate sound attenuation from surrounding residences,
 - c. Site area to have direct access to an external road to allow use of the premises when other areas of the sportsground are being utilised by another user,
 - d. Car parking to be paved and drained with car park lighting as well as landscaping be included in the Planning application to the satisfaction of the Director Technical Services,
 - e. A new ten year peppercorn lease agreement in conjunction with the Waroona Health and Community Resource Centre is proposed with costs of services as well as maintenance to be borne by the applicant,
 - f. Applicant to provide a surveyed site plan and elevations,
 - g. Applicant to note that the proposed Men's Shed would require fire engineering. Applicant is to seek professional advice prior to lodging a Planning/Building application,
 - h. Applicant is advised that due to the Building Act 2012 the Shire is unable to accept an uncertified Building Application and a third party Building Certifier is required to submit the building application,
 - i. Applicant is to inform themselves to the status of all site services of the adjoining Tennis Club/ YAC building. Any upgrading if required would form part of the project,
 - j. Stormwater disposal to the satisfaction of the Director Technical Services,
 - k. The subject site is that which appears in Appendix 9.2.1A.

The Officers recommendation differs from the Committee's recommendation as the applicant seeks advice on the Council's/Landholder requirements prior to approval of the Development Application.

| 9.2.2 PROPOSED WAROONA AGRICULTURAL SOCIETY SHEDS | |
|---|--|
| Reporting Officer / Officer's Interest: | Steve Cleaver, Director Community Services/ No interest |
| Responsible Officer / Officer's Interest | Steve Cleaver, Director Community Services/ No interest |
| Proponent: | Waroona Agricultural Society |
| Landowner: | Shire of Waroona |
| Date of Report: 7 April 2014 | File No.: 126/1 |
| Previous Reference: | |
| Policy Implications: | Nil. |
| Statutory Implications: | Local Government Act 1995 |
| Financial Implications: | In document |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |

PROPOSAL SUMMARY

To consider a request from the Waroona Agricultural Society to seek external Grant funding to extend the Marchetti Shed and construction of a new shed at the Waroona Town Oval. (**Attachments 9.2.2A, 9.2.2B and 9.2.2C**)

BACKGROUND/INITIAL COMMENTS

A letter was received by the Shire of Waroona requesting the Shire to consent to the extension of one new shed and the construction of another shed at the Waroona Town Oval. The reason for the request for consent is so that the Society can apply for capital works grant funds from the ALCOA Waroona sustainability fund.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

No cost to the Council.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil



LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

As the request relates to consent to apply for grant funds it is recommended that approval in principal be given subject to final designs being submitted to the Shire of Waroona for further consideration before statutory approvals are applied for.

Consent is valid for a period of two years after which such time the consent lapses.

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| Appendices Attached: | Yes | Appendices Numbers: 9.2.2A, B & C |
|-----------------------------|------------|--|

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RESOLUTION**MOVED: Cr Scott****SECONDED: Cr Wright**

1. That the Committee recommends to Council that consent is given for grant applications for one shed extension (Marchetti Shed) and the construction of one new shed (Cattle Yards) at the Waroona Town Oval in accordance with the plan at Appendix 9.2.2C.
2. Consent is valid for a period of two years after which such time the consent lapses.
3. Final designs are to be submitted to the Shire of Waroona and all necessary approval obtained.

CARRIED 5/0**COMMITTEE RECOMMENDATION**

1. That the Committee recommends to Council that consent is given for grant applications for one shed extension (Marchetti Shed) and the construction of one new shed (Cattle Yards) at the Waroona Town Oval in accordance with the plan at Appendix 9.2.2C.
2. Consent is valid for a period of two years after which such time the consent lapses.
3. Final designs are to be submitted to the Shire of Waroona and all necessary approval obtained.

9.3 DIRECTOR PLANNING SERVICES

| | |
|---|--|
| 9.3.1 LOTS 223 - 224 AND RESERVE 40242 SOUTH WESTERN HIGHWAY, WAROONA – MOBILE FISH VAN – LANDOWNER’S CONSENT AND USE NOT LISTED DETERMINATION | |
| Reporting Officer / Officer's Interest: | Lucy Lyster – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Planning & Development Services / Nil |
| Proponent: | Steve & Tracy Millea |
| Landowner: | Water Corporation & Shire of Waroona |
| Date of Report: 14 April 2014 | File No. TP1634 |
| Previous Reference: | TP1304 |
| Policy Implications: | Local Planning Strategy (1999) |
| Statutory Implications: | Peel Regional Scheme (2003) Town Planning Scheme No. 7 (1996) |
| Strategic Implications: | Shire of Waroona Strategic Plan 2005 – 2025 |
| Financial Implications: | Nil |
| LINKED TO STRATEGIC OBJECTIVE NUMBER – 5 – Encourage a dynamic local economy | |

PROPOSAL SUMMARY

An application was received on 7 January 2013 proposing a mobile fish van and marquee on Lot 224 (No. 35 owned by Water Corporation) South Western Highway, Waroona. See site location plans **APPENDIX 9.3.1A**.

The applicant seeks the Shire of Waroona’s landowner consent for traffic visiting the fish van to get access from Lot 223 (Visitor’s Centre) South Western Highway and Reserve 40242 (Information Bay).

The proposed fish van is a use not listed within the Shire of Waroona’s Local Town Planning Scheme, therefore Council’s determination of the use is also required prior to the planning consent application proceeding.

BACKGROUND/INITIAL COMMENTS

Lot 224 (No. 35) is owned by the Water Corporation. The applicant has received written land owners consent from the Water Corporation. See **APPENDIX 9.3.1B**.

Lot 223 is owned by the Shire of Waroona, and Reserve 40242 is vested in the Shire of Waroona.

The applicant has an existing approval (TP1304) for a Mobile Food Van, which allows the applicant to trade between the hours of 8am and 6pm on Saturdays and Sundays. The applicant proposes to extend the days of operation to also allow the fish van to operate on Thursday’s and public holidays between 6am and 6pm.

The applicant also proposes to seek approval to park in two locations, as the current approved location in the car park can be occupied. The additional location is located on the grass to the North of the Lot, as on occasions the other location can be occupied by visitors to the Visitor Centre and Gallery. The locations can be seen in **Appendix 9.3.1A**.



Previous Approvals

A search of Council records indicates that there was a Planning Consent (TP1304) issued on 6 May 2010 for a mobile food van. **APPENDIX 9.3.1C.** This approval remains valid, regardless of the outcome of the current Planning Consent application.

STATUTORY ISSUES / ENVIRONMENT/IMPLICATIONS

Peel Region Scheme (PRS) 2003

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 States resolution as to development in respect of zoned land requiring approval:

- (1) The Commission may by resolution require development on land zoned under this Scheme to have the planning approval of the Commission before it is commenced or carried on.

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

Clause 6.1.1 of the TPS states that any development on land zoned or reserved under Town Planning Scheme No. 7 shall require approval unless specifically exempt under clause 6.1.2 of the Scheme.

As the use is not specifically mentioned in the Zoning Table, the use needs to be determined in terms of Clause 4.2.5.

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

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

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

Clause 4.7 Urban 3 - Service Commercial Zone states:

“4.7.1 Objectives and Policies



Council's objective is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

Council's Policies will therefore be to:

- ensure that development is functionally and visually appropriate to the location adjoining the Town Centre and abutting the South Western Highway;
- minimise access to the Highway from establishments by requiring, wherever possible, controlled access points;
- ensure adequate on-site car parking provision and setbacks from the road frontages;
- require appropriate landscaping in the setback area abutting the Highway."

Clause 4.7.5 Limited Highway Access states:

"Access from a lot to the South Western Highway shall be restricted to access points approved by the Council and in this respect Council, where it considers such to be desirable, will refer a proposal to Main Roads WA for advice and comment."

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

- (a) notice of the proposed development to be served on the owners and occupiers of the land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause."

Clause 8.2.4 states: "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."

Clause 2.4.3 states: "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 COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

Strategy 5 – Encourage a dynamic local economy.

The Shire of Waroona has economic interest in the mining, forestry, agriculture and tourism sectors. The strategy specifically states that it is encouraged to seek appropriate resources to assist with economic and tourism planning and development.

Local Planning Strategy (1999)

Within the Local Planning Strategy Lot 224 South Western Highway is located within the Town Precinct and is classed as 'mixed use'.

The objective of the 'mixed use' zone is to provide for a mix of residential and compatible serviced industries, including opportunities for live/work lots.

Considerations within the zone are:

- All development is to face and interact with road frontages in the zone;
- The front setback to contain a high percentage and standard of landscaping;
- Adequate on-site parking is to be provided for new developments;
- The Shire will seek to minimise the number of crossovers to the South Western Highway, including requiring the exclusive use of a secondary street or reciprocal rights of access, where possible.
- The Shire has the right to impose conditions relating to the hours of operation of business.

EXTERNAL REFERAL

As the lot abuts the South Western Highway the application was referred to Main Road WA (MRWA) for comment.

MRWA had no objection to the proposed development/use subject to the following condition:

'The existing access/ crossover to South Western Highway to be upgraded / sealed to the specification and satisfaction of Main Roads'.

Given the existing approval (TP1304) without the requirement to upgrade the access / crossover, the Shire's Senior Engineering Technical Officer then requested (2 April 2014) that MRWA reconsiders the condition. A response from MRWA was received on 4 April 2014 stating that the condition is no longer required.

The Department of Planning confirmed that proposed development does require approval under the Peel Region Scheme, as the proposed development has vehicular access to the regional road reservation

INTERNAL REFERAL

The Shire's Environmental Health Officer stated that the proposal must comply with the Health Act 1911 and the Food Act 2008.



The Shire's Building Surveyor stated that there are no concerns with the proposal.

The Shire's Senior Engineering Technical Officer stated that the proposal is to be referred to MRWA for comments.

FINANCIAL ISSUES/IMPLICATIONS

Annual stall holders permit.

COMMUNITY CONSULTATION

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.

Community Consultation was undertaken and the application was advertised for 21 days. This included letters to neighbours and also a sign was placed on site.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Peel Region Scheme (PRS) 2003

In accordance with clause 18 and 21 of the PRS the applicant is to submit a PRS application form, if the proposal is approved by Council.

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

Given that the application is for a "use not listed", the process in Clause 4.2.5 of the TPS needs to be followed. In summary Clause 4.2.5 states that in order to determine a use not listed under the Scheme, the objectives of the particular zone in which the use is proposed must be considered.

Clause 4.7.1 of the Town Planning Scheme lists the objectives and Policies for the Urban 4 – Service Commercial zone and the proposed land use can be assessed against the objectives of the zone.

In essence Council's objective is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

The proposed development in principle is an extension to an existing approval granted by the Council April 2010. The applicant is proposing to operate additionally on a Thursday and public holidays, which is considered to be consistent with the objectives of the zone.

Shire of Waroona Strategic Community Plan (WSCP) 2012

In accordance with Strategy 5 of the WSCP the application is an extension to an existing service provided to the town.

Local Planning Strategy 1999 (LPS)

In accordance with the LPS, the 'Shire will seek to minimise the number of crossovers to the South Western Highway, including requiring the exclusive use of a secondary street or reciprocal rights of access, where possible'.

The Lot 224 does not have access to the South Western Highway. The applicant is requesting land owners consent from the Shire to gain access from Lot 223 (visitors centre). This is in line with the LPS objective of minimising new crossovers on the South Western Highway.

Community Consultation

When the Planning Consent is advertised, the Shire is required to follow the process prescribed in Clause 8.2 of the TPS.

Advertising of landowner's consent is however not the norm. It can however be noted that the Shire has in the past received an objection to the operation of the fish van from a local business operator, who is of the opinion that the fish van is unfairly competing with businesses operating from commercial premises (shops).

External Referral

In accordance with MRWA's comments no conditions have been placed on the proposal.

In accordance with the Department of Planning's advice, if the applicant receives approval for the use not listed and land owners consent for access, a Peel Regional Scheme application will be required.

Internal Comments

In accordance with the Shire's Environmental Health Officer's comments, the proposed fish van must comply with the Health Act 1911 and the Food Act 2008.

Officer Comments

In accordance with Clause 4.7.1 and taking into consideration the objectives of the Scheme for the Urban 3 – Service Commercial zone, it is considered that the use is consistent with the objectives. The proposal is not considered to be incompatible with the objectives of Urban 3 zone as the proposal will provide an additional service to the locality.

With regards to the proposed access through land vested in the Shire, the proposed access in accordance with the LPS is from an existing access point, not creating an additional crossover on the South Western Highway. The applicant has indicated that they have approximately 15 customers per day and the majority of customers are also visiting the tourist information centre. It is not considered that the proposal will drastically increase traffic to the car park.



Conclusion

Finally it is to be noted that the application for Planning Consent (TP1634) is to be considered on planning merit, however the granting of landowner's consent is at the discretion of Council.

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| Appendices Attached: | Yes | Appendices Numbers: 9.3.1A, B & C |
|-----------------------------|------------|--|

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That in relation to the proposal for a Fish Van to operate from Lot 224 South Western Highway, Council resolves to:

- A. Grant landowner's consent for access for traffic to the Fish Van across Lot 223 and Reserve 40242 South Western Highway.**
- B. Determine in accordance with Clause 4.2.5 (a) of the Shire of Waroona Town Planning Scheme No. 7 1996, that the use is consistent with the objectives of the Urban 3 – Service Commercial zone.**

| 9.3.2 REVIEW OF LOCAL PLANNING POLICY 6.0 – ADVERTISING (SIGNAGE) | |
|---|--|
| Reporting Officer / Officer's Interest: | Greg Delahunty, Town Planner / Nil Louis Fouché, Director Planning and Development Services / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché, Director Planning and Development Services / Nil |
| Proponent: | N/A |
| Landowner: | N/A |
| Date of Report: | 14 April 2014 |
| File No.: | TP 7 General 111/1 |
| Previous Reference: | N/A |
| Policy Implications: | Shire of Waroona Town Planning Policy 1.0 – Community Consultation Shire of Waroona Town Planning Policy 6.0 – Advertising Signage Shire of Waroona Draft Town Planning Policy 24.0 – Advertising signs adjacent to primary regional roads |
| 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: | Cost of Advertising the Policy (Approximately \$700). |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): 1 Manage the Shire of Waroona's Future Growth. | |

PROPOSAL SUMMARY

Council is requested to consider adopting the amended Local Planning Policy 6.0 – Advertising (Signage) (LPP6) at **APPENDIX 9.3.2A** for advertising.

BACKGROUND / INITIAL COMMENTS

Planning Officers have experienced a number of operational issues in the everyday application of LPP6. (See **APPENDIX 9.3.2B**). Issues identified and new elements to the policy include:

- Inconsistency with other Local Planning Policies;
- Inconsistency with the Town Planning Scheme (TPS);
- Some sign types not included in the current policy;
- No figures / graphics depicting sign types; and
- Inclusion of Third Party Advertising Signs component (Previously Draft Policy 24. See **APPENDIX 9.3.2C**).

The Draft Policy has been the subject of review by an Advertising Working Group consisting of elected members and Planning Services staff. The Draft Policy has been developed based on the direction from the Working Group following a review of similar policies of other local governments. Although the Draft Policy is a review of the current Advertising Signs Policy, it has been completely redrafted and is far more comprehensive than the current policy.



STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Planning and Development Act 2005

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

Main Roads Act 1930

“33B (1) The Governor may, on the recommendation of the Commissioner, make regulations controlling and prohibiting the erection or construction of hoardings or other advertising structures, and to enforce the removal of hoardings and other advertising structures, on or in the vicinity of highways, main roads, and sections or part of a road subject to control of access, and for restricting, preventing or controlling the exhibition of advertisements and for the removal of advertisements on or in the vicinity of highways, main roads, and sections or part of a road subject to control of access where such hoardings or other advertising structures are considered to be hazardous to traffic safety or are aesthetically objectionable and in the case of such hoardings or other advertising structures erected on private property where the property owner refuses either to remove the sign or transfer it to another site acceptable to the Commissioner.”

Town Planning Scheme No.7

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

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

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

Other relevant provisions include:

“7.2.1 Power to Control Advertisements

“7.2.1.1 For the purpose of this Scheme, the erection, placement and display, and the continuance of advertisements is development within the definition of The Act requiring, except as otherwise provided, the prior consent of the Council. Such Planning Consent is required in addition to any licence pursuant to Council’s Signs and Hoarding and Bill Posting Bylaws.

7.2.1.2 Applications for Council’s consent pursuant to this Part shall be submitted in accordance with the provisions of Part VII of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 2, giving details of the advertisement(s) to be erected, placed or displayed on the land.



7.2.2 Existing Advertisements

7.2.2.1 Advertisements which:

- a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme.

hereinafter in this Part referred to as “existing advertisements”, may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

7.2.3 Consideration of Applications

7.2.3.1 Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed.

7.2.4 Exemptions from Requirement to Obtain Planning Consent

7.2.4.1 Subject to the provisions of the Main Roads (Control of Signs) Regulations, 1983 (as amended) and notwithstanding the provisions of Clause 7.2.1.1, the Council’s prior consent is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this Part are referred to as “exempted advertisements”.

7.2.4.2 The exemptions listed in Schedule 5 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a Heritage Precinct established or designated under Clause 7.1 of the Scheme.

7.2.5 Discontinuance

7.2.5.1 Notwithstanding the Scheme objectives and Clause 7.2.4, where in the opinion of the Council, an exempted or existing advertisement so seriously conflicts with the objectives of this Part, it may by notice in writing require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement.

7.2.6 Derelict or Poorly Maintained Signs

7.2.6.1 Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:

- a) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or
- b) remove the advertisement.

7.2.7 Notices

7.2.7.1 “The advertiser” shall be interpreted as any one person or any group comprised of the owner, occupier, licensee or other person having interest in or drawing benefit from the display of the advertisement concerned.

7.2.7.2 Any notice served pursuant to this clause shall be served upon the advertiser and shall specify:

the advertisement(s) the subject of the notice;

(b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;

(c) the period, not being less than 28 days, within which the action specified shall be completed by the advertiser.

7.2.7.3 Any person upon whom a notice is served pursuant to this Part may appeal in accordance with Clause 9.5 of the Scheme.

7.2.8 Scheme to Prevail

7.2.8.1 Where the provisions of Clause 7.2 are found to be at variance with the provisions of the Council’s Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.”

Clause 7.2 of the TPS deals with the Control of Advertisements. Clause 7.2.3.1 of the TPS states that without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the TPS and with particular reference to the character and amenity of the locality within which it is to be displayed.

Schedule V of the TPS list advertising signs exempt from Planning Consent.

PLANNING – STRATEGIC IMPLICATIONS

State Planning Policy 3.1 Residential Design Codes (R Codes)

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

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

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

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



Local Planning Strategy (LPS)

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

Planning Policy 1.0 Community Consultation

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

Planning Policy 4.0 Heritage

Special Procedural Considerations:

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

Planning Policy 13.0 Industrial / Commercial Land Use and Development

Special Procedural Considerations:

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

REFERRALS

INTERNAL REFERRALS

The draft policy will be referred to internal departments, prior to being referred to Council for final adoption.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

The community expects Council to regularly review plans with community consultation on significant decisions affecting the shire. The Draft Policy relates to Strategy 1: Manage the Shire of Waroona's future growth.



FINANCIAL ISSUES / IMPLICATIONS

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

POLICY ISSUES / IMPLICATIONS

None applicable.

LEGAL ISSUES / IMPLICATIONS

See Statutory Implications.

COMMUNITY CONSULTATION

In terms of Clause 2.4.1 of the TPS a Draft Planning Policy is to be advertised for two consecutive weeks in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

LPP6 was developed in 2003. A number of Third Party Advertising signs over the last few years have also challenged the application of the current policy and led to the development of Draft Policy 24.0 – Advertising signs adjacent to primary regional roads.

With the assistance of an Advertising Signs Working Group, the current policy (Policy 6), Policy 24 and similar policies of other local governments have been reviewed. The policy direction of the Working Group has formed the basis of the revised Draft Policy.

Draft Policy 6 consists of:

- the Policy text,
- Table 1 - Signage Definitions and Discretionary Development Standards.
- Table 2 - Signage that is not permitted.
- Figure 1 - Sign Dimensions.
- Figure 2 - Sign Regime Example.
- Figure 3 - Sign Type Examples.
- Appendix 1 - Signage Self-Assessment Sheet.
- Appendix 2 - Exempted Advertising Signage.

The figures depicting the sign types and the signage self-assessment sheet in particular are expected to assist applicants in particular in the lodgement of applications.

The detailed definitions and development standards are expected to clarify which specific sign type and what development standards are relevant in each application for advertising signage.

It is also envisaged that the updated Policy will assist Planning Services staff in advising prospective applicants and processing Planning Consent applications for advertising signs.

Conclusion

In conclusion the amended policy will serve to clarify a number of issues experienced in the identification of sign types, assist in advising prospective applicants and processing applications for advertising sign. It is therefore recommended that Council adopt the draft policy for advertising.

| | | |
|-----------------------------|------------|---|
| Appendices Attached: | Yes | Appendices Numbers: 9.3.2A, B, C |
|-----------------------------|------------|---|

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION

That in relation to Draft Local Planning Policy 6.0 – Advertising (Signage) as reflected in Appendix 9.3.2A, Council resolves to:

- 1. Advertise the Draft Policy in accordance with the requirements of Clause 2.4.1 of Town Planning Scheme No.7.**
- 2. Consider all submissions received as a result of advertising.**

| 9.3.3 SUBDIVISION – LOT 11, CORONATION ROAD, WAROONA | |
|--|---|
| Reporting Officer / Officer's Interest: | Lucy Lyster – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Planning & Development Services / Nil |
| Proponent: | Ausurv Pty Ltd |
| Landowner: | The Water Resources Ministerial Body, Mrs Ann Ruth Smith and Mr Robert George Smith |
| Date of Report: 14 April 2014 | File No. SD149740 |
| Previous Reference: | N/A |
| Policy Implications: | Local Planning Strategy (1999) |
| Statutory Implications: | Planning and Development Act 2005 Peel Region Scheme; State Planning Policy 2.5 - Agricultural and Rural Land Use Planning; Development Control Policy 1.1 - Subdivision of Land General Principles; Development Control Policy 3.4 - Subdivision of Rural Land; and Shire of Waroona Town Planning Scheme No. 7 |
| Strategic Implications: | Shire of Waroona Strategic Plan 2005 – 2025 |
| Financial Implications: | Nil |
| LINKED TO STRATEGIC OBJECTIVE NUMBER – 1 – Manage the Shire of Waroona's future growth. | |

PROPOSAL

A Western Australian Planning Commission referral was received for an application to subdivide Lot 11, Coronation Road, Waroona. See site location plan at **APPENDIX 9.3.3A** and proposed plan of subdivision at **APPENDIX 9.3.3B**.

This application proposes to amalgamate both Lots 11 and 50 into one Lot. Lot 1 is proposed to be created in replacement of Lot 50 and is a similar size but different location abutting Lot 191.

The proposed access will be obtained from an existing access point (A) off Coronation Road shown in **APPENDIX 9.3.3A and B**.

BACKGROUND

The proposal is referred to Council as the proposed subdivision does not comply with the minimum lot size specified in the Shire of Waroona's Local Planning Strategy 2009.

Lot 11 is 45.3653 ha and is currently used as agricultural land.

Access to lot 11 is taken from Coronation Road, the same access point is proposed for the proposed Lot 1.

Lot 50 is 1.1738 ha and the proposed Lot 1 is to be 1.1827 ha.

The Water Corporation no longer requires Lot 50 and has it for sale.



Previous Approvals

A search of Council electronic records shows that there have been no previous town planning approvals on the subject lot.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Peel Region Scheme (PRS) 2003

The subject lot is zoned Rural under the PRS. Clause 5 (b) of the PRS states that it is the purpose of the PRS to provide for the zoning of land for living, working and rural land uses.

Clause 12 (e) deals with the Rural zoning under the PRS;

“Rural – 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.”

Town Planning Scheme No. 7 (TPS) 1996

The subject lot is located within the ‘Rural 1 – General Agriculture’ zone under the Shire of Waroona Town Planning Scheme No. 7.

Clause 4.14.1 Objectives & Policies of the TPS states:

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

Council’s policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;
- maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.4.

Clause 4.14.7 - Guideline Plan of the TPS states:



Council may recommend as a condition of subdivision or require as a condition of development in any rural zone that a guideline plan be prepared which may include building envelopes, conservation and/or tree planting areas, access and strategic firebreak provisions, or any other requirements which the Council may reasonably include and any such plan adopted by Council shall be subject to Clauses 4.15.2 - 4.15.12 of this Scheme.

STRATEGIC IMPLICATIONS

Shire of Waroona Community Strategic Plan 2012

Strategy 1 – Manage the Shire of Waroona’s future growth.

Council’s diligent assessment of subdivision application is an integral part of managing future growth within the Shire.

STRATEGIC PLANNING IMPLICATIONS

State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

This Policy applies to all rural land in Western Australia. The policy focuses on the identification and appropriate zoning of highly productive agricultural land throughout the state.

Section 4. – Objectives of this policy, states:

- a) To protect rural land from incompatible uses by:
 - i) requiring comprehensive planning for rural areas;
 - ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
 - iii) providing investment security for the existing and future primary production sector.
- b) To promote regional development through provision of ongoing economic opportunities on rural land.
- c) To promote sustainable settlement in, and adjacent to, existing urban areas.
- d) To protect and improve environmental and landscape assets.
- e) To minimise land use conflicts.

Development Control Policy 1.1 - Subdivision of Land - General Principles

This Policy sets out the general principles used by the WAPC in determining applications for the subdivision of land. The objectives of this Policy are:

- To ensure that the subdivision of land is consistent with Statement of Planning Policy No. 1 State Planning Framework (SPP No. 1) and relevant WAPC policies and plans.
- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.



- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.
- To facilitate development which achieves appropriate community standards of health, safety and amenity.
- To ensure constructed vehicle access from the gazetted public road system to each new lot.
- To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.
- To secure public utility services to each new lot appropriate for intended use of the lot.

Development Control Policy 3.4 - Subdivision of Rural Land

This policy sets out the principles which will be used by the WAPC in determining applications for the subdivision of rural land.

Section 2 – Policy objectives states this operational policy guides the subdivision of rural land to achieve the five key objectives of SPP 2.5 – Land use planning in rural areas (see State Planning Policy 2.5).

Section 6 – Circumstances under which rural subdivision may be considered states:

In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances:

a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;

Section 6.1 Significant physical divisions states:

The WAPC may support boundary realignment where a rural property comprises multiple small titles and there is scope to resolve the physical division by rationalising multiple lots in one ownership through boundary realignments without the creation of additional lots.

Section 6.3 Property rationalisation to improve land management states:

Many rural properties comprise multiple titles and landowners may wish to subdivide to achieve better land management. Subdivision may also present opportunities to create access to landlocked lots. Multiple lots in one ownership may be rationalised provided that:

- a) there is no increase in the number of lots;
- b) the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;
- c) no new roads are created, unless supported by the local government;
- d) new vehicle access points on State roads are minimised; and
- e) rural living sized lots (1-40ha) created as a result of the rationalisation have appropriate buffers from adjoining farming uses and may have notifications

placed on title advising that the lot is in a rural area and may be impacted by primary production.

Local Planning Strategy (LPS) 2009

The subject land is located within the Agricultural Precinct under the LPS and identified as Priority Agriculture. The objective of the Priority Agriculture zone is 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.

A minimum lot size of 40 hectares is specified for the Priority Agriculture zone.

COMMUNITY CONSULTATION

As the Shire only provides comment to the WAPC on subdivision applications, community consultation is not required.

INTERNAL REFERRALS

The Environmental Health Officer / Building Surveyor stated that there are no concerns with the proposed sub division for a health and building perspective.

The Shire's Senior Engineering Technical Officer required a number of conditions and advice notes, which were included in the recommendation.

OFFICER'S COMMENTS

Town Planning Scheme No. 7 (TPS) 1996

The Council's objective for the land zoned Rural 1 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.

The proposed subdivision seeks to create a lot that will not meet all the objectives of the zone, however no additional lots are proposed, simply a realignment of boundaries to create a lot in a practical location. The relocation will allow the land in Lot 11 to be farmed and managed more straightforwardly.

State Planning Policy 2.5 - Agricultural and Rural Land Use Planning

With regards to the appropriateness of this proposal within the rural context and setting, it is noted that the proposal:

- will minimise land use conflicts.

Development Control Policy 1.1 - Subdivision of Land - General Principles

The proposal is inconsistent with this policy in the following way:

- This application disregards the relevant Local Town Planning Strategy (*See LPS section in Officer Comments*).



Development Control (DC) Policy 3.4 - Subdivision of Rural Land

The proposal is inconsistent with this policy as the subdivision is not consistent with the LPS. Policy 3.4 states that subdivision of Rural Land should be properly planned through the preparation of regional and local planning strategies, as has occurred within the Shire. The fact that the proposal does not comply with Council's LPS results in non-compliance with DC Policy 3.4.

On the other hand the proposal is consistent with Section 6.1 Significant physical divisions as the proposal seeks to realign boundaries as Lot 50 is no longer needed, therefore will be an encumbrance on the lot. Lot 1 rationally is located in a more suitable area and in accordance with the policy no additional lots are being created.

Also in accordance with part 6.3 of the policy there are no additional lots being created. The proposed new boundaries will achieve an improved environmental and land management situation on the Lots.

Local Planning Strategy (LPS) 2009

The proposed Lot 1 falls below the minimum lot size of 40 Ha required in the LPS. Although it is noted that there are other lots under Ha in the locality, these lots were created prior to the adoption of the LPS in 2009.

Conclusion

The proposed subdivision is inconsistent with the LPS. The proposal will, however, in line with Development Control Policy 2.5 and 3.4 create no additional lots and create a better land management situation.

For these reasons and those detailed in the report above, it is recommended that Council recommends approval of the application to the WAPC subject to appropriate conditions and advice notes.

| | | |
|-----------------------------|------------|---|
| Appendices Attached: | Yes | Appendices Numbers: 9.3.3A & B |
|-----------------------------|------------|---|

VOTING REQUIREMENTS

Simple Majority



OFFICER RECOMMENDATION

That Council, in respect to application SD149740 for the subdivision of Lot 11 Coronation Road, Waroona, respond to the Western Australian Planning Commission recommending approval of the application, with the following conditions and advice notes:

Conditions:

- 1. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - a) lots can accommodate their intended use; and**
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government).****
- 2. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government).**
- 3. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - a) lots can accommodate their intended development; and**
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**
 - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)****

- 4. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).**
- 5. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation).**
- 6. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the filling and/or capping of any bores and/or wells, or the identification of any bore and/or well to be retained on the land. (Local Government).**
- 7. A 10.5m wide right-of-way easement is to be provided, constructed and drained at the landowner/applicants cost along the eastern boundary of the subject land. The right-of-way easement is to be accurately illustrated and denoted on the Diagram or Plan of Survey. (Local Government).**
- 8. The portion of the right-of-way easement abutting the eastern boundary of the subject land and any portion/s of the right of way required to be widened for the purpose of this subdivision being sealed, drained and paved to its full width and the remaining portion of the right-of-way easement from the eastern boundary to the existing nearest constructed road being made trafficable. (Local Government).**
- 9. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government).**
- 10. The access way forming part of the rear lot shall be a minimum width of 10.5 metres, free of any building projections associated with existing site development and depicted plan of survey accordingly. (Local Government).**
- 11. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government).**
- 12. The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe access ways. (Local Government).**

- 13. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government).**

Advice:

- a) **Condition 2 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in ‘Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions’ (Department of Water 2008).**
- b) **The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.**

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

| 9.4.1 ACCOUNTS FOR PAYMENT | |
|---|--|
| Reporting Officer / Officer's Interest: | Joe Dineley, Senior Finance Officer / Nil |
| Responsible Officer / Officer's Interest | Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil |
| Proponent: | N/A |
| Landowner: | N/A |
| Date of Report: 14/4/14 | File No.: 1/3 |
| Previous Reference: | N/A |
| Policy Implications: | N/A |
| Statutory Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |
| Voting Requirements | Simple Majority |

| | |
|---------------------------------|----------------------------------|
| Appendices Attached: Yes | Appendices Numbers: 9.4.1 |
|---------------------------------|----------------------------------|

| <u>OFFICER RECOMMENDATION</u> | | |
|--|--|----------------------------|
| That Vouchers numbered: | | |
| <u>ACCOUNT</u> | <u>CHEQUE NOS.</u> | <u>TOTAL \$</u> |
| Municipal | Cheques 7662 - 7696 | \$41,842.20 |
| Trust (Cheque/EFTs) | EFT 18031, 18032 & 18116 Cheque 11029-11031 | \$3,968.72 |
| Electronic Transfers Municipal Fund | EFT 18033 to 18225 | \$653,227.68 |
| Direct Wages | 01/3/2014 – 31/3/2014 inclusive | \$173,637.00 |
| GRAND TOTAL: | | <u>\$872,675.60</u> |
| and attached at Appendix 9.4.1 be endorsed. | | |



| 9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2013 TO 31 MARCH 2014 | |
|---|--|
| 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: 15/4/2014 | File No.: 1/1 |
| Previous Reference: | N/A |
| Policy Implications: | N/A |
| Statutory Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |
| Voting Requirements | Simple Majority |

| | |
|---------------------------------|----------------------------------|
| Appendices Attached: Yes | Appendices Numbers: 9.4.2 |
|---------------------------------|----------------------------------|

OFFICER RECOMMENDATION

That the Monthly Statements of Financial Activity for the period 1 July 2013 to 31 March 2014 at Appendix 9.4.2 be received and noted.

| 9.4.3 LOCAL GOVERNMENT PROPERTY LOCAL LAW | |
|---|---|
| Reporting Officer / Officer's Interest: | John Crothers [CCP]; No Interest |
| Responsible Officer / Officer's Interest | Laurie Tilbrook, Director Corporate Services; No Interest |
| Proponent: | Not Applicable |
| Landowner: | Not Applicable |
| Date of Report: 14 April 2014 | File No.: 26/1 |
| Previous Reference: | 9.4.5 of 22 October 2013; & 9.4.5 of 17 December 2013 |
| Policy Implications: | Not Applicable |
| Statutory Implications: | See detailed note |
| Strategic Implications: | See detailed note |
| Financial Implications: | See detailed note |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |

PROPOSAL SUMMARY

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

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

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

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

The only other major changes relate to certain prohibitions or control certain activities of Foreshore areas, in particular, Preston Beach. The "designated" area at Preston Beach has been changed, and a map of the proposed 2x150 metre 'No Fishing' Zone is clearly shown on schedule 3.1 which is part of section 3 "Reserves and Foreshores" of the new proposed amendments.

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

BACKGROUND/INITIAL COMMENTS

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

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

As stated under 'Community Consultation' below, the proposed amended Local Law was advertised on 29 January 2014, with submissions closing on 14 March 2014. No submissions were received.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

Minor extra expenses have been incurred, due to advertising.

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

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

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

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

COMMUNITY CONSULTATION

When the review process commenced a few years ago, submissions were originally sought for this amended Local Law in September 2010, with no correspondence received. When re-advertised late last year, Councillor Dew lodged a submission. Many of his suggestions have now been incorporated.

This proposal was advertised on 29 December 2013 with closure of submissions being 14 March 2014. No submissions were received during this period.



LEGAL ISSUES/IMPLICATIONS

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

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

Following Council’s final adoption at this meeting of 22 April 2014, then the proposed new Local Law needs to be published in the Government Gazette. Then final local public notice is given by way of a 14 day advertisement. The new provisions would then, basically, apply for the next summer season.

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

OFFICER'S FINAL COMMENTS/CONCLUSIONS

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

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

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| Appendices Attached: | Yes | Appendices Numbers: 9.4.3 |
|-----------------------------|------------|----------------------------------|

VOTING REQUIREMENTS

Absolute Majority



OFFICER RECOMMENDATION

- 1. That the proposed amended Local Government Property Local Law, as attached, be adopted;**
- 2. That the proposed Infringement Penalties be adopted under sections 6.16 of the Local Government Act, and that these be advertised as Charges applicable from the date that this Local Law amendment becomes effective;**
- 3. That the Enforcement actions relating to this Local Law are delegated to the CEO.**

| 9.4.4 LOCAL LAW – REPEAL OF LOCAL LAW-BUSHFIRE BRIGADES | |
|---|---|
| Reporting Officer / Officer's Interest: | John Crothers, CCP; No Interest |
| Responsible Officer / Officer's Interest | Laurie Tilbrook, Director Corporate Services; No Interest |
| Proponent: | Not Applicable |
| Landowner: | Not Applicable |
| Date of Report: 14 April 2014 | File No.: 26/1 |
| Previous Reference: | 9.4.4 of 22 October 2013; |
| Policy Implications: | See detailed note |
| Statutory Implications: | See detailed note |
| Strategic Implications: | See detailed note |
| Financial Implications: | See detailed note |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |

PROPOSAL SUMMARY

It is now proposed that the necessary steps be taken to repeal one (1) old Local Law, as it is seen as being no longer relevant or applicable. This was reported to Council's meeting of 17 December 2013.

A "repeal Local Law" is necessary to delete the old Local Law.

BACKGROUND/INITIAL COMMENTS

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

The existing Local Law was made on August 2001 and seemed relevant at that time. The old Local Law referred to a lot of administrative items, which have now been superseded.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

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

FINANCIAL ISSUES/IMPLICATIONS

Some extra advertising costs have been incurred.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

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

LEGAL ISSUES/IMPLICATIONS

No legal issues or implications have been identified with regard to this proposed repeal.

COMMUNITY CONSULTATION

The proposed repeal was advertised, and no submissions have been received.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

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

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| Appendices Attached: | No | Appendices Numbers: |
|-----------------------------|-----------|----------------------------|

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

- 1. That Council’s existing Local Law applicable to “Bushfire Brigades” be repealed, and that the Local Law effecting such repeal be now adopted.**
- 2. That all the necessary steps be taken to finalise the repeal process relating to this matter**

9.5 CHIEF EXECUTIVE OFFICER

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| 9.5.1 PEEL DEVELOPMENT COMMISSION BOARD VACANCIES | |
| Responsible Officer / Officer's Interest | Ian Curley Chief Executive Officer / Nil |
| Proponent: | Peel Development Commission |
| Landowner: | |
| Date of Report: 25 March 2014 | File No.: 117/1 |
| Previous Reference: | OCM09/113 |
| Statutory/Policy Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications | N/A |
| Asset Mgt & LCC Implications: | N/A |
| Workforce Implications: | N/A |
| <i>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP), 6 Achieve Active Civic Leadership</i> | |

PROPOSAL

To nominate a Shire of Waroona representative to fill a vacancy on the PDC board. The position is to be filled by an Elected member.

BACKGROUND

At the March Ordinary Council meeting the Council resolved as follows:

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| <p><u>COUNCIL RESOLUTION</u> MOVED: Cr Scott SECONDED: Cr Wright OCM14/03/027</p> <p>That the matter lie on the tabled for further consideration at the April 2014 Ordinary Council meeting.</p> <p style="text-align: right;">CARRIED 5/0</p> |
|--|

Local Governments from the Peel regional (City of Mandurah, Shires of Murray, Boddington, Serpentine Jarrahdale and Waroona) have 3 elected members on the board, one expiring each year, that represent all Councils interests. This year there are 2 vacancies due to 1 member no longer being eligible.

Historically, the member is nominated on a rotation basis, around the 5 Council's. I have been advised by the PD CEO that this year is the turn for Waroona and Serpentine Jarrahdale. The last Waroona elected member was Cr Scott who was elected to the PDC board in 2008.

COMMUNITY CONSULTATION

N/A



OFFICER'S COMMENTS

A copy of the vacancy information is attached at **Appendix 9.5.1**.

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| Appendices Attached: Yes | Appendices Numbers: 9.5.1 |
|---------------------------------|----------------------------------|

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council nominate a Shire of Waroona Councillor for consideration by the Minister for Regional Development for an elected member vacancy on the board of the Peel Development Commission.

10. CONFIDENTIAL REPORTS

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

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

12.1 ELECTED MEMBERS

12.2 OFFICERS

13. CLOSURE OF MEETING