



Date: 17 July 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 July 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 positioned above the name and title of the signatory.

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.

TABLE OF CONTENTS

1. DECLARATION OF OPENING/ANNOUNCEMENTS..... 4

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED 4

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE 4

4.1 PUBLIC QUESTION TIME 4

4.2 PUBLIC STATEMENTS 4

5. APPLICATIONS FOR LEAVE OF ABSENCE..... 4

6. DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS..... 4

7. PETITIONS/DEPUTATIONS/PRESENTATIONS 4

8. CONFIRMATION OF MINUTES 4

8.1 ORDINARY COUNCIL MEETING – 24 JUNE 2014 4

9.0 REPORTS OF OFFICERS AND COMMITTEES 5

9.1 DIRECTOR TECHNICAL SERVICES..... 5

9.1.1 POLICY FOR CHARGING FOR OVERLOADING ON ROADS..... 5

9.1.2 PROCLAMATION OF CONTROL OF ACCESS – FORREST HIGHWAY..... 9

9.2 DIRECTOR COMMUNITY SERVICES..... 11

9.2.1 COLOCATION BUILDING 11

9.2.2 PLAYGROUND EQUIPMENT..... 14

9.2.3 DOG AMENDMENT ACT & DOG AMENDMENT REGULATIONS CHANGES 16

9.2.4 LOT 14 RICHARDSON ROAD – LAND USE COMPLIANCE..... 19

9.3 DIRECTOR PLANNING SERVICES..... 22

9.3.1 LOT 305 (NO. 8639) - SOUTH WESTERN HIGHWAY, WAROONA – APPLICATION FOR PLANNING CONSENT FOR AN ADDITIONAL DWELLING 22

9.3.2 STATE FOREST 16 JOHNSTON ROAD, MCLARTY – EXCISION FROM STATE FOREST AND FUTURE RESERVATION OF LAND 29

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES 35

9.4.1 ACCOUNTS FOR PAYMENT 35

9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2013 TO 30 JUNE 2014..... 36

9.4.3 CORPORATE BUSINESS PLAN – 5 YEAR FINANCIAL PLAN - REVISION..... 37

9.5 CHIEF EXECUTIVE OFFICER..... 41

10. CONFIDENTIAL REPORTS41

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING41

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION41

12.1 ELECTED MEMBERS..... 41

12.2 OFFICERS 41

13. CLOSURE OF MEETING41



AGENDA

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

(Disclosure of interest **MUST ALSO** be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **ORDINARY COUNCIL MEETING – 24 June 2014**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 24 June 2014 be confirmed as being a true and correct record of proceedings.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 POLICY FOR CHARGING FOR OVERLOADING ON ROADS	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer; No Interest
Proponent:	N/A
Landowner:	N/A
Date of Report: 14 July 2014	File No.: 108/1 & 111/1
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "Assets, Resources, Financial Management & Sustainability"	

PROPOSAL SUMMARY

The Proposal ensures that the Shire of Waroona can be compensated for operators carrying freight loads which exceed the whole of life design load of the Shire's standard road structures.

BACKGROUND/INITIAL COMMENTS

Road structures include the sub-grade, pavement and seal coat (where applicable). As for any structure, the road has both a design life expressed in years and a total load to be carried over the life. Total load is determined by the role of the road as defined in the Shire's road hierarchy – essentially the higher the hierarchy level, the greater the design freight load and traffic volume. Total freight loading greater than the design load shortens the life of the road pavement and thus requires the Shire to reconstruct the road earlier than planned. Timing of actual load increases is almost impossible to predict precisely. Over designing the road pavement in an effort to cater to possible future load increases imposes an uneconomic burden on the Shire's capital investment programme. The most appropriate mechanism for equitable funding arising from asset value loss due to over loading is to impose a levy on loads over the design load.

Such a levy must be contained in a Council Policy and in place before a planning development application or road usage permit application is made. An attempt to apply such a levy retrospectively is very likely to fail if a proponent were to appeal to the State Administrative Tribunal.

Substantial work still needs to take place to determine an accurate and working road hierarchy and then determining from that the various consumption cost rates for the various hierarchy levels as mentioned in the draft policy. However, this information is separate to the policy in that such information will be used to carry out the functions of the policy rather than being contained within it, therefore the policy can be adopted now prior to this ground work taking place. Officers have taken steps to commence the preparation of a road hierarchy with a view to it being completed within the next

few months. This hierarchy will also be valuable to the Shire in future asset management processes.

PLANNING – STRATEGIC IMPLICATIONS

The State Administrative Tribunal (SAT) considered overloading of the local road network by a development proponent in **[2013] WASAT 88**. The Shire of Toodyay attempted to apply a set of conditions intended to generate compensation funding for long term deterioration of the road network arising from landfilling a disused clay quarry with waste. The weight of material to be transported significantly exceeded the design load for the road. However, the condition was applied after the development application was resolved and so gave the proponent no opportunity to consider the impact on the project's business case and hence make suitable amendments. The Tribunal deemed this to be unreasonable but, as mediation had taken place between the Shire and the proponent, the outcomes of the mediation were adopted by the Tribunal in determining its imposed conditions.

The imposed conditions were:-

- The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire of Toodyay which are used by heavy haulage traffic to deliver Class II waste for disposal at the facility to the extent that such traffic contributes to the need for such maintenance and repair
- Prior to the commencement of operation of the facility, a Road Maintenance Plan shall be prepared based on this principle and including:
 - (a) an audit of the condition of relevant roads prior to the commencement of operation of the facility;
 - (b) appropriate maintenance standards and associated requirements and responsibilities;
 - (c) the estimated average annual cost of road maintenance and repairs for the duration of operation of the facility; and
 - (d) the amount of the contribution to such cost to be paid by the applicant shall be lodged with the Shire of Toodyay for approval and the Road Maintenance Plan shall then be implemented throughout the duration of operation of the facility.

The conditions proposed in the Shire's proposed Policy are in accordance with the underlying principles of the above conditions. The areas covered by the proposed Policy are:-

- Determination of Pavement Design Load and Carrying Capacity
- Proponent's Projected Determination of Load Mass and Traffic Volumes and Patterns by Period
- Shire of Waroona's Projected Determination of the Mass Distance Levy to be Charged
- Methodology for Determination of the Periodic Payment of the Mass Distance Levy
- Resolution of Disputes

The proposed Policy imposes responsibilities not only on the proponent and also requires the Shire to be fully informed as to its assets and its asset management. This includes the Road Hierarchy, the traffic volumes by vehicle class both in the past and projected, the pavement, design life and geometrical design standards for each road class in the Hierarchy, the costs of construction and maintenance over the



design life, the proportion of design traffic volumes which could be reasonably attributed to the proponent's generated traffic. If this knowledge does not exist and is not acted upon, any appeal to SAT by the proponent will in all probability be upheld, thus placing full responsibility for the financial consequences onto the Shire. Such losses are likely to be in the order of several hundred thousand dollars.

REFERRALS

The proposed Policy was referred to the Shire's legal advisors McLeods solicitors and Barristers to ensure it meets all the planning principles and requirements embodied in the various SAT decisions.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 "Assets, Resources, Financial Management & Sustainability" and fits within the SCP [5] sub-item 5.03 "Timely Renewal or Replacement of Assets"; 5.03.04 "Roads and Bridges – Maintenance"

FINANCIAL ISSUES/IMPLICATIONS

Without such a Policy and the active asset management practices underlying the Policy, the Shire will not able to claim compensation for the overuse of its most valuable asset the Road Network valued at some \$55M.

POLICY ISSUES/IMPLICATIONS

Without the proposed Policy, the Shire will not be able to bind proponents seeking to move heavy loads on the road network for prolonged periods or intense logistic campaigns.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Conditions relating to road usage must be resolved in planning approval process if they are to be successfully imposed to protect the Shire's assets. They cannot be imposed retrospectively.

LEGAL ISSUES/IMPLICATIONS

Conditions relating to road usage must be resolved in planning approval process if they are to be successfully imposed to protect the Shire's assets. They cannot be imposed retrospectively.

COMMUNITY CONSULTATION

Not relevant to general community other than if support needed for Council's actions.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Without the proposed Policy, the Shire will not be able to bind proponents seeking to move heavy loads the road network for prolonged periods or intense logistic campaigns.

Appendices Attached:	Yes	Appendices Numbers: 9.1.1
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

- 1. Adopt the Policy for Charging for Overloading on Roads as detailed in Appendix 9.1.1.**

9.1.2 PROCLAMATION OF CONTROL OF ACCESS – FORREST HIGHWAY	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer; No Interest
Proponent:	Main Roads Western Australia
Landowner:	Various
Date of Report: 15 July 2014	File No.: 131/2
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	See heading below
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

PROPOSAL SUMMARY

Main Roads Western Australia (MRWA) is progressing the proclamation of control of access for land immediately adjacent to the Forrest Highway. Since the Forrest Highway is partly contained within the Shire of Waroona, Council approval is required.

BACKGROUND/INITIAL COMMENTS

The letter from MRWA (**Appendix 9.1.2**) is fairly self-explanatory. In essence, MRWA is seeking to protect the areas of land showed shaded in grey on the attached plans (**appended**) to control or prevent activities such as access from private land to the highway, control and/or input into developments adjacent to the highway, and to protect land which has been earmarked for future highway improvements.

The majority of the land in question is already under the control of MRWA therefore there are few implications for Council. A section of the Dorsett Road road reserve is affected therefore technically should Council carry out any works in the shaded area MRWA would need to be consulted before hand, however this is not seen as onerous as the affected section is relatively small, particularly when it is considered that much of the shaded section of the road reserve is now empty due to the realignment of the road formation during the construction of the highway, and that the realigned section is under the control of MRWA.

PLANNING – STRATEGIC IMPLICATIONS

Under the Shire of Waroona Town Planning Scheme and the Peel Region Scheme, any development applications, Scheme Amendments & Structure Plan applications that impact upon a primary regional road currently require referral to MRWA and the proclamation does not effect this process.

REFERRALS

Non applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”; 5.03.04 “Roads and Bridges – Maintenance”

FINANCIAL ISSUES/IMPLICATIONS

There are no financial implications to Council.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

LEGAL ISSUES/IMPLICATIONS

MRWA is acting under the auspices of the Main Roads Act 1930. There are no foreseeable legal implications for Council.

COMMUNITY CONSULTATION

Not required in this instance.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Nil

Appendices Attached:	Yes	Appendices Numbers:	9.1.2
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council support the proclamation of control of access of the Forrest Highway by Main Roads Western Australia as shown on drawing numbers 200802-0509 to 200802-0512 and delegate authority to the Chief Executive Officer to endorse the plans as requested.



9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 COLOCATION BUILDING	
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:	Not Applicable
Landowner:	Not Applicable
Date of Report: 25 June 2014	File No.: 126/1
Previous Reference:	OCM13/06/06
Policy Implications:	Policy 7.2
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Cost of feasibility study was \$35,000 ex GST to be funded by grant funding, Shire and User groups
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

To rescind the part three of the April 2014 motion for the establishment of a Council Committee to oversee the co-location building process.

BACKGROUND/INITIAL COMMENTS

At the April meeting of the Recreation Advisory Committee it was resolved:

COMMITTEE RESOLUTION

MOVED: Cr Scott

SECONDED: Cr Wright

1. That the Committee notes the letter from the Co-Location Steering Committee.
2. That the Committee recommends to Council to thank the Co-Location Steering Committee for its work to date.
3. That the Committee recommends to Council that it establishes a Co-Location Sporting and Community Building Committee consisting of Elected members, employees and other persons in accordance with s5.8 of the Local Government Act.

Further to this the Shire received advice that the Waroona Bowling Club was having an Annual General Meeting and that a number of office bearers including the President were not continuing. Following the change of office bearers the club met and subsequently resolved to not support the current request for quotation (RFQ) to undertake a feasibility study (**Appendix 9.2.1**).



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”.

COMMUNITY CONSULTATION

Waroona Co-location Steering group.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The request for quotation (RFQ) was issued by the Shire of Waroona to assist the group on ascertaining a cost to engage a consultant to undertake consultation and put forward a concept plan so as to seek further funding.

The RFQ was developed with the support of all the members of the co-location steering group and advertised state-wide. The request for a change of the document would significantly increase the scope of works and subsequent costs and cannot be accommodated by minor variations. As such the Shire has advised the preferred consultant that it will not be proceeding and budget submissions into the Shires 2014/2015 budget to receive and expend grant and other funds have not been made.

The Co-Location steering group has been advised that the Shire will await their advice prior to proceeding. The committee should note that the Shire has been making it a condition of building leases that the various clubs which have facilities undertake strategic planning. In order for clubs to undertake these co-location endeavours it is essential that relocation to combined facilities is clearly documented in strategic plans.

Appendices Attached: Yes	Appendices Numbers: 9.2.1
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VOTING REQUIREMENTS

Simple Majority

The Chairperson sought an indication of support from at least one-third of Councillors for the rescission motion to be considered.

As Crs Witney and Wright indicated support, the Chair then called for the rescission motion to be moved.

COMMITTEE RESOLUTION

MOVED: Cr Witney

SECONDED: Cr Scott

That part 3 of the committee resolution of April 2014 to form a co-location sporting and community building committee be rescinded.

CARRIED 5/0

COMMITTEE RECOMMENDATION

That the Council thank the Co-Location Steering Committee for its work to date.

9.2.2 PLAYGROUND EQUIPMENT	
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:	Not Applicable
Landowner:	Shire of Waroona
Date of Report: 25 June 2014	File No.: 70/1
Previous Reference:	
Policy Implications:	Nil
Statutory Implications:	Local Government Act 1995
Strategic Implications:	Nil
Financial Implications:	Nil
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 upgrades to playground equipment within the Shire of Waroona.

BACKGROUND/INITIAL COMMENTS

The Shire has received letters regarding a perceived need for additional playground equipment for 0-5 yr aged children.

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

Costs of playground equipment range from \$2,000 to \$50,000.

POLICY ISSUES/IMPLICATIONS

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The committee has in the past resolved to designate three parks in the Waroona townsite as significant parks they are

- Recreation Centre
- Pisconeri Park
- Centennial Park

All other parks are minor parks and only have in general a set of swings.

In 2009 the committee resolved to remove dangerous 1980's copper log playgrounds and utilised developer contributions to upgrade parks and playground equipment. Whilst further upgrading of playground equipment can be considered in the budgetary process the next major playground project would be the replacement of the circa 2004 Recreation Centre playground which would in all likelihood be in the vicinity of \$50,000 to \$100,000.

Upgrading of parks and playground equipment at Hawksley and Alexander parks would be able to utilise developer contributions in lieu of the 10% public open space should the subdivision of the old "Bonnies Gardens" take place. Utilisation of ratepayer funds is not preferred.

Further to discussions at the June Ordinary Council meeting it appears that there is sufficient unused Shire reserve land at the Centennial park site and the Lions Club are welcome to consider a project at this site.

Appendices Attached:	Yes	Appendices Numbers: 9.2.2
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VOTING REQUIREMENTS

Simple Majority

<p><u>COUNCIL RESOLUTION</u> MOVED: S Platell SECONDED: Cr Wright</p> <p>1. That the Committee recommends to Council that future playground projects by the community be offered land at the Pisconeri, Recreation Centre and Centennial Park sites.</p> <p style="text-align: right;">CARRIED 5/0</p>

<p><u>COMMITTEE RECOMMENDATION</u></p> <p>That the Committee recommends to Council that future playground projects by the community be offered land at the Pisconeri, Recreation Centre and Centennial Park sites.</p>
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9.2.3 DOG AMENDMENT ACT & DOG AMENDMENT REGULATIONS CHANGES	
Reporting Officer / Officer's Interest:	Jason Robertson, Manager Health & Building Services
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community Services /Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 7 th July 2014	File No: 45/1 & 111/1
Previous Reference:	N/A
Policy Implications:	Division 2: Policy no:2.21 Breaches of Dog Act
Statutory Implications:	In Document
Strategic Implications:	In Document
Financial Implications:	In Budget
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Strategy 3: Maintain A Strong Sense Of Community	

PROPOSAL SUMMARY

For Council to establish exercise and prohibited dog areas as detailed under the Dog Amendment Regulations 2014.

BACKGROUND/INITIAL COMMENTS

Council resolved on the 26th June 2001 to make a Dogs Local Law. Within this Local Law, (Part 5 – Dogs in Public Places) Council established dog exercise areas and the prohibiting of dogs from certain areas under the Shire of Waroona's control.

On November 1st 2013, the Dog Amendment Act removed a local government's ability to make local laws in respect of these areas. In order to relieve local governments from having to remove these provisions from their local laws by following the local law making process (section 3.12 of the Local Government Act 1995), the Dog Regulations provide a sunset date (31st July 2014) for the operation of those clauses.

This means that with Council having a local law containing clauses which establish dog exercise areas and prohibiting dogs in certain areas, these clauses will be inoperable from 31st July 2014.

If Council wishes to have exercise areas established and areas where dogs are prohibited remaining, it must be undertaken via a Council resolution in accordance with amended section 31 of the Dog Act 1976 rather than through a local law.

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

One of the key strategies of the Strategic Community Plan (SCP) is Strategy 3: MAINTAIN A STRONG SENSE OF COMMUNITY. A key objective in this is to promote optimal use of Shire facilities. Having established designated dog exercise



areas and dog prohibited areas ensures the Shire maintains its commitment for the benefit of the community.

FINANCIAL ISSUES/IMPLICATIONS

There are no financial implications with this item.

POLICY ISSUES/IMPLICATIONS

Council Policy 2.21 (BREACHES OF DOG ACT) details where alleged offences have been committed the duly authorised officers can undertake various actions. Non-compliance with the current Dogs Local Law may result in enforcement measures.

The same penalty provisions apply for the non-compliance of dog exercise and dog prohibited areas.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Normally, Local governments are required to give 28 days' notice of the intention to specify dog prohibited areas or dog exercise areas. Once the Council resolution (should it) be passed, the public can be informed of the new restrictions via appropriate signage at relevant public places, on their website and on Council noticeboards.

Noting the 31st July sunset date, this would potentially have caused issues with the Shire being able to regulate and enforce until such notice had been given.

However, the Department of Local Government and Communities Acting Manager of Legislation informed the Department's advice is that while the *Local Government Act 1995* requires public notice be given – "at least 28 days before..." The public notice would have been given at the time that the local laws were made; when the local law making process would have been followed. There is no requirement in the Act that the public notice is to be immediately before the decision. So, provided no change is being made to the exercise or prohibited areas that were previously consulted on, no additional notice is required prior to the Council resolution.

LEGAL ISSUES/IMPLICATIONS

There are no inherent legal issues with this item.

COMMUNITY CONSULTATION

As detailed earlier in the report, the Department of Local Government & Communities has clarified that the public notice period was given at the time the Dogs Local Law was made. Given no changes are being made to the exercise areas and prohibited areas previously consulted on, no community consultation is required.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Council has previously seen the need to establish dog exercise areas and prohibited dog areas for the Waroona communities benefit through adopting its Dogs Local Law back in 2001.

Recent State Government changes have made it necessary to re-establish these via a formal Council resolution.

The existing designated areas have proven to be effective and as such there are no recommended changes at this moment in time. It is sufficient to “transfer” the designated areas currently within the Local Law, for compliance with statutory legislation; through a formal Council Resolution.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Declare the following areas dog exercise areas/prohibited areas;

Places where dogs are permitted:

Waroona Townsite -

- (i) Reserve No 8746 Lot 316**
- ii) Murray Loc 386 - Waroona Lot 348 being Lot 6 (King Park)**
- (iii) Reserve No 37233 Loc. 1733 Part of Lot 91**

Hamel Townsite -

- (i) Reserve No 27714**

Preston Beach Townsite -

- (i) Reserve No 33349.**

Places where dogs are prohibited absolutely:

Dogs are prohibited absolutely from entering or being in any of the following places –

- (a) a public building, unless permitted by a sign;**
- (b) all premises or vehicles classified as food premises or food vehicles under the Health Food Act 2008; and**
- (c) that area defined as portion of Murray Location 26, in a lease agreement between the Minister for Works and the Shire of Waroona and known as the Waroona Lions Club Community Park and Swimming Areas (Drakesbrook Weir).**

2. Acknowledge this resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

9.2.4 LOT 14 RICHARDSON ROAD – LAND USE COMPLIANCE	
Reporting Officer / Officer's Interest:	Jason Robertson, Manager Health & Building Services
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community Services / Nil
Proponent:	Shire of Waroona
Landowner:	Mr G Scally
Date of Report: 7 th July 2014	File No: 14/1
Previous Reference:	OCM05/11
Policy Implications:	Division 5: Policy No: 5.2 – Grazing Rural Road Reserves
Statutory Implications:	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996
Strategic Implications:	In Document
Financial Implications:	In Budget
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 6: Good Governance	

PROPOSAL SUMMARY

Council to resolve the ongoing land use non-compliance issues.

BACKGROUND/INITIAL COMMENTS

A report was provided to Council on the 8th February 2005, under confidential cover, in respect to Lot 14 Richardson Road and land use activity. The landowner made an application for Council to approve a gate permit on an unmade portion of Richardson Road, north of the intersection of Richardson & Berry Roads; for the purpose of grazing stock on the Road Reserve and growing vegetables on the Road Verge.

Council resolved at that meeting to:

COUNCIL DECISION

OCM05/011

MOVED: Cr Swift

SECONDED: Cr Heath

That Council:

- a) *Issues an order to Mr G Scally of Lot 14 Richardson Road, Waroona pursuant to Section 3.25 of the Local Government Act 1995 and the Local Government (Uniform Local Provisions) Regulations 1996, ordering the removal of rubbish and disused materials located on portion of Richardson Road Reserve, Waroona; and*
- b) *further advises Mr G Scally that a gate permit will be issued on the unmade section of Richardson Rd, north from the Berry Rd intersection, allowing him grazing rights and the right to grow vegetables on the verge area, subject to the removal of rubbish and disused materials as detailed in Clause a).*

The following conditions will apply to the gate permit -



- *the permit to be valid for 12 months from date of issue and may be renewed at the discretion of the CEO, subject to meeting all the conditions imposed on the permit.*
- *A \$10 annual gate permit fee being paid.*
- *The gate to be constructed to the standard of a rural gate as determined by the Manager Environmental Health & Building Services and shall not include any electrified or barbed wire and must not be locked at any time.*
- *No rubbish, disused or used materials to be placed on any portion of the road reserve at any time.*

Correspondence was sent to the landowner on the 23th February 2005 by the Chief Executive Officer detailing approval would only be granted for the gate permit once the rubbish and disused materials were removed.

An inspection was undertaken on 15th April of 2005 wherein the landowner advised the gate was to be installed on the 18th April 2005, and the rubbish to be removed by the 15th May 2005.

Further correspondence from the Shire Chief Executive Officer date 20th May 2005 detailed to the landowner an inspection on this date had been undertaken with neither the gate installed nor the rubbish removed.

Subsequently, a Notice was issued requesting both items be actioned within 30 days of the notice. The Notice was dated 20th May 2005.

A litter infringement was issued to the landowner dated 23rd June 2005 for non-compliance.

The landowner was never issued a gate permit or permission to use a portion of the Road Reserve as a result of OCM05/011 as the landowner did not meet the requirements of the Council's resolution.

In May of this year the Shire received complaints in respect to the continuance of litter being present within the Road Reserve (Photos at **Appendix 9.2.4A & Location Plan at 9.2.4B**). Shire Officers noted sump oil leaking from a drum container, in addition to other refuse material.

The rubbish material is impacting detrimentally on the amenity of the streetscape, and the gate/fencing is problematic for vehicular movements through the road.

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

One of the key strategies of the Strategic Community Plan (SCP) is THEME 6: GOOD GOVERNANCE. A core element of Council functioning is Legislative Compliance. It is necessary, when required, to enforce the relative legislative compliance frameworks that council is responsible for administering.

FINANCIAL ISSUES/IMPLICATIONS

There are no financial implications with this item.

POLICY ISSUES/IMPLICATIONS

Council Policy 5.2, Grazing – Rural Road Reserves allows for persons to graze stock or grow vegetables with prior written approval. Any approval, if granted, is for a 12 month period only. The Chief Executive Officer can authorise to allow extensions to Council approved activities.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Under the Local Government (Uniform Local Provisions) Regulations 1996 Council can give permission to have a gate across a public thoroughfare to allow a person to use the Road Reserve for livestock grazing and/or growing vegetables etc. It is to be noted however that that portion of road is still to be accessible to the public however, and it is an offence to leave open a gate that would be registered.

LEGAL ISSUES/IMPLICATIONS

There are no inherent legal issues with this item.

COMMUNITY CONSULTATION

N/A

OFFICER'S FINAL COMMENTS/CONCLUSIONS

It is considered necessary to effect immediate measures to resolve the matters detailed, noting that the offences have been ongoing for a considerable period of time.

Appendices Attached:	Yes	Appendices Numbers:	9.2.4A & B
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION**That Council:**

- 1. Instruct Mr G Scally to remove all gates/fencing contained within the Richardson Road Reserve within 28 days;**
- 2. Further advises Mr G Scally that no gate permit has ever been issued for within the unmade section of Richardson Road;**
- 3. Instruct Mr G Scally ordering the removal of all rubbish and disused materials located on portion of Richardson Road Reserve**

9.3 DIRECTOR PLANNING SERVICES

9.3.1 LOT 305 (NO. 8639) - SOUTH WESTERN HIGHWAY, WAROONA – APPLICATION FOR PLANNING CONSENT FOR AN ADDITIONAL DWELLING	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Vernon Rodney Pitter
Landowner:	V R Nominees PTY LTD
Date of Report: 11 July 2014	File No. TP1675
Previous Reference:	N/A
Policy Implications:	Local Planning Policy 1 – Community Consultation (LPP1)
Statutory Implications:	Peel Region Scheme (2003) Town Planning Scheme No. 7 (1996)
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025
Financial Implications:	Application fees (Planning Consent)
LINKED TO STRATEGIC OBJECTIVE NUMBER –	
1 – Manage the Shire of Waroona's Future Growth.	
2 – Encourage a dynamic local economy.	

PROPOSAL SUMMARY

An application has been received for a proposed additional dwelling (new two bedroom transportable farm workers unit) on Lot 305 (No. 8639) South Western Highway, Waroona. Location, site and elevation plans are at **APPENDIX 9.3.1A, 9.3.1B and 9.3.1C.**

The proposed additional dwelling is 60.48m² in area with a maximum roof height of 2.7m. The walls and roof are to be constructed from Colorbond. A colour scheme has not been identified.

The additional dwelling is proposed to be set back 250m from the South Western Highway (Western boundary), 530m from the Northern boundary, and 3245m from the Western boundary and 660m from the Southern property boundary.

Council is required to determine whether the additional dwelling on the lot is consistent with the objectives of the Rural 1 – General Farming 1 Zone and thereafter to determine the Planning Consent for the additional dwelling.

BACKGROUND/INITIAL COMMENTS

Lot 305 has an area of 534.35 ha. The lot is currently being used for general farming purposes.

In additions to Lot 305, V R Nominees also conduct general farming operations on their properties at Lot 893, Lot 1345 and Lot 426 Waterous Road, 1523 South



Western Highway, Lot 11 Bristol Road and Lot 100 Bristol Road. The overall land owned and farmed within the Shire of Waroona totals 994.8ha.

There are currently three (3) houses and numerous farm outbuildings on Lot 305.

The proposed additional dwelling is proposed to house a farm worker on the property.

Previous Approvals

A search of Council records indicates that there was a Planning Consent (TP1026) issued on 15 February 2007 for a Single Dwelling.

Building permits have also been issued for a Single Dwelling, Additions to a Residence and a Hay Shed.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Peel Region Scheme (PRS) 2003

Section 12 – Purposes of zones:

Land is classified into zones under the Scheme for the following purposes —

(e) 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.

Section 26 – Existing uses

Nothing in this Scheme prevents the continued use of land for the purpose for which it was being lawfully used immediately before the Scheme came into effect.

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

The subject lot is zoned Rural 1 – General Farming and Rural 4 – Hill Face. The proposed development is located within the area covered by Rural 1, therefore these scheme requirements prevail.

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.

A Single House is a P (permitted) use and an additional dwelling is not listed in the Zoning Table.

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.



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 4.14.2 of the TPS states that except with the Planning Consent of Council, not more than one single house may be erected on a lot used for rural activity.

- (a) In considering granting its consent, Council will give due regard to whether the additional dwelling is necessary or desirable to support the primary rural activity.
- (c) Approval to develop an additional dwelling or dwellings shall not be grounds for obtaining separate titles of ownership of the two dwellings and any future subdivision application will be treated on its own merits by Council and the Commission.

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

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Plan 2005 – 2025

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

The Shire of Waroona and its community is proud of the diversity it provides and wants to ensure that growth occurs, but that it occurs at a pace that ensures the attractions of the Shire of Waroona are safeguarded.

Strategy 2 - Protect Rural Land Use

The Shire of Waroona seeks to preserve the rural character whilst encouraging economic development and innovation in agricultural land use, technology and communication.

Local Planning Strategy (1999)

The subject lot is located within the Agricultural Precinct of the LPS. Lot 305 is designated Priority Agriculture within the LPS. It is the objective of the Priority Agriculture sub-precinct 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.

Farm Workers Accommodation is a Discretionary use in the Priority Agriculture classification.



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 for uses designated as ‘P’ or ‘AA’ with a no impact and no non-compliance, no consultation is required.

LPP1 states that for a use not listed with a local impact the proposal must be advertised for a period of 21 days.

LPP1 does not offer guidance on a use not listed with no impact or no non-compliance.

LPP1 defines ‘Local Impact’ as where a development proposal is considered to have the potential to cause an adverse impact on only the immediate neighbouring land.

INTERNAL REFERRAL

Upon referral to the Shire’s Building Department, the Shire’s Manager of Environmental Health and Building Services stated that a Building Permit application is required.

Upon referral to the Shire’s Environmental Health Department, Shire’s Building Department, the Shire’s Manager of Health and Building services stated that an Effluent Disposal application is required.

Upon referral to the Shire’s Technical Services Department, the Shire’s Director of Technical Services stated that the standard drainage condition requiring all stormwater to be contained on site is required.

FINANCIAL ISSUES / IMPLICATIONS

Application fees (Planning Consent).

OFFICERS ASSESSMENT

Peel Region Scheme (PRS) 2003

In accordance with Section 26 – Existing uses, the land has been used for agricultural uses prior to the PRS coming into effect. Therefore nothing in this Scheme prevents the continued use of land for this purpose.

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

Given that the application is for a use not listed in the zoning table, 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.

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

The proposed additional dwelling, which will assist in the preservation of agricultural activity and add to the local economy, can be considered to be consistent with these objectives.

Further to this the 'Farm Workers Unit' can be considered as an additional dwelling in terms of Clause 4.14.2 in the TPS. The dwelling is proposed to be used for the accommodation of a farm worker on site and is therefore deemed to be consistent with Clause 4.14.2.

The colours and materials of the proposed development are important considerations. The proposed Colorbond roof and walls are deemed acceptable. As a colour scheme has not been specified a condition has been added ensuring the colours and materials used are in keeping with the amenity of the area generally.

Shire of Waroona Strategic Plan 2005 – 2025

The proposal is in accordance with the Shire of Waroona Strategic Plan 2005 – 2025, specifically Strategy 1 and 2.

Local Planning Strategy (LPS) (1999)

The proposal is in accordance with the LPS, as farm workers accommodation is a discretionary use within the Priority Agriculture sub-precinct. Further to this in accordance with the LPS that requires a 20m setback from any road frontage, the additional dwelling is to be located 250m from the South Western Highway.

Local Planning Policy 1 – Community Consultation (LPP1)

The proposed additional dwelling is located 250 from the South Western Highway. The area between the road and unit is very well screened with vegetation and trees. Further to this the closest houses are approximately 750m away in the Hamel Townsite. It was therefore determined that, in accordance with LPP1, community consultation was not required.

Stormwater

Stormwater disposal is also a relevant consideration. A condition has been added to ensure all water runoff from the proposed unit is disposed of on site or connected to a Council stormwater legal point of discharge in accordance with Statement of Planning Policy 2.1.

Conclusion

In accordance with Clause 4.2.5 (a) and taking into consideration the objectives of the Scheme for the 'Rural 1 General Agriculture zone, it can be determined that the use is consistent with the objectives of zone.



The proposed additional dwelling is provided for in terms of Clause 4.14.2 in the TPS. The use has been identified as suitable for the Priority Agriculture precinct in the LPS. It is considered that the proposal will not detrimentally impact on the amenity of the area and it is therefore recommended that Council approves the application subject to appropriate conditions.

Appendices Attached:	Yes	Appendices Numbers: 9.3.1A, B & C
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That, in relation to the proposed additional dwelling at Lot 305 (No. 8639) South Western Highway, Waroona, Council resolves to:

- A. 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 ‘Rural 2 – Irrigated Agriculture’ zone; and**
- B. Approve the Application and submitted plans subject to the following conditions and advice notes:**
 - 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 of the Shire of Waroona.**
 - 2. The additional dwelling shall be used for purposes ancillary to the rural activity on the lot.**
 - 3. 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.**
 - 4. Building materials are to be of a standard and colour scheme complementing the existing development on the lot and blending in with the amenity of the area to the 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. **Clause 4.14.2 (c) of the Shire of Waroona Town planning Scheme No.7 1996 states that approval to develop an additional dwelling or dwellings shall not be grounds for obtaining separate titles of ownership of the two dwellings and any future subdivision application will be treated on its own merits by Council and the Western Australian Planning Commission.**
- b. **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 house is to comply with the National Construction Code 2012.**
- c. **The applicant is advised to liaise with the Shire of Waroona in relation to the lodgement of an *Application to construct or install an apparatus for the treatment of sewage in terms of the Health (Treatment of sewage and disposal of effluent and liquid waste) Regulations 1974.***

9.3.2 STATE FOREST 16 JOHNSTON ROAD, MCLARTY – EXCISION FROM STATE FOREST AND FUTURE RESERVATION OF LAND	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner / Nil Louis Fouché – Director Planning & Development Services / Nil
Responsible Officer / Officer's Interest:	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Department of Lands
Landowner:	State of Western Australia (Crown) - State Forrest
Date of Report: 14 July 2014	File No.: 48/5 & 48/11
Previous Reference:	N/A
Policy Implications:	Local Planning Strategy 2009
Statutory Implications:	Land Administration Act 1997 Native Title Act 1993 Mining Act 1978 Planning and Development Act 2005 Peel Region Scheme 2003 Greater Bunbury Region Scheme 2007 Shire of Waroona Town Planning Scheme No. 7 1996
Strategic Implications:	Shire of Waroona Community Strategic Plan 2012
Financial Implications:	Nil at this stage. (See report).
LINKED TO STRATEGIC OBJECTIVE NUMBER Strategy 1 – Manage the Shire of Waroona's future growth Strategy 5 – Encourage a dynamic local economy.	

PROPOSAL SUMMARY

The Shire of Waroona received a notifications letter regarding the proposed State Explosives Reserve relocating from Baldvis to a parcel of land forming part of State Forest 16 fronting Johnston Road in the locality of McLarty. See the location and site plans at **APPENDIX 9.3.2A and B**.

The letter seeks Councils comments on the proposed excision of the land from State Forest for the area shown as Stage 1 and the future reservation of the land. The purpose currently proposed for the new reserve is "Explosives Magazine and Manufacture and Storage of Explosives and Storage of Security Risk Substances" which will be under the management of the Minister for Mines (through the Department of Mines and Petroleum).
See the submitted stages plan in **APPENDIX 9.3.2C**.

Stage 2 will be retained as State Forest until required in the future to be incorporated into the proposed development.

It is proposed that once excised the site will be reserved under the Land Administration Act 1997, with management by the Minister for Mines.



BACKGROUND/INITIAL COMMENTS

The proposed new 'McLarty' site will enable the planned relocation of the Baldivis Explosives Reserve (BER) from its current location at Karnup in Perth's Southern Metropolitan area. Landcorp is the Project Managing the relocation project while the Minister for Mines (through the Department of Mines and Petroleum) will be responsible for the sand mining and the State Explosives Reserve.

The McLarty site totals approximately 130 hectares and is located on the Southern side of Johnston Road, around 2km east of the Forrest Highway and 12km west of the South Western Highway.

Only the northern section of the site is located within the Shire of Waroona, the remainder of the site is located within the Shire of Harvey. (See **APPENDIX 9.3.2A**).

The site is currently reserved as State Forest and part of the Myalup pine plantation.

Prior to the relocation of the explosives reserve, it is proposed that sand be extracted from the site. The Shire has been made aware in a letter dated 2 July 2014 that the Department of Mines and Petroleum (DMP) will be calling for expressions of interest for sand extraction using authority provided under section 19 of the Mining Act 1978.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Land Administration Act 1997

Section 14 – Minister to consult local governments before exercising certain powers in relation to Crown land.

Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.

Native Title Act 1993

The High Court and the Native Title Act 1993 (Commonwealth) established that native title may exist in relation to State land – except where there are, or have been, certain Acts or tenures recognised by the Act as having extinguished native title.

Planning and Development Act 2005 (P&D Act)

Section 35 – Commission may resolve to prepare or amend region planning scheme.

1. Subject to section 36, the Commission may resolve to prepare a region planning scheme or an amendment to a region planning scheme.
2. Immediately after resolving to prepare a region planning scheme, the Commission is to ensure compliance with the relevant procedures set out in Divisions 2 and 3.
3. Immediately after resolving to prepare an amendment to a region planning scheme, the Commission is to ensure compliance in respect of that amendment with the relevant procedures set out in Divisions 2, 3 and 4.

Peel Region Scheme 2003

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

Part 3, Clause 9 refers to Reserves. The lands shown as Reserved Lands on the Scheme Map are reserved under the Scheme for the public purposes shown on the Scheme Map.

Land is reserved under the Scheme for a range of public purposes including

- (f) State Forests – to recognise State Forests.
- (g) Other Public Purposes - to provide for other public purposes as denoted on the Scheme Map.

Greater Bunbury Region Scheme 2007

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

Part 3, Clause 9 refers to Reserves. The lands shown as Reserved Lands on the Scheme Map are reserved under the Scheme for the public purposes shown on the Scheme Map.

Land is reserved under the Scheme for the following public purposes including –

- (g) State Forests – to recognise State Forests.
- (h) Other Public Purposes - to provide for other public purposes as denoted on the Scheme Map.

Town Planning Scheme No. 7 1996

Part III – Reserves

Clause 3.1 refers to Scheme Reserves:

The land shown as Reserves on the Scheme Maps, and the legend thereon, are lands reserved under the Scheme for the purposes shown on the Scheme Maps.

The Reserves include:

- State Forest
- Public Purposes

PLANNING – STRATEGIC IMPLICATIONS**Shire of Waroona Community Strategic Plan 2012**

Strategy 1 – Manage the Shire of Waroona's future growth

The Shire of Waroona and its community is proud of the diversity it provides and wants to ensure that growth occurs, but that it occurs at a pace that ensures the attractions of the Shire of Waroona are safeguarded.



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 2009 (LPS)

The site is earmarked as State Forest within the LPS.

EXTERNAL REFERRAL

The relevant government Agencies are also liaising with and seeking comments from the Shire of Harvey regarding this proposal.

INTERNAL REFERRALS

Upon referral to the Shire's Technical Services Directorate, the Director of Technical Services, stated that assuming that Johnson Road remains under the care and control of the Shire of Waroona, Technical Services will be seeking to enter into an agreement with the eventual proponent(s) of the extraction activities such that the proponents contribute via a process to be developed so that the costs of damage and loss of life of the Shire's road network can be recovered. Additionally some initial road upgrades (such as the intersection of the eventual access road and Johnson Road) will likely be required. The extraction activities will also attract typical heavy haulage conditions plus any additional conditions as warranted.

FINANCIAL ISSUES / IMPLICATIONS

Nil at this stage. Johnston Road upgrades to be made by the proponent. Maintenance period could decrease. Not costed or programmed.

COMMUNITY CONSULTATION

Nil at this stage. The State Government has indicated that it will conduct its own community consultation in relation to the project.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Shire of Waroona Community Strategic Plan 2012

In accordance with the 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. The proposed future facility and potential sand mining may generate employment opportunities resulting in economic benefits and industrial diversity.

Peel Region Scheme 2003, Greater Bunbury Region Scheme 2007 and Town Planning Scheme No. 7 1996

In accordance with the Planning and Development Act 2005, the proposed amendment to the reservation will require scheme amendments under the Peel Regional Scheme 2003, Greater Bunbury Region Scheme 2007 (within the Shire of



Harvey) and the Shire of Waroona Town Planning Scheme No. 7 of 1996. These separate but related processes are expected to be concluded at a future date.

Internal Referrals

With regard to the internal comments, there is concern in relation to the impact that the potential sand extraction and state explosives reserve could potentially cause within the Shire and its infrastructure network.

These concerns relate in particular to the potential impact on the Shire's road network. It is expected that both parties will work through these issues and the matter be resolved accordingly. The Technical Services Directorate's referral comments have been outlined in the recommendation to Council.

Land use impacts

The area proposed to be excised from State Forest and reserved for "Explosives Magazine and Manufacture and Storage of Explosives and Storage of Security Risk Substances" is in an area that is predominantly used for tree plantation and forestry.

The sand extraction proposed from the reserve is expected to have impacts on Johnston Road and its intersection with the Forrest Highway as indicated by the Director Technical Services. Given its isolation from residential properties, typical future noise and dust emissions are not expected to be substantial. Community safety and bushfire related concerns related to the State Explosive Reserve will have to be addressed through the Scheme Amendment processes.

From briefings with Government Agencies, it was noted that the Explosives Reserve itself is proposed to be located within the Shire of Harvey, while the access, gate and administrative offices are proposed to be located within the Shire of Waroona.

Land Administration Act 1997 (LAA)

The current proposal to excise a portion of land from State Forrest 16, is primarily a land administration process in terms of the LAA. The future statutory processes required under the P&D Act and the Mining Act and the subsequent development of the land will follow the proposed excision.

In principle, there are no immediate concerns regarding the excision of the portion of land from State Forest 16. The reservation of the portion of land for the purposes of the State Explosive Reserve however has implications noted under Land Use Impacts above, given its intended use.

Conclusion

Given the assessment above, the excision of a portion of land from State Forrest 16 and proposed new reservation of "Explosives Magazine and Manufacture and Storage of Explosives and Storage of Security Risk Substances" are supported subject to the State Government ensuring that the necessary upgrades be made to the access to the land as well as Johnston Road.

Although future land development will be conducted under separate legislation, it is recommended that the relevant government agencies be advised of the Shire's



concerns regarding the potential impact of development as reflected in the Officers Recommendation.

Appendices Attached:	Yes	Appendices Numbers:	9.3.2A,B & C
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VOTING REQUIREMENTS

Simple Majority

<p><u>OFFICER RECOMMENDATION</u></p> <p>That with respect to the proposed relocation of the State Explosives Reserve from Baldivis to a parcel of land forming part of State Forest 16 fronting Johnston Road in the locality of McLarty as indicated on Appendix 9.3.2C, Council resolves to advise the Department of Lands, the Department of Mining and Petroleum and Landcorp as follows:</p> <ol style="list-style-type: none"> 1. That Council supports the excision of land in State Forrest 16 and proposed new reservation of “Explosives Magazine and Manufacture and Storage of Explosives and Storage of Security Risk Substances”, subject to the following conditions for the future related land uses including sand mining: <ol style="list-style-type: none"> a. Appropriate agreements to be reached with the Shire of Waroona such that the proponents contribute via a process to be developed so that the costs of damage and loss of life of the Shire’s road network can be recovered. b. Suitable road upgrades (such as the intersection of the eventual access road and Johnson Road). c. Suitable upgrade to the intersection of Johnston Road with the Forrest Highway to the satisfaction of Main Roads Western Australia and the Shire of Waroona. d. Should the necessary agreements not be reached in relation to a-c above, Johnston Road is to revert to the care, control and management of the State Government (Main Roads Western Australia). e. The appropriate amendment of the Peel Region Scheme 2003 and Town Planning Scheme No. 7 of 1996 in order to allow for the use of land for the proposed purposes. f. That the State Government undertake adequate consultation with the community in relation with the proposed land uses of the reserve.
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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: 14/7/14	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
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<u>OFFICER RECOMMENDATION</u>		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7759 - 7784	\$15,929.47
Trust (Cheque/EFTs)	EFT 18560 Cheque 11034	\$973.50
Electronic Transfers Municipal Fund	EFT 18558 to 18694	\$361,332.37
Direct Wages	01/6/2014 – 30/6/2014 inclusive	\$171,074.40
GRAND TOTAL:		<u>\$549,309.74</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 30 JUNE 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: 15/7/2014	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
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OFFICER RECOMMENDATION

That the Monthly Statements of Financial Activity for the period 1 July 2013 to 30 June 2014 at Appendix 9.4.2 be received and noted.

9.4.3 CORPORATE BUSINESS PLAN – 5 YEAR FINANCIAL PLAN - REVISION	
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: 17 July 2014	File No.: 111/1 & 11/1
Previous Reference:	9.4.10 of 25 June '13; 9.4.3 of 3 September '13
Policy Implications:	None
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

For Council to adopt a revised "Corporate Business Plan", which is a part of the new Integrated Strategic Planning and Reporting processes, with the whole of the plans being termed a "Plan for the Future" [LG Act term]. These plans must be reviewed and adopted annually.

BACKGROUND/INITIAL COMMENTS

Production of a Corporate Business Plan [CBP] is an annual statutory requirement, and is part of the Integrated Planning and Reporting obligations.

The CBP follows on from the Strategic Community Plan [SCP], and involves more specific tasks under the broad items of the SCP.

The 6 main 'Themes/Areas of Emphasis' of the SCP are as follows:-

- Theme 1. Local Economy: Managing our future growth
- Theme 2. Environment: Conserving our unique Environment
- Theme 3. Land Use: Responsible Land Use Planning, and Protecting Rural Land
- Theme 4. Society/Community Wellbeing: A Strong sense of Community, addressing Social Issues, and Effective Community Wellbeing
- Theme 5. Assets, Resources, Financial Management & Sustainability: Includes Infrastructure, as well as Built/Acquired Assets; & various Financial Issues
- Theme 6. Good Governance: Active & Responsible Civic Leadership, and Excellence in Management

Under each of the 6 areas are a number of more definitive strategies [also contained within the SCP]. In this new Corporate Business Plan many "Action Items" have been included under each of the individual strategies.



It should be noted that most of the “Actions” do not involve a great deal of extra costs, as most should be able to be accommodated within the Operating part of Council’s standard budget allocations, using existing Staffing.

There are quite large expenses for a number of large Capital projects and purchases allowed via items 5.03 and 5.06 of this CBP, and these are briefly listed within attachments at the back of the CBP document.

As stated within the CBP document, a number of different scenarios were developed, but what is now being put before Council is the consensus of staff of what could possibly apply for the next 5 years. Grants and other financing are the only restrictions.

Compared to last year’s CBP, there have been significant decreases in Government Grants, for both the State Government and the Federal Government, and brief details are given below:-

On the negative side, the WA State Government has gone back on a written agreement with WALGA [on behalf of WA Councils] with regard to a guaranteed allocation of 27% of Vehicle Registration receipts which were to fund Regional Roads. All new projected works may now not occur as planned, which is a significant blow to many Rural Councils. The loss to this Council will not be immediate, as a lot of what was planned was not for “new” road works, but progressive works on a few existing road programs. The loss could be some \$356,000 per year, in future years. Most State Government are now reducing grants to Councils, which will reflect in many Councils future plans, including making some Councils look unsustainable.

On the positive side, the ‘southern’ Councils of WA may receive new allocations from the State Government via the “Country Local Government Fund” of the Royalties for Regions program. As well, additional funds may be available via the Peel Development Commission for an array of projects, including possibly \$300,000 towards extensions to the Waroona Health and Medical Resource Centre, and possibly \$1-2 Million towards works needed at the Buller Road Waste Site. The Capital needs for the Waste Service are expected to be much higher than the Grants, and accumulated funds in the “Waste” Reserve account will need to be used.

Also on the negative side, the Federal Government has frozen their “Financial Assistance Grants” allocations to Councils, which means that there is a ‘real terms’ reduction [IE: the costs increases erode the value of the allocation]. For the “Local Roads” allocations there has been a reduction in actual dollar terms by \$1,172 for the Shire of Waroona for the 2014/15 year compared to the prior year, and in ‘real terms’ there is also a reduction effect.

As well, the Federal Government has reduced the “Roads to Recovery” program by 7.235%, which translates into a loss of some \$13,000 in actual dollars. There is also a ‘real terms’ reduction effect. This program may remain the same for the next 4 years, or they could be reduced it even further in the 2015/16 year.

Short term notifications of reduction in Grants can detrimentally affect renewal programs for many Councils, and disrupt detailed long term financial planning.

PLANNING – STRATEGIC IMPLICATIONS

There are no planning issues impacted by the proposals in the CBP.



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”, as well as number 5 “Assets, Resources, Financial Management and Sustainability”.

The Strategic Community Plan has also been reviewed and revised, so that it better reflects what functions and actions that the organisation actually carries out, and that need to continue to be provided [EG: Food outlet Inspections; Building Approvals/Inspections; Development Approvals’ Animal Control; Community Development/Events/Youth Services; Asset Renewal/Replacements, etc].

The major implications emanating from the proposed changes to the CBP of this report which differ to those in the report of September last year relate to the minimum annual renewal figures for Assets, mainly Roads, Drainage, and Buildings, as well as preliminary figures now included for Waste Services. Some broad allocations have been included for Parks, Gardens, and Playground Equipment.

The multiple year reduction in Grants are also significant factors.

Renewal and Replacement of Assets should be the most pressing issues. Following on from detailed investigations of each Class of Assets, certain minimum levels of expenditure have been identified, and are an attachment to the CBP document.

Further changes can be expected to occur with regard to projects due to Grants, as well as more refined assessments for all Asset Classes over the next 5 years, and as circumstances change.

While the proposed asset renewals will have to be at the lower end of the Asset Replacement costs for the first few years, it has been planned for there to be ‘catch up’ in the later years. The 10 year allocations are all considered adequate, and will meet the identified needs for the various assets.

Important focus has been placed on meeting the Minimum Standards set by the Department of Local Government for various Ratios. Councils which do not meet those basic standards will be viewed as unsustainable, and therefore will be considered as being in need of investigation for amalgamation with another Council.

FINANCIAL ISSUES/IMPLICATIONS

Detailed sheets of the main areas of Capital emphasis are included as attachments to the CBP document.

Reductions in Government Grants affect various Capital proposals and will affect Council’s finances over multiple years, commencing in the 2014/15 financial year.

Various movements to and from the Reserve Accounts will be necessary to fund a number of Capital Items in the listed respective years the costs are proposed. Details of these are included as a separate attachment to the LTFP.

A new loan is proposed for the 2014/15 year, relating to changes to Council's Administration Centre.

It should be noted that the Operational projections will not exactly match up to the 2014/15 budget figures, due to allowances having been made for various 'abnormal' items, which may be included in the budget, but which may not always occur at those levels across future years. Also, some re-alignments may be needed before the final adoption of the CBP and the LTFFP in mid-August 2014, when final items for the 2014/15 budget are more clearly defined.

Items included in the 1st year of the CBP should be included in the next budget, where financial possible

POLICY ISSUES/IMPLICATIONS

There are no policy issues or implications emanating from the proposed CBP.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Production of a Community Business Plan, covering a minimum period of 4 years, is an annual statutory requirement.

LEGAL ISSUES/IMPLICATIONS

There are no legal issues or implications relating to this matter, merely compliance with the minimum statutory requirements.

COMMUNITY CONSULTATION

Community consultation is not required before final adoption of the CBP, however it is recommended as comments on some of the projects in the early years may assist Council in its forward planning.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution on this draft revised plan is seen as being necessary, at this time.

Some later changes and re-alignments may still be needed before the final adoption of the CBP in mid-August 2014, when final items for the 2014/15 budget are more clearly defined.

Appendices Attached:	Yes	Appendices Numbers: 9.4.3
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the draft Corporate Business Plan as presented, for the 5 year period of 2014/15 to 2018/19 be adopted for advertising, with final adoption to be considered on 19 August 2014.



9.5 CHIEF EXECUTIVE OFFICER

Nil.

10. CONFIDENTIAL REPORTS

Nil

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