



Date: 18 September 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 23 September 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**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**
3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

(Disclosure of interest **MUST ALSO** be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **ORDINARY COUNCIL MEETING – 26 August 2014**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 26 August 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 TENDER – RFT 2014/07 – PROVISION OF GOODS AND SERVICES FOR MINOR PLUMBING WORKS	
Reporting Officer / Officer's Interest:	Murry Bracknell; Manager Works & Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 20/08/2014	File No.: RFT 2014/06
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 (Strategic Community Plan-SCP): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

PROPOSAL SUMMARY

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2014/07 – Provision of Goods and Services for Minor Plumbing Works.

BACKGROUND/INITIAL COMMENTS

Council's 2014/15 budget includes an allocation for minor plumbing works. As the total cost of the electrical work is anticipated to exceed \$100,000, a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 26th July 2014. The closing date of the tender 11th August 2014.

The Scope of Works contained in the specification called for the submission of prices the provisions of goods and services for minor plumbing work based on the 2013/14 works from which it has been estimated that 3400 hours of labour and \$29,000 of materials will be required in 2014/15. There are no guarantees as to the quantity of materials or services required for the 2014/15 financial year.

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

- Tendered Price 50%
- Relevant Experience 10%
- Key Personnel Skills and Experience 10%
- Respondents Resources 10%
- Demonstrated Understanding 10%
- Value Adding Proposal 10%



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

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

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

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

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”

FINANCIAL ISSUES/IMPLICATIONS

The use of contractors for minor plumbing works is allowed for in the 2014/15 budget.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

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

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Three submissions were received, SDJ Plumbing, CPD Group and Woodbury Plumbing. Following the evaluation of the submissions the aggregate score is as follows:



SDJ Plumbing: 540
 CPD Group: 541
 Woodbury Plumbing: 409

Woodbury plumbing being a local business received a 5% deduction off their cost as per Council Policy 3.4 Local Purchases. Hourly rates were higher than expected and Percentage Mark-up on materials was varied.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council award Tender RFT 2014/07 Provision Of Goods And Services For Minor Plumbing Works to CPD Group based on the following schedule of prices:

Normal Hourly Labour Rates	Hourly Rate
1.a Tradesman Labour	\$80.00
1.b Apprentice Labour	\$40.00
1.c Other Labour	\$70.00
After Hours Labour Rates	
2.a Tradesman Labour	\$120.00
2.b Apprentice Labour	\$60.00
2.c Other Labour	\$105.00
Call Out Fee	
Plant & Equipment	
Drain Machine	\$195.00
CCTV Camera, Thermal Camera	\$250.00
Ground Scanner	\$120.00
Percentage Mark-up on Materials (\$29,000)	10%



9.1.2 REMOVAL OF VARIOUS QUEENSLAND BOX AND OTHER STREET TREES	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Ian Curley, CEO; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 15 Sept 2014	File No.: 132/6
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

PROPOSAL SUMMARY

A number of Queensland Box trees have been identified as requiring removal either due to intersection line of sight problems or as part of a larger street reconstruction project. The technical committee has been consulted as part of this process and have supported the removal.

BACKGROUND/INITIAL COMMENTS

Officers are concerned about the location of a number of Box trees in the Waroona townsite which are currently not allowing adequate line of sight around intersections:

- Thatcher Street & Brooks Avenue – an existing tree to the left of the intersection is blocking sight distance particularly for vehicles exiting Brooks Avenue and turning right into Thatcher Street. Removal of one tree only should be sufficient in this instance, however the next tree may also block the line of sight and it will be only after the first tree is removed that this will be able to be assessed fully.
- Thatcher Street & Eastcott Street – an existing tree to the right of the intersection is blocking sight distance for vehicles exiting Eastcott Street and entering Thatcher Street turning either left or right. Removal of one tree only should be sufficient in this instance, however the next tree may also block the line of sight and it will be only after the first tree is removed that this will be able to be assessed fully.
- Information Bay & South West Highway – trees to either side of the Southern driveway of the information bay are blocking line of sight in both directions. This situation is worsened for vehicles with a higher driver eye height because the canopies of the trees further blocks line of sight as well as the fact that it is located on South West Highway.

The aerial photographs included in the appendices show in greater detail the issues at each location and the trees that are recommended for removal.



Included in Council's Works Program for 2014/15 is the reconstruction of a section of Hesse Street from Thatcher Street to approximately Iseppi Street. Thirteen Eucalypt trees are located on the Eastern side of the section from Thatcher Street to Neil Place. They are in generally poor condition and are currently impacting on the subsoil drainage in the area. Their location, were they to remain, would also pose logistical problems with the reconstruction of Hesse Street as they would have to be 'worked around'. It is proposed, should Council resolve for their removal, that following construction they will be replaced with semi mature trees that better match the existing trees in other parts of the street – resulting in a more consistent and picturesque streetscape.

The aerial photographs included in the appendices show the subject trees.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

The Works and Services Committee recently undertook a site inspection of all the trees the subject of this report.

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

Should this matter meet with Council approval:

The cost to remove the trees around the intersections and the information bay will be covered under the existing maintenance budget. Once the trees are gone, some minor savings will be made with regards to the cost of pruning.

The removal of the trees on Hesse Street will be costed to the budget allocation for the Hesse Street works.

POLICY ISSUES/IMPLICATIONS

Policy # 5.9 "Street & Road Verge, Parks & Reserves Tree Planting, Replacement, Maintenance & Removal" does deal with tree removal however under this policy the trigger is the condition of the tree in question rather than its location or the removal being included in a larger works project.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Queensland Box trees are not native to this part of Australia therefore there is no need to seek a clearing permit and there are no other environmental considerations.

COMMUNITY CONSULTATION

Should this matter meet with Council approval, the residents/landowners adjacent to the location of the trees (in Thatcher Street) will be consulted with before the trees are removed so that they are aware of the matter.

Letters have already gone out to affected landowners and residents around Hesse Street, and the removal of the trees on Hesse Street was mentioned in that correspondence. At the time of writing, no comments have been received. The Hesse Street works will also be advertised in local press in September.

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 removal of the following street trees:

- 1. Up to two Queensland Box trees to the South of the Thatcher Street/Brooks Avenue intersection, Waroona;**
- 2. Up to two Queensland Box trees to the North of the Thatcher Street/Eastcott Street intersection, Waroona;**
- 3. One Queensland Box tree on either side of the Southern driveway of the old information bay on South West Highway, Waroona;**
- 4. Thirteen Eucalypt trees on the Eastern side of Hesse Street between Thatcher Street and Neil Place, Waroona.**

9.2 DIRECTOR PLANNING & DEVELOPMENT SERVICES

9.2.1 LOTS 2791 CORONATION ROAD & 4065, PEPPERMINT GROVE ROAD & LOTS 275, 341, 886 & 2752, WAGERUP – PROPOSED SUBDIVISION	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner; No Interest
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning & Development Services; No Interest
Proponent:	Ausurv Pty Ltd
Landowner:	Irvin Graham Muir
Date of Report: 4 September 2014	File No.: SD150444
Previous Reference:	N/A
Policy Implications:	State Planning Policy 2.5 - Agricultural and Rural Land Use Planning Statement of Planning Policy 2.1 – The Peel – Harvey Coastal Catchment Plain DC Policy 1.1. & 3.4 Local Planning Policy 1 – Community Consultation
Statutory Implications:	Planning and Development Act 2005 Planning and Development Regulations 2009 Peel Regional Scheme 2003; Shire of Waroona Town Planning Scheme No. 7 of 1996;
Strategic Implications:	Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2011/14-2023/24
Financial Implications:	Nil
<i>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</i> Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

PROPOSAL SUMMARY

A Western Australian Planning Commission referral was received for an application to subdivide Lots 275, 341, 886, 2752, 2791 and 4065, Coronation Road, Wagerup. See site location plan at **APPENDIX 9.2.1A** and proposed plan of subdivision at **APPENDIX 9.2.1B**.

This application proposes to realign the existing boundaries of the six subject lots to release current landlocked lots. No new lots are being proposed.

Access to the proposed lots will be from Peppermint Grove Road.

The total area proposed to be subdivided is 307.89ha. The proposed lots will be the following size:

- Lot 1 – 40ha;
- Lot 2 – 40ha;
- Lot 3 – 40ha;
- Lot 4 – 106ha;
- Lot 5 – 41.8ha; and
- Lot 6 – 40ha.

BACKGROUND/INITIAL COMMENTS

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.

The existing lots are the following size:

- Lot 275 – 52.51ha;
- Lot 341 – 41.11ha;
- Lot 886 – 40.47ha;
- Lot 2752 – 107.24ha;
- Lot 2791 – 41.95ha; and
- Lot 4065 – 24.61ha.

The subject land is located in between the Eastern boundary of Peppermint Grove Road and to the west of the Harvey River. The land is currently being used as agricultural grazing land.

Previous Approvals

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Planning & Development Act 2005

Section 135, No Subdivision etc. without approval states:

- (1) A person is not to —
 - (a) subdivide any lot; or
 - (b) amalgamate any lot with any other lot, whether within the same district or otherwise; or
 - (c) lay out, grant or convey a road, without the approval of the Commission.

Section 142, Consultation requirements as to proposed subdivision states:

- (1) When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.
- (2) A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —

- (a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and
 - (b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.
- (3) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

Planning & Development Regulations 2009

Section 21, (Matters to be considered on application for subdivision) states:

When considering a section 135 application, the Commission must have regard to all relevant matters including but not limited to these —

- (a) the size, shape and dimensions of each lot;
- (b) the services available to each lot;
- (c) drainage of the land;
- (d) access to each lot;
- (e) the amount of public open space to be provided;
- (f) any relevant planning scheme;
- (g) any relevant regulations made by the Minister under the Act;
- (h) any relevant local laws relating to town planning.

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 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 COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15-2023/24

This item contributes towards achieving theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land use in the Shire.

FINANCIAL IMPLICATIONS

Nil

PLANNING – STRATEGIC IMPLICATIONS

Statement of Planning Policy 2.1 – The Peel – Harvey Coastal Catchment Plain

The Peel-Harvey coastal plain catchment policy ensures that land use changes within the Peel-Harvey estuarine system likely to cause environmental damage to the estuary are brought under planning control and prevented.

Section 5 – General Policy Provisions

5.7 The Commission may consider upon the advice of the Water Authority, the Health Department and the EPA, small-scale subdivisional developments with alternative wastewater treatment and effluent disposal systems for evaluative purposes. The onus of proof will rest with the subdivider to provide sufficient technical and engineering evidence that alternative systems or site modifications remove any adverse effects on public health, water resources or the environment while not detrimentally impacting on the character of the area.

Clause 5.9, Approvals will be required from the Water Authority with regard to water supply from bores, wells, rivers in proclaimed water management areas and WAWA

drains and for connection of private and local authority drains to WAWA drains. The limited availability of water may constrain some types of development.

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 General Agriculture zone. The objective of the General Agriculture zone is to provide for the continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

A minimum lot size of 80 hectares is specified for the General Agriculture zone.



COMMUNITY CONSULTATION

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

INTERNAL REFERRALS

Upon referral to the Building Department, the Director of Community Services stated that there are no issues with the proposal.

Upon referral to Health Services, the Director of Community Services stated that there are no concerns with the proposal.

Upon referral to the Shire's Technical Services Directorate, the Director of Technical Services required that the relevant condition in relation to crossovers in from the Model Subdivision Conditions Schedule be applied.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Planning & Development Act 2005

In accordance with Section 142, the proposed subdivision was referred to the Shire of Waroona for comment.

Planning & Development Act 2009

In accordance with Section 21, all the listed relevant matters were assessed against the proposed subdivision by all of the associated Shire Departments.

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 merely realign lot boundaries to release landlocked lots, further to this there are no additional lots proposed. The boundary realignments will allow the subject lots to be farmed and managed more straightforwardly.

Shire of Waroona Strategic Community Plan 2012

The proposed subdivision meets aims and principles outlined within Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land of the Shire's Strategic Community Plan 2014/15-2023/24.

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.

Notwithstanding the above, the proposal is consistent with Section 6.1 Significant physical divisions as the proposal seeks to realign boundaries to release currently landlocked lots. The proposed subdivision will provide a more rational layout and in accordance with the policy no additional lots are being created, also in accordance with section 6.3.

Further to this the proposed new boundaries will achieve an improved environmental and land management situation on the Lots.

Local Planning Strategy (LPS) 2009

The proposed subject lots 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

Although the proposed subdivision is inconsistent with the LPS, the proposal will, in line with Development Control Policy 2.5 and 3.4, create no additional lots and result in 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: 9.2.1A & 9.2.1B
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VOTING REQUIREMENTS

Simple Majority



OFFICER RECOMMENDATION

That Council, in respect to application SD150444 for the subdivision of Lots 275, 341, 886, 2752, 2791 and 4065, Coronation Road, Wagerup, respond to the Western Australian Planning Commission recommending approval of the application, with the following condition:

- 1. Suitable arrangements being made with the local government for provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.**

9.2.2 LOT 400, DOMAN ROAD, LAKE CLIFTON – PROPOSED THIRD PARTY ADVERTISING SIGN	
Reporting Officer / Officer's Interest:	Lucy Lyster – Town Planner, Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Pinnacle Planning
Landowner:	John Spencer & Leonard Griffin Snell
Date of Report: 8 September 2014	File No.: TP1647
Previous Reference:	N/A
Policy Implications:	Town Planning Policy 1.0 Community Consultation Town Planning Policy 6.0 Advertisements (Signage) Main Roads Western Australia Guide to Roadside Advertising Main Roads Western Australia Draft Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves
Statutory Implications:	Planning and Development Act 2005 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7, 1996 Main Roads Act 1930 Main Roads (Control of Advertising) Regulations 1996
Strategic Implications:	Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2011/15-2023/24
Financial Implications:	Application fee only.
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

PROPOSAL SUMMARY

An application was received for a third party advertising sign (billboard/hoarding) at Lot 400, Doman Road, Lake Clifton. See site location plan at **APPENDIX 9.2.2A**. See site plan and elevations at **APPENDIX 9.2.2B & C**.

The double sided sign with an overall height of 15.5m and a width of 18.99m will have a sign face area of 104.44m² on each side and is proposed to be set back 20m from Doman Road. The sign will be located to the North West of the lot approximately 1.2km south of the intersection of Dorsett Road and Forrest Highway.

BACKGROUND / INITIAL COMMENTS

The subject site, 84.9419Ha, and is located to the East of Doman Road and the Forrest Highway, land to the north reserved as Regional Open space under the PRS.

The subject lot is covered in grass and used as agricultural grazing land with the topography being generally flat.



As the proposal also requires approval under the Peel Region Scheme (PRS), the PRS application form has been forwarded to the Department of Planning for the Western Australia Planning Commission to determine.

Previous Applications

A search of council records show there have been no previous planning consents or building permits issued on the subject lot.

A planning consent was issued (TP1558) for Third Party Advertising Sign on Lot 100, Knox Road, Lake Clifton on the 29 August 2013. The approved planning consent is the same as what is proposed, with the sign abutting the Forrest Highway and the sign design being exactly the same in terms of height, width, and sign face area with the only difference being the proposed site location.

A planning consent was also issued for a Sign on Lot 29, Old Bunbury Road, Lake Clifton (TP1240) on 12 January 2010.

STATUTORY IMPLICATIONS / ISSUES / ENVIRONMENT / IMPLICATIONS

Planning and Development Act (2005)

The proposed works constitute development under the Planning and Development Act.

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.”

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

‘Schedule 1: Development on zoned land requiring planning approval

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

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

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 (TPS) (1996)

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

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

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

Clause 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.

8.2.2 Where an application is made for Planning Consent to commence or carry out development which involves an “AA” use, or for any other development which require the Planning Consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

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

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

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

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

Clause 6.12.1 of the TPS states that unless otherwise approved no building shall be erected with the apex of the roof exceeding 9.0 metres in heights above natural ground level.

Main Roads (Control of Advertising) Regulations 1996

Regulation 5

A person must not —

- (a) erect or construct, or cause to be erected or constructed, a hoarding or other advertising structure; or
- (b) exhibit, or cause to be exhibited, an advertisement,

on or in the vicinity of a highway or a main road without the Commissioner's approval to do so.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Community Strategic Plan 2014/5 – 2023/24

This item contributes towards achieving theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land use in the Shire.

STRATEGIC PLANNING IMPLICATIONS

Main Roads Guide to Roadside Advertising

Only certain types of advertising signs are allowed (subject to Local Government agreement). These are listed in the guidelines along with the number, size and location of the advertising sign. Four categories of signs have been identified. Categories 1, 2 and 3 apply to signs which are located within the boundaries of highways and main roads (i.e. the road reserve) and are defined as:

Category 1 - Large free standing signs (4.5 square metres and larger) and signs on overhead bridges.

Maximum Average Luminance of Advertising Device for lighting environment zone 3 at table D1 is 300 cd/m².

Main Roads Western Australia Draft Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves



The purpose of this document is to provide amended guidelines on the assessment and approval of applications to display roadside advertising within State road reserves and beyond the boundaries of, but visible from, State road reserves.

A static, illuminated sign must be 250m from the nearest intersection.

Advertising devices shall not be located at a longitudinal spacing of less than $1.2V$ (m) from any other permanent advertising sign, traffic control device or a major directional guide sign, or from an intersection, (where V is the 85th percentile speed in km/h).

Advertising devices shall not be positioned within a longitudinal spacing of less than $1.2V$ (m) from the start of a zone or a location where particular concentration is required such as at pedestrian crossings, railway crossings, critical areas of a road interchange, a sub-standard curve, etc. Assessment shall be undertaken subjectively.

Within two (2) kilometres of an information bay located on the same route, which provides for the display of business advertising.

Advertising devices shall not be positioned within driver sightline areas.

Local Planning Strategy (LPS) (1999)

The subject lot is located within the General Agriculture precinct of the LPS. Lot 400 is designated General Agriculture within the LPS. It is an objective of the LPS to provide for a continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

The LPS specifies the following setbacks:

Road:	20m
Side/Rear:	10m

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.

In accordance with LPP 1, Where a development proposal or use is considered in the opinion of the Manager of Planning and Development Services to have the potential to cause an adverse impact beyond the boundaries of the adjoining properties, then such application will be deemed to have regional significance. In addition to the notices being served to adjoining landowners, a sign will also be required to be placed on the subject site inviting submissions from the wider community and a notice shall be published in a local newspaper inviting submissions.

Shire of Waroona Town Planning Policy 6.0 – Advertisements (Signage) (LPP6)

It is a requirement of the Shire of Waroona Local Planning Scheme for various signs to gain planning approval prior to erection, placement or display.



Council seeks to achieve a balance between the provision of legitimate and appropriate signage and to minimise the adverse impacts that signs may have on the amenity, appearance and character of an area and/or on the district.

Council supports the need for signage to promote a business or activity, but it also supports the need for signage that does not adversely impact the amenity and streetscapes of the district and remains compatible with the design, character and use of buildings and places.

Section 7.6.1, of LLP6, deals with third party advertising signs adjacent to primary regional roads and objective is to:

'provide a framework for the location and design of third party advertising signs along primary regional roads. The intent is to carefully control signage in these locations in order to ensure driver safety, protect visual landscape quality and amenity and avoid the proliferation of signs'.

Section 7.6.1.2, Planning Consent and other approvals requires that:

All proposed third party signs adjacent to Primary Regional Roads require the approval of Council prior to the commencement of construction of such signs. All changes to sign messages require the separate written approval of the Shire.

Applicants need to clearly demonstrate the proposed sign meets all the requirements of section 7.6.1.3, the Signage performance criteria at section 7.3 as well as the Sign development standards detailed at section 7.5. Applicants also need to meet the requirements of relevant legislation (including the Shire's Town Planning Scheme and Local Laws), Local Planning Strategy, Structure Plan, Outline Development Plan and Planning Policies.

In addition to the Planning Consent in terms of the Town Planning Scheme, separate approval from Main Roads Western Australia is required in terms of the Main Road (Control of Advertisement) Regulations.

Signs will generally require separate building approval including structural engineering certification.

Section 7.6.1.3 of LPP6 outlines the following requirements:

1. Signs are to be restricted to locations adjacent the Forrest Highway only.
2. No Third Party Advertising will be permitted along the South Western Highway and Old Coast Road.
3. A maximum of four (4) Third Party signs are to be located along the Forrest Highway. This number includes existing signs.
4. Signs must be located at least one kilometre from any other third party sign in the Rural zone.
5. Where possible signs are to be co-located near other infrastructure such as bridges, mobile phone towers or high voltage electrical lines in order to minimise the impact on the skyline and the general landscape.
6. Signs to be in general accordance with Main Roads Western Australia's Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves.
7. No sign is to be located within 650m of a Main Roads directional sign.

8. Signage applications will have to comply with the requirements of Main Roads Western Australia and other relevant Authorities
9. Signs are to be located between 2m and 5m from the highway reserve in order to:
 - a. Be within safe sightlines of motorists.
 - b. Be contained within the transport corridor.
 - c. Minimise visual impact on surrounding land.
11. Signs must be located and designed so that they do not dominate or protrude above the skyline.
12. Signs must be located and designed so that they do not obscure or compromise significant view sheds as seen from either the highway or from properties adjacent to the highway.
13. The location and positioning of signs are not to result in the removal of vegetation. Where absolutely necessary and where no alternative site can be found, the removal of vegetation is to be minimised and the vegetation removed is to be replaced on a suitable location on site.
14. Access platforms, safety or lighting devices should be designed and constructed as an integrated part of the sign structure so that these devices do not visually dominate the design of the sign when viewed from the highway.
15. Signs are to be designed, erected and maintained to the highest Advertising Industry Standards.
16. Any sign illumination to be designed so that it does not result in overspill or glare to vehicles on the highway or buildings on land in close proximity to the sign.
17. Any sign illumination is not to include flashing or moving lights.
18. The sign face is to be designed in a clear, easily read manner that will not distract driver attention.
19. Signs on the primary regional roads must serve a specific function such as providing a point of visual interest for regional travellers to aid with driver fatigue or to inform motorists of business or places of interest within the Shire.
20. Sign messages should be focussed on community based messages targeted towards regional travellers, with ancillary display general third party material permissible.
21. The design of signs shall be consistent with existing third party signs approved by Council with regard to size, height and advertising area.

COMMUNITY CONSULTATION

In accordance with Clause 8.2 of the TPS and LPP1 the proposed sign was advertised. A sign displaying notice of the proposed development was erected in a conspicuous position on the land for a period of twenty-one days. Letters advertising the proposal were also sent to adjoining landowners and a notice was placed in the Harvey-Waroona Reporter on 5 August 2014. During this period no submissions were received.

INTERNAL REFERRAL

Upon referral to Building Services, the Manager Environmental Health and Building Services that a Building Permit for a class 10b structure will be required.

Upon referral to Health Services, the Manager Environmental Health and Building Services stated that there were no concerns with the proposed development.

Upon referral to the Shire's Technical Services Directorate the Senior Technical Officer recommended that the proposal be referred to MRWA for comment.



EXTERNAL REFERRAL

As the Forest Highway is controlled by Main Roads Western Australia (MRWA) the proposal was forwarded to MRWA for comment.

MRWA has no objection to the proposed development subject to the following conditions:

- The maximum average luminance for the sign shall not exceed the maximum average levels shown for lighting environment 3 at Table D1 of the Main Roads Guide to the Management of Roadside Advertising.
- The proposed sign is to conform with the approved specifications.
- The advertising device is to be maintained in a good condition at all times to the satisfaction of Main Roads.
- No vegetation is to be removed from the road reserve so as to enhance sight lines to the sign.

FINANCIAL ISSUES / IMPLICATIONS

Application fee only.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

It is to be noted that there is very little information in relation to industry standards for advertising signage specifically for design and size. The Outdoor Media Association (OMA) were contacted in light of some advice, however they had no legislative power in relation to this topic., The OMA provided some draft guidelines that had been drawn up for the state of Queensland.

The applicant subsequently submitted an amended design plan for the sign that was the same as the previously approved advertising sign at Lot 100, Knox Road, Lake Clifton (TP1558), approved on 29 August 2013.

PRS

In accordance with the PRS and advice from the Department of Planning it was concluded that the proposed development is not consistent with the purpose of the Rural zone. The development is also proposed on land abutting a Regional Open Space reservation.

Therefore the PRS application was forwarded to the Western Australian Planning Commission to determine.

Main Roads Act 1930

In accordance with the Main Roads Act, the Main Roads Guide to Roadside Advertising and the Main Roads Western Australia Draft Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves the proposal appears to be consistent, subject to conditions being relation to illumination.



Further to this the proposal was referred to MRWA for comment, and there conditions have been added as part of the approval.

TPS

Clause 4.14.1 of the Town Planning Scheme lists the objectives for all rural zones. The proposed land use can be assessed against these objectives.

In essence 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.

Previous applications for the proposed sign(s) fronting the South Western Highway (TP1402 and TP1458), were refused on the basis that the amenity and the rural character of the area were unduly compromised. It is noted that the rural zone definition in the PRS makes specific reference to the provision of a 'distinctive rural landscape setting for the urban areas'. For the previous applications it was considered the prominent location at the entry to the Waroona townsite was an unsuitable location for a sign because of the potential impacts. This differs from the proposed location for this sign. The amenity of the area has already been affected with the construction of the four lane Forrest Highway. Further to this the location does not have a connection to any urban setting and Planning Consents were issued for advertising signs of the same nature abutting the Forrest Highway on the 29 August 2013 (TP1558) and 12 January 2010 (TP1240). For these reasons it is considered that the rural character of the area will not be unduly compromised.

The proposed development will not detract from the district rural lands as its siting will not prevent the balance of the land from being utilised for rural purposes. The 41.25m² footprint of the proposed sign is a minor section of the 84.9419Ha site. The remainder of the lot can be utilised for rural / residential purposes therefore the sustainable use of land will not be affected. The proposal will not prevent the conservation and wise use of natural resources including water, flora, fauna and minerals.

In relation to clause 6.12.1, the proposed third party sign is 15.5m in height, the TPS has a maximum building height of 9m. However within LLP 6, Section 7.6.1.3, no. 21 states that the design of the sign shall be in accordance with existing signs approved by Council. The proposed sign is exactly the same design (same height, width and face area) as the previously approved third party signage on Lot 100 Knox Road, Lake Clifton (TP1558) approved on the 29 August 2013.

Shire of Waroona Strategic Community Plan 2012

The proposed third party advertising signage meets aims and principles outlined within Theme 3: Land Use – Responsible Land Use Planning and emphasis on sustainable Rural Land use of the Shire's Strategic Community Plan 2014/15-2023/24.

LPS

The proposed development is not considered to be incompatible with the rural objectives of the zone. Further to this it complies with the 20m setback specified within the LPS.



LPP6

The proposal complies with the draft policy in the following manner:

- The proposed sign is adjacent the Forrest Highway;
- Being the third sign along the Forrest Highway, the third party sign the threshold of four has not been reached;
- The sign is over one kilometre from the other third party sign in the Rural zone;
- The sign complies with the Main Roads Western Australia Guide to Roadside Advertising.
- The sign is outside the intersection exclusion area (as identified within the Main Roads Western Australia Guide to Roadside Advertising).
- No sign is to be located within 650m of a Main Roads directional sign.
- The sign will not compromise any significant view sheds;
- The location and positioning of signs are not to result in the removal of vegetation.

Further to this conditions and advice notes have been applied in order to ensure LPP 6:

- A condition has been added ensuring that the sign will be maintained to the highest Advertising Industry Standards;
- A condition has been added ensuring that the sign is illuminated in accordance with MRWA standards; and
- A condition has been added prohibiting the sign from flashing;
- An advice note has been applied advising the applicant that the sign will have to comply with the requirements of Main Roads Western Australia and other relevant Authorities.

Internal Referral

In accordance with internal comments the proposal was referred to MRWA for comment and an advice note has been included stating a building permit will be required.

External Referral

MRWA now has no objection to the proposal subject to a number of conditions being imposed. These conditions pertain to:

- Luminance;
- Sign conforming with approved specifications;
- Maintenance of the sign; and
- Retention of vegetation.

Each of MRWA requirements have been added as a condition of approval.

Conclusion

In accordance with Clause 4.2.5 (a) and taking into consideration the objectives of the Scheme for all Rural zones, it can be determined that the use is generally consistent with their objectives. The proposal is not considered to be incompatible with the



objectives of the Rural Zones in that the rural setting will not be unacceptably compromised.

Given that the proposal complies with MRWA guidelines, the TPS and LPP 6 it is recommended that Council approve TP1647 subject to the conditions and advice notes listed below.

Appendices Attached: Yes	Appendices Numbers: 9.2.2A,B & C
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That, in relation to the proposed third party advertising sign at Lot 400, Doman Road, Lake Clifton Council resolves to:

- A. To approve the application subject to the following conditions:**
- 1. The development shall occur in accordance with the approved plans specifications submitted with the application and these shall not be altered or modified without prior written approval of the Shire of Waroona;**
 - 2. Any illumination or presentation of the sign hereby approved shall not be of a flashing nature;**
 - 3. Colours of the sign hereby approved shall not be of a bright nature and are to be of the satisfaction of the Shire of Waroona.**
 - 4. No vegetation shall be removed from the road reserve without prior approval of Main Roads Western Australia.**
 - 5. The sign shall be maintained in good order and appearance to the satisfaction of the Main Roads Western Australia and the Shire of Waroona.**
 - 6. The maximum average luminance for the sign shall not exceed the maximum average levels shown for lighting environment 3 at table D1 of the Main Roads Guide to Management of Roadside Advertising.**
 - 7. The development approved is to be substantially commenced within two (2) years of the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

ADVICE TO APPLICANT:

- a. The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. The planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2014.**
- b. The applicant is advised that further approvals, including but not limited to, approvals under the Main Roads 1930 and the Main Road (Control of Advertisements Regulations) 1996 is required prior to the installation of the sign.**

9.2.3 LOT 731 NANGA BROOK ROAD, WAROONA – APPLICATION FOR PLANNING CONSENT AND EXTRACTIVE INDUSTRY LICENCE	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest:	Louis Fouché – Director Planning & Development Services / Nil
Proponent:	Charles Hull Contracting Pty Ltd
Landowner:	Charles Hull
Date of Report: 15 September 2014	File No.: TP1614 / EI23
Previous Reference:	N/A
Policy Implications:	Local Planning Strategy 2009 Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 Local Planning Strategy 2009 Local Planning Policy 1 – Community Consultation Local Planning Policy 15 – Extractive Industry
Statutory Implications:	Planning and Development Act 2005 Local Government Act 1995 Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997 Shire of Waroona Town Planning Scheme 7 1996 Shire of Waroona Extractive Industries Local Law 1999
Strategic Implications:	Shire of Waroona Strategic Community Plan 2014/15 – 2023/24
Financial Implications:	Nil
LINKED TO STRATEGIC THEME NUMBER	Theme 3 – Land Use: <u>Responsible Land Use Planning, and Protecting Rural Land</u>

PROPOSAL SUMMARY

An application for the Planning Consent of Council and Extractive Industry Licence has been received for the extension of the existing Extractive Industry on Lot 731 Nanga Brook Road, Waroona. The proponent has also applied for an Extractive Industry Licence under the Shire's Extractive Industries Local Law 1999.

The applicant proposes to extract gravel from the subject site in the continuation of the existing operation on the site. The area previously approved (12.4807Ha) is not proposed to be extended as part of this application.

The nearest house to the proposed extraction area is located approximately 160m to the south. The next nearest house is located approximately 910m to the east of the proposed extraction area.



The Extractive Industry is proposed to operate six (6) days per week 7am to 5pm subject to demand. It is expected that approximately 10,000 tonnes will be extracted from the site annually. The types of trucks used for cartage consist of semi tippers and eight wheel tippers. Access to the mine site from Nanga Brook Road will be via an unnamed road reserve traversing Lot 731. Location and site plans are at **APPENDIX 9.2.3A**. The submitted details of the operation of the Extractive Industry are at **APPENDIX 9.2.3B**.

BACKGROUND / INITIAL COMMENTS

Since its initial approval on 24 October 1995 the Extractive Industry has operated on Lot 731. No complaints or ongoing issues relating to the Extractive Industry have been noted on Council records.

Previous Applications

EI23 – Extractive Industry Licence and Planning Consent for the extraction of gravel from Lot 731 Nanga Brook Road approved 24 October 1995, renewed on 24 September 2000, 31 July 2003 and 14 January 2009.

INTERNAL REFERRAL

Comments from the Shire's Director of Technical Services stated that the previous conditions of approval should be applied, with the addition of a condition requiring the construction of a crossover to Nanga Brook Road to the satisfaction of the Shire of Waroona.

The Shire's Manager Environmental Health and Building Services stated that there is a minor concern over impact to residents should any vibration works be undertaken.

Comments from the Shire's Manager Environmental Health and Building Services stated that a noise impact assessment and dust management plan should be required.

EXTERNAL REFERRAL

Advice has been received from the Department of Mines and Petroleum stating that while extractive industry licences fall outside of the Mining Act 1978, the Geological Survey of Western Australia appreciate if further matters could relating to the extractive industry could be forwarded to them in order to update records.

Advice Received from the Department of Water (DoW) stated that the subject property is located within the Murray Surface Water Area as proclaimed under the Rights in Water and Irrigation Act 1914. As such any taking or diversion of surface water is subject to licencing by the DoW.

DoW also advised that any disturbance of the waterway identified on the lot requires a permit from DoW. Further correspondence dated 4 March 2014 following liaison between the applicant and the DoW states that a permit is not required from DoW for the proposed works.

DoW advised that all stormwater should be contained on site and that the development plan should include details relating to the management of any chemical spills.

The application has not been referred to the Department of Environment Regulation or the Environmental Protection Authority as it is deemed to be an application for extension that does not propose an expansion of the extraction area in accordance with Special Procedural Consideration 4 of LPP15.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Of the 6 themes identified in the Shire of Waroona's Strategic Community Plan, this item contributes towards achieving the following themes:

3. Land Use: Responsible Land Use Planning, and Protecting Rural Land.

FINANCIAL ISSUES/IMPLICATIONS

Nil

POLICY ISSUES/IMPLICATIONS

Environmental Protection Agency Guidance Statement 3 – Separation Distances Between Industrial and Sensitive Land Uses 2005 (Guidance Statement)

Appendix 1 of the Guidance Statement provides generic separation distances for industrial land uses where site specific studies have not been carried out.

Appendix 1 of the Guidance Statement states that hard rock extraction operations that do not propose blasting should be assessed on a case by case basis to determine appropriate setbacks from sensitive land uses.

Peel Region Scheme Strategic Minerals and Basic Raw Materials Policy 2002 (PRS Policy)

Lot 731 is not included in the mapped policy application area of the PRS Policy.

Local Planning Strategy (LPS)

The subject lot is located within the Scarp and Darling Range Precinct of the LPS. Lot 731 is designated General Agriculture within the LPS. It is the objective of the General Agriculture classification to provide for a range of agricultural pursuits and low-key tourist establishments. Industry – Extractive is identified as a discretionary use within the General Agriculture classification.

Local Planning Policy 1 – Community Consultation (LPP1)

LPP1 requires that Extractive Industries be advertised to affected landowners, in a locally circulating newspaper and with a notification on site for a period of 21 days.

Local Planning Policy 15 – Extractive Industry (LPP15)

Special Procedural Consideration 1 of LPP15 states that where extraction activity has been the subject of a decision by the Environmental Protection Authority, applications shall be referred to that authority for comment prior to determination.

Special Procedural Consideration 2 of LPP15 states that where extraction activity may have the potential for significant environmental impact and the proposal has not already been referred to the Environmental Protection Authority, Council shall require referral of the proposal to that authority prior to giving consideration to the application.

Special Procedural Consideration 3 of LPP15 states that prior to lodging an application with Council, either for a new proposal, or for the expansion of an existing operation, the applicant should seek the advice of the Water and Rivers Commission with respect to groundwater issues.

Special Procedural Consideration 4 of LPP15 states that all applications (other than applications for renewal and which do not involve an expansion of the extraction area) shall be referred to the Department of Environment, Water & Catchment Protection and the Department of Mineral & Petroleum Resources.

Policy statement 4 of LPP15 states that Planning Consent for extractive industries shall be issued for a maximum period of 5 years.

Policy Statement 5 of LPP15 states that where Planning Consent is issued for a period exceeding 2 years a condition shall be applied requiring a progress report to be submitted mid-way through the licence.

Policy statement 6 of LPP15 states that where the traffic generated by an extractive industry will result in a significant impact on the local road system the applicant shall be required to make a proportionate contribution toward the upgrading and/or maintenance of the local road system.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Environmental Protection (Noise) Regulations 1997 (Noise Regulations)

Part 2 of the Noise Regulations prescribe allowable noise emissions. Regulation 5 of the Regulations relates to unreasonable noise and requires that where complaints are received, noise may be considered to be unreasonable.

The provisions of Regulation 8 (Table 1) in relation to maximum noise levels relevant to operations in excess of 15m to noise sensitive buildings apply to the site at all hours of the day.

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

Lot 731 is zoned Rural 5 – Darling Range under the TPS.



Extractive Industry is an AA (discretionary) use in the Darling Range zone.

Clause 4.14.1 of the TPS states that the objectives of Rural zones are 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 8.2 of the TPS sets out the requirements for the public consultation process for the varying categories of use classification.

Shire of Waroona Extractive Industry Local Law 1999 (Local Law)

All Extractive Industries in the Shire of Waroona are subject to the Local Law and require a licence to be granted under the Local Law.

The purpose of the Local Law is to;

- a) prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;
- b) regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and
- c) provide for the restoration and reinstatement of any excavation site.

Clause 10 (3) (a) of the Local Law states that where the local government approves an application for a licence it must determine the licence period, not exceeding 21 years from the date of issue

Clause 10 (5) of the Local Law specifies that the local government may apply conditions of approval to an Extractive Industry licence relating to various matters as required.

LEGAL ISSUES / IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

In accordance with Clause 8.2.2 of the TPS and LPP1 the application has been advertised via direct notification to the surrounding lot owners, in a local newspaper and a sign on site for a period of 21 days. A schedule of submissions is at **APPENDIX 9.2.3C**.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Land Use and Zone Objectives

As stated in Clause 4.14.1 of the TPS the objective of the Rural zones are 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. Extractive Industry has been identified as an AA use in the Darling Range zone and can therefore be considered to be consistent with the objectives of the zone.

Impact on Adjoining Owners

The subject site is located in a relatively isolated location and is separated from the nearest 'sensitive land use' as defined by the Guidance Statement by a distance of 160m. During the consultation period no submission was received from the owner of the nearest sensitive premises. Given this, and supported by the fact that no complaints (other than the latest submissions) have been recorded relating to the Extractive Industry during its 19 years of operation, it is considered that the sand extraction operation can be managed in terms of noise or dust impacts on the surrounding lots.

Hours of Operation

The hours of operation approved under the previous approval (EI23) were 7:00am to 5pm. The current application proposes hours of operation of 7:00am to 5pm.

The operations of the extractive industry will have to comply with the provisions of the Noise Regulations in relation to maximum noise levels at all hours of the day. The conditioning of hours of operation is therefore unnecessary. In addition, a condition requiring the submission of a noise management plan has been recommended.

Environmental Impact

The application does not propose the expansion of the existing mine site, as such there is not considered to be any additional impact generated as part of this application.

DoW has advised that the proposal can be considered appropriate, subject to compliance with pertinent legislation and advice from DoW. Conditions and advice notes relating to the advice received from DoW have been included in the Officer Recommendation.

Given that the application proposes the finalisation of the existing extraction area and does not propose any further clearing, no detrimental environmental impact is considered to result from this application.

Vehicle Access

The extraction area on Lot 731 is accessed via a private road constructed across Lot 731. The access road provides access to the site from Nanga Brook Road. The Shire's Director Technical Services has raised concerns that the traffic from the site is causing loose material to be tracked onto Nanga Brook Road. A condition of approval has been recommended requiring the vehicle crossover to be sealed to the satisfaction of the Director Technical Services. This will alleviate the issue of material spilling onto the road surface.

Submissions received during the consultation period have requested the addressing of the road alignment of the unnamed road that traverses Lot 731. This matter is being dealt with as a separate issue by Shire staff in conjunction with the owner of Lot 731. (The determination of the application is not dependent on the outcome of this matter).

Progress Report and Ongoing Management

Under the Local Law the applicant will be required to submit a progress report midway through the licence period. In addition to this the applicant must pay an annual fee. As part of the annual fee process the Shire will undertake an annual inspection of the operation to ensure conditions of approval are complied with and no adverse impact is being created.

Conclusion

The continuation of gravel extraction operations is required within the Shire to provide resources for the building and construction industry. Lot 731 has operated as an Extractive Industry for the last 19 years with no complaints being recorded (other than the submissions on this application). Given the ongoing demand for raw materials and the acceptability of the environmental and amenity impacts of the proposal it is recommended that the proposed Planning Consent and Extractive Industry Licence applications be approved subject to appropriate conditions.

Appendices Attached:	Yes	Appendices Numbers: 9.2.3A, B & C
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VOTING REQUIREMENTS

Simple Majority



OFFICER RECOMMENDATION

That Council resolve, with respect to the application for Planning Consent and Extractive Industry Licence for an Extractive Industry at Location 731 Nanga Brook Road, Waroona to:

- A. Approve the application for Planning Consent for Extractive Industry for a period of five (5) years subject to the following conditions:**
- 1. The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - 2. Prior to the commencement of development a site rehabilitation plan shall be submitted for approval to the Shire of Waroona. The approved rehabilitation plan must then be implemented to the satisfaction of the Shire of Waroona.**
 - 3. A Noise Management Plan shall be submitted to and approved by the Shire of Waroona and thereafter implemented by the holder of the Extractive Industry Licence;**
 - 4. A Dust Management Plan shall be submitted to and approved by the Shire of Waroona and thereafter implemented by the holder of the Extractive Industry Licence;**
 - 5. A Fire Management Plan shall be submitted to and approved by the Shire of Waroona and thereafter implemented by the holder of the Extractive Industry Licence;**
 - 6. A Rehabilitation Program shall be submitted to and approved by the Shire of Waroona and thereafter implemented by the holder of the Extractive Industry Licence;**
 - 7. No clearing of vegetation shall take place without the written approval of Council;**
 - 8. A Vegetation Screening Plan detailing size, location and type of vegetation for the common boundary of Location 731 and Lots 20 and 21 Nanga Brook Road, Waroona shall be submitted and approved by Council. The approved Vegetation Screening Plan shall be implemented on site and thereafter maintained to the satisfaction of the Shire of Waroona.**

9. No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of the Shire of Waroona detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.
10. All stormwater is to be contained on site to the satisfaction of the Shire of Waroona.
11. Prior to the commencement of development a drainage management plan is to be submitted to the specification and satisfaction of the Shire of Waroona.
12. The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.
13. Other than repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.
14. Fuel storage tanks shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils or groundwater occurs.
15. The crossover to Nanga Brook Road is to be constructed and sealed to the satisfaction of the Shire of Waroona.
16. 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.
17. The Planning Consent shall expire after a period of five (5) years from the date of this approval.

ADVICE TO APPLICANT:

- a) In accordance with condition 2, the Rehabilitation program should seek to establish a native vegetation community which is representative of the original native vegetation following mining.
- b) The applicant is advised that the extractive industry operations are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.

- c) Should the applicant wish to renew the Planning Consent, an application is to be lodged with the Shire well in advance of the expiry of the five (5) year period.**
- d) The applicant is advised that Council reserves the right to direct that cartage over particular roads may be redirected from time to time, and in the case of road failure, may direct that cartage operations over designated roadways cease entirely for the period specified.**
- e) Conditions 10 and 11 are required in accordance with the Department of Water's Water Quality Protection Note 15. Which states all stormwater runoff from the disturbed land should be contained on site to ensure turbidity and contaminants do not impact surrounding areas. Stormwater that cannot be contained on site should be collected in sediment basins which provide a minimum of two hours runoff storage from a 10 – year average return interval storm event.**
- f) In relation to Condition 17 should the continuation of the extractive industry be required after the expiry of the Planning Consent, a new Planning Consent application will be required.**
- B. Issue an Extractive Industry Licence for a period of five (5) years and subject to the following conditions:**
- 1. The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Director Planning Services.**
 - 2. A Noise Management Plan shall be submitted to and approved by the Shire of Waroona and thereafter implemented by the holder of the Extractive Industry Licence;**
 - 3. A Dust Management Plan shall be submitted to and approved by the Shire of Waroona and thereafter implemented by the holder of the Extractive Industry Licence;**
 - 4. A Fire Management Plan shall be submitted to and approved by the Shire of Waroona and thereafter implemented by the holder of the Extractive Industry Licence;**
 - 5. A Rehabilitation Program shall be submitted to and approved by the Shire of Waroona and thereafter implemented by the holder of the Extractive Industry Licence;**
 - 6. No clearing of vegetation shall take place without the written approval of Council;**

7. **The Licence holder entering into an agreement with the Local Government (Shire of Waroona) by which it agrees to pay any extraordinary expenses incurred by the Local Government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic, as determined by the agreement, conducted by or on behalf of the Licence holder;**
8. **A Vegetation Screening Plan detailing size, location and type of vegetation for the common boundary of Location 731 and Lots 20 and 21 Nanga Brook Road, Waroona shall be submitted and approved by Council. The approved Vegetation Screening Plan shall be implemented on site and thereafter maintained to the satisfaction of the Shire of Waroona.**
9. **No later than 24 months from the date of this approval the licensee must provide a progress report to the satisfaction of the Director Planning Services detailing progress with extraction activities and rehabilitation and demonstrating compliance with all conditions of approval. The progress report must include a survey of the current state of the site.**
10. **All stormwater is to be contained on site to the satisfaction of the Shire of Waroona.**
11. **The site is to be managed in a manner that will avoid unacceptable impacts on the amenity of adjoining properties by way of noise or dust emissions.**
12. **Other than repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.**
13. **Fuel storage tanks shall be bunded and provided with an impermeable barrier to ensure that no pollution of soils or groundwater occurs.**
14. **The crossover to Nanga Brook Road is to be constructed and sealed to the satisfaction of the Shire of Waroona.**
15. **The Extractive Industry Licence shall expire after a period of five (5) years from the date of this approval.**

ADVICE TO APPLICANT:

- a) **The applicant is advised that the extractive industry operations are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.**

- a) Operations are to be carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.**
- b) The applicant is advised that the Licence is subject to the payment of an annual Licence Renewal Fee as required in the Shire of Waroona Extractive Industries Local Law 1999 and prescribed in the Shire's adopted Fees and Charges. The licence shall lapse where the licensee fails to pay the annual licence fee.**
- c) The transfer of a licence is subject to the approval of the Shire.**
- d) Should the licensee wish to renew the licence, an application should be made to the Shire at least 42 days before the date of expiry of the licence.**
- e) Where a licensee intends to cease carrying on an extractive industry temporarily for a period in excess of 12 months or permanently, the licensee must, as well as complying with clause 21 of the Local Laws, give the Shire written notice of the cessation not later than 1 week after those operations have ceased.**
- f) Prior to the cessation of operations, all restoration works required in terms of clause 21 of the Shire of Waroona Extractive Industries Local Law 1999 are to be carried out.**

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 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: 8/9/14	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 (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached: Yes	Appendices Numbers: 9.3.1
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<u>OFFICER RECOMMENDATION</u>		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 7803 - 7818	\$27,706.91
Trust (Cheque/EFTs)	EFT 18831, 18876, 18931, 18968 Cheque 11036, 11038, 11039	\$143,741.95
Electronic Transfers Municipal Fund	EFT 18832 to 18967	\$406,477.25
Direct Wages	01/8/2014 – 31/8/2014 inclusive	\$164,765.33
GRAND TOTAL:		<u>\$742,691.44</u>
and attached at Appendix 9.3.1 be endorsed.		



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 31 JULY 2014 and 1 JULY 2014 TO 31 AUGUST 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: 17/9/14	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 (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers: 9.3.2A & B
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OFFICER RECOMMENDATION

That the Monthly Statements of Financial Activity for the period 1 July 2014 to 31 July 2014 and 1 July 2014 to 31 August 2014 at Appendix 9.3.2A & B be received and noted.



9.3.3 WAROONA GOLF CLUB – LOW INTEREST CAPITAL LOAN	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Deputy CEO/Director Corporate Services, No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO/Director Corporate Services, No Interest
Proponent:	Waroona Golf Club Inc.
Landowner:	Shire of Waroona
Date of Report: 16 Sept 2014	File No.: 92/3 & 66/1
Previous Reference:	Nil.
Policy Implications:	<i>Policy 3.6</i>
Statutory Implications:	<i>Local Government Act 1995</i>
Strategic Implications:	
Financial Implications:	<i>\$25,000 – The 2014/15 Adopted Budget will require amendment to accept the expenditure and associated income from the Sporting Reserve Account</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

To grant the Waroona Golf Club Inc a low interest capital loan.

BACKGROUND/INITIAL COMMENTS

The Waroona Golf Club has approached the Shire for a low interest capital loan of \$25,000 to enable the replacement of roof and kitchen renovations of the Golf Club building. The roof has been identified as needing replacement for some time and other attempts by the club to secure grant funding have been unsuccessful.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

N/A

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

Council Policy 3.6 provides conditions on the establishment of a low interest loan. These conditions may or may not be fully met depending on the purpose of the expenditure.

The Council holds investment funds for the purpose of such loans (current balance \$60,556). All repayments from loans are returned to this investment. Interest on low interest loans is charged at 5% reducible.



A repayment schedule is attached at **Appendix 9.3.3**.

POLICY ISSUES/IMPLICATIONS

Policy 3.6 provides guidelines for the Recreation Advisory Committee to consider applications for these loans and make recommendations to Council for approval.

In the absence of the Shire President the Deputy Shire President has agreed to allow the matter to proceed direct to the Council as the Club will be required to endorse legal documentation prior to the release of funds.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

N/A

LEGAL ISSUES/IMPLICATIONS

N/A

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The Waroona Golf Club have had 2 previous low interest loans with no problems experienced with repayments.

- 1997 – Mower, shed and reticulation \$30,000 (10 years)
- 2007 – Mower \$10,000 (5 years)

The Club will be required to enter into two legal agreements being a “Deed” to repay the loan and a “guarantee” to indemnify the Council.

For information the Council currently has 1 outstanding low interest loan being the Waroona Football Club expiring 2/4/15.

Appendices Attached:	Yes	Appendices Numbers: 9.3.3
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

- 1. That the Council agrees to provide the Waroona Golf Club Inc ('the Club') with a \$25,000 Low Interest Capital Loan, pursuant to Council Policy 3.6, subject to the following conditions:**
 - a. The Club, in accepting the loan, agrees to repay the loan principal and interest, in full by equal bi-annual instalments over a maximum period of 5 years.**
 - b. Future maintenance and replacement of the Golf Club premises to be the complete responsibility and cost of the Club.**
 - c. The Club to demonstrate its ability to meet the criteria of Policy 3.6 prior to the loan being funded including the signing of a Deed and Guarantee.**

- 2. That the 2014/15 budget be amended as follows:**
 - a. Expenditure of \$25,000 in order to pay the loan to the Club from a/c2804.**
 - b. Expenditure of \$25,000 from Reserve A/C45390 to transfer funds from the reserve account.**
 - c. Authorise income of \$25,000 to Municipal A/C 2865 from Reserve Account.**

9.3.4 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: 15 September 2014	File No.: 26/1
Previous Reference:	9.4.5 of 22 October 2013; & 9.4.5 of 17 December 2013; & 26 August 2014
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 "<i>Active Civic Leadership, Good Governance, & Excellence in Management</i>"	

PROPOSAL SUMMARY

At the last its meeting of 26 August 2014 the Council adopted a draft Local Government Property Local Law, and a copy of that was subsequently sent to the Department of Local Government for their comments. The latest advice is that the draft needs further changes, with items of repetition to be taken out, as well as a few other minor technical issues.

The prior clause 2.8 included too many items which would not have received Committee approval, and has been replaced with a standard Model clause, and an extra clause added after that. The new clause 2.9 includes the proposals of "Outright prohibition of specific activities on any local government property" [within the Shire of Waroona].

A new draft has been compiled and is an attachment to this report.

As previously advised, there are numerous steps to be followed, including readvertising the proposal for a minimum period of 44 days, and then a further consideration by Council on 25 November 2014. It is proposed that the Local Law then go into the Government Gazette on 2 December 2014, with the Local Law to then become effective from 16th December 2014.

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

The '**Purpose**' of this Local Law is to regulate the care, control, and management of all property of the local government, except on thoroughfares.

The '**Effect**' is to control the use of Local Government property, and offenses created for inappropriate behaviour in or on local government property and to remove obsolete and out-dated local laws relating to the district of the Shire of Waroona.

It also provides for certain activities to be permitted only under a licence/permit, and certain other 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.

As previously advised, there is a major change relating to certain prohibitions or control of certain activities at Foreshore areas, in particular, Preston Beach. The “designated” area at Preston Beach was changed in December 2013, and a map of the proposed 2x150 metre ‘No Fishing’ Zone is clearly shown on the schedule 2.

The proposal also includes 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 or retained without change. These can take 2-5 years.

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 replaced, by the new proposal, which is attached to this report.

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 apply, 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. Following the Council meeting



of 25 September 2014 the proposal needs to be again advertised. Submissions will then be received up to 13 November 2014.

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 Local Law for Local Government Properties for the Shire of Ashburton, and that of the Shire of Augusta-Margaret River.

Following Council’s final adoption in late November 2014, then the proposed new Local Law needs to be published in the Government Gazette, proposed for 2nd December 2014. Then final local public notice is given by way of a 14 day advertisement. The new provisions would then 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 Local Law. After the Council adopts this, it will be sent to the Minister for Local Government, and any other Minister where necessary. For consideration and comments.

After final adoption the Local Law is to then be sent to the ‘Joint Standing Committee on Delegated Legislation’ 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. A check of their prior rulings has been made, for consistency purposes.

The presiding member should read aloud the ‘Purpose’ and “Effect’ of the proposed Local Law.

Appendices Attached:	Yes	Appendices Numbers: 9.3.4
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VOTING REQUIREMENTS

Absolute Majority

<p><u>OFFICER RECOMMENDATION</u></p> <ol style="list-style-type: none"> 1. That the part of previously adopted minute of 26 August 2014 [OCM 14/08/102] which related Local Government Property Local Law be rescinded; 2. That the proposed draft Local Government Property Local Law, as attached, be advertised;
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3. 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 becomes effective.

9.3.5 CREATION OF NEW RESERVE ACCOUNT – RISK & INSURANCE	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, Deputy CEO/Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO/Director Corporate Services / Nil
Proponent:	N/a
Landowner:	N/A
Date of Report: 16 Sept 2014	File No.: 1/8
Previous Reference:	Nil
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	See Heading below
Financial Implications:	<i>See Heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

The Council is requested to approve the creation of a new reserve account "Risk and Insurance Reserve".

BACKGROUND/INITIAL COMMENTS

The Council receives on an annual basis a dividend from its participation in the Local Government Insurance Scheme (LGIS). A portion of the dividend is paid as a cash payment with the remainder to be used to offset Health Programs (skin checks etc).

In the past the cash rebate has been paid into general revenue, effectively offsetting premiums for that year.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

N/A

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

The expected dividend resulting from the previous financial year is approx. \$14,000. In addition there is likely to be a rebate from Public Liability Insurance of approx. \$4,000. The total amount of \$18,000 is considered to be sufficient that long term benefits from insurance expenses can be achieved by setting these accounts aside in a reserve account.

POLICY ISSUES/IMPLICATIONS

Nil.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

N/A

LEGAL ISSUES/IMPLICATIONS

N/A

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The Reserve Account may be used for the following purposes:

- To cover any unforeseen expenses associated with risk assessments.
- Additional insurance expenses as a result of estimate adjustments eg, Workers Compensation.
- Premiums for new policies which in future may be proposed outside of the budget cycle.
- To fund (or part fund) the gap associated with the “No Claim bonus”.

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the Council approve the creation of a new Reserve Account “Risk and Insurance Reserve” with an initial contribution of approx. \$18,000 being expected from rebate funds as a result of the Council’s participation in the Local Government Insurance Scheme.

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 2014/15 SHIRE OF WAROONA COMMUNITY DEVELOPMENT GRANTS	
Reporting Officer / Officer's Interest:	Tori Davis - Community Development Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley – Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report:	17.09.2014
Previous Reference:	File No.98/1
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	See Heading Below
Financial Implications:	The allocation in the 2014/15 budget is a total of \$6,400
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
<i>Strategy 3: Maintain a Strong Sense of Community</i>	
<i>Strategy 6: Achieve Active Civic Leadership</i>	

PROPOSAL SUMMARY

The Committee is requested to consider the applications for the 2014 Shire of Waroona Community Development Grants to recommend to Council.

BACKGROUND/INITIAL COMMENTS

The Community Development grant scheme was developed in 2004 to enhance the community in line with community development principles. The scheme provides up to eight hundred dollars for each proposal and has annually assisted a number of community groups and organisations.

In the 2014/15 budget Council resolved to provide an amount of six thousand and four hundred dollars (\$6,400) for the Community Development Grants Program.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The Community Development Grants addresses two key strategies of the Community Strategic Plan, namely: Strategy 3: Maintain a Strong Sense of Community and Strategy 6: Achieve Active Civic Leadership.

FINANCIAL ISSUES/IMPLICATIONS

A total of eleven applications have been received totalling \$7,658.05 in requested funding, which is \$1,258.05 over the allocated budget amount.

POLICY ISSUES/IMPLICATIONS

N/A

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

N/A



LEGAL ISSUES/IMPLICATIONS

N/A

COMMUNITY CONSULTATION

The grants were advertised through a media release and sent directly to various community organisations via email. Hard copies of the application forms were available from the Shire Office. Consultation and assistance where required for applicants was made available through the Shire of Waroona Community Development Officer.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

All applications meet the Community Development grant scheme requirements but the total application exceeds the allocated budget. A range of factors were considered in determining the recommendation. A Small Grants Committee was not held prior to this report being considered by Council due to the unavailability of Committee members.

The following recommendation for funding is suggested by the CEO –

Recommended for requested funding amount -	
Waroona Junior Amateur Basketball Assn	\$308
Waroona Anglican Opportunity Shop	\$800
Waroona Community Centre Com Kitchen	\$800
Family Support Service Little Youthie	\$800
Waroona Football Club	\$800
South West Aboriginal Basketball	\$800
Waroona Historical Society	\$800
Recommended for partial funding amount -	
Really Really Free Markets	\$648
<i>This is the actual cost for Hall hire for a 2 year period</i>	
Recommended for funding with approval –	
Waroona Playgroup	\$550
<i>Subject to finalising the lease arrangements Council offered to the group in</i>	
TOTAL \$6,306	
Not recommended for funding –	
Waroona Community Resource Centre Community Cuppa.	\$800
<i>Has received funding for the past 3 consecutive years and has another project above recommended for funding.</i>	
Family Support Service Youth Centre Wage	\$800
<i>Has received funding for the past 3 consecutive years and has another project above recommended for funding.</i>	

Appendices Attached:	Yes	Appendices Numbers: 9.4.1A - Previous allocations 2011 – 2013, and 9.4.1B Summary of 2014 applications
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approve the following grant allocations from the 2014/15 Small Grants budget provision:

Waroona Junior Amateur Basketball Assn	\$308
Waroona Anglican Opportunity Shop	\$800
Waroona Community Centre Community Kitchen	\$800
Family Support Service Little Youthie support	\$800
Waroona Football Club	\$800
South West Aboriginal Basketball	\$800
Waroona Historical Society	\$800
Really Really Free Markets for a 2 year period	\$648
Waroona Playgroup, subject to finalising the lease arrangements Council offered to the group in May 2014	\$550

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