



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 24 MARCH 2015

(Held at the Shire of Waroona Council Chambers)

TABLE OF CONTENTS

| | | |
|------------|---|-----------|
| 1. | DECLARATION OF OPENING/ANNOUNCEMENTS..... | 3 |
| 2. | RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED | 3 |
| 3. | RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE | 3 |
| 4.1 | PUBLIC QUESTION TIME | 3 |
| 4.2 | PUBLIC STATEMENTS | 3 |
| 5. | APPLICATIONS FOR LEAVE OF ABSENCE..... | 4 |
| 6. | DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS..... | 4 |
| 7. | PETITIONS/DEPUTATIONS/PRESENTATIONS | 5 |
| 8. | CONFIRMATION OF MINUTES | 5 |
| 8.1 | ORDINARY COUNCIL MEETING – 24 FEBRUARY 2015..... | 5 |
| 9.0 | REPORTS OF OFFICERS AND COMMITTEES | 5 |
| 9.1 | DIRECTOR TECHNICAL SERVICES..... | 6 |
| 9.1.1 | THATCHER STREET - BOX TREES | 6 |
| 9.2 | DIRECTOR DEVELOPMENT SERVICES | 10 |
| 9.2.1 | LOT 334 (NO. 3), BOUVARD PLACE, PRESTON BEACH – PROPOSED SINGLE HOUSE..... | 10 |
| 9.2.2 | LOT 100, (NO. 8895), SOUTH WESTERN HIGHWAY, WAGERUP – APPLICATION FOR PLANNING CONSENT FOR SOLAR POWER SYSTEM FOR EXISTING SATELLITE EARTH STATION..... | 18 |
| 9.2.3 | LOT 12 (NO. 8174), SOUTH WESTERN HIGHWAY, WAROONA – APPLICATION OF SHIRE OF WAROONA COMMON SEAL FOR DEED OF VARIATION & WITHDRAWAL OF CAVEAT..... | 25 |
| 9.3 | DEPUTY CEO/DIRECTOR CORPORATE SERVICES | 29 |
| 9.3.1 | ACCOUNTS FOR PAYMENT | 29 |
| 9.3.2 | MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015 | 30 |
| 9.3.3 | LEASE OF COUNCIL PROPERTY – WAROONA SHOWGROUNDS – VARIOUS BUILDING – AGRICULTURAL SOCIETY..... | 31 |
| 9.4 | CHIEF EXECUTIVE OFFICER..... | 33 |
| 9.4.1 | LEASE OF COUNCIL PROPERTY – WAROONA PLAYGROUP CENTRE | 33 |
| 10. | CONFIDENTIAL REPORTS | 34 |
| 11. | ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING | 34 |
| 12. | NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION | 34 |
| 12.1 | ELECTED MEMBERS..... | 34 |
| 12.2 | OFFICERS | 35 |
| 13. | CLOSURE OF MEETING | 35 |

1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.02 pm and welcomed Councillors and Staff present.

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

| | |
|------------------------|--------------------------------|
| Cr Christine Germain | Shire President |
| Cr Trish Witney | Deputy Shire President |
| Cr John Salerian | Councillor |
| Cr Larry Scott | Councillor |
| Cr Noel Dew | Councillor |
| Cr Lina Look | Councillor |
| Cr Craig Wright | Councillor |
| Cr John Mason | Councillor |
| Mr Laurie Tilbrook | Deputy Chief Executive Officer |
| Mr Louis Fouché | Director Development Services |
| Mr Patrick Steinbacher | Director Technical Services |
| Mrs Sue Cicolari | Executive Support Officer |

APOLOGIES

| | |
|---------------|-------------------------|
| Mr Ian Curley | Chief Executive Officer |
|---------------|-------------------------|

There were three members of the public present at the commencement of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4.1 PUBLIC QUESTION TIME

Mrs Susan Napoli, 60 Thatcher Street, Waroona

In relation to the trees on Thatcher Street, why has it been so long (years - unsure of how long exactly) since the trees have been trimmed. As the large one in front of my home overlaps my lawn causing all sorts of issues.

Mr Steinbacher advised that the current Council policy was to leave trees to develop their own natural canopy if they were not under power lines.

4.2 PUBLIC STATEMENTS

Ms Kym Veliacich as proxy for Noel Besestri, 48 Thatcher Street, Waroona

After conducting a petition requesting the Council prune the box trees along the Northern side of Thatcher Street and regularly maintain them as per the Southern side of the street, it is clearly obvious that the issues caused by these trees are extensive, and every single resident along both sides of the street want a review of your current policy, and for you to take some action in response to the many letters residents have sent, highlighting these concerns. As outlined in my letter to you from 11th February, the



problems brought about by the lack of maintenance of the box trees surely contributes to the “constraints” as detailed in your policy 5.9, in regards to street trees.

After talking to the many people along Thatcher Street, simple amenities paid for in our rates such as rubbish removal, is becoming an issue – residents have to put their bins in the driveway for collection due to the overhanging branches, as the trees are simply too large to put the bins anywhere near.

Walking along the Northern side of Thatcher Street is almost impossible to do without tripping on branches, or dodging large underhanging foliage. It is simply unsafe – especially seeing as it is a main thoroughfare for many in our community.

The constant mess to our yards is a common concern for all residents also – let alone the extra gutter cleaning that these trees create. I know of residents that have issues with the council verge under the trees, where they have put a lot of money and effort into putting gravel road base, which is always messily covered with nuts, leaves and foliage from these trees. Also, the problems of disposing the extra greenwaste we have is an ongoing concern.

All residents face vision problems and blind spots due to the size of these trees along Thatcher Street. Many residents also complain of branches touching and scratching cars when driving through their driveway due to the size of these trees. Surely this is not acceptable, especially on such a wide, busy street in Waroona.

And finally, in wake of the recent bushfire that unfortunately affected Waroona, and came very close to Thatcher Street causing it to be evacuated, would this not be reason enough to prune them extensively and get rid of all of the old, dry foliage which is very flammable. A fire would very easily and quickly skip from tree to tree, and due to their height, would so easily alight the gutters of homes along there.

I think it is very obvious that your old standing policy in regards to street trees be reviewed as it is simply unsafe and these trees are a liability. It would be greatly appreciated, on behalf of the residents of Thatcher Street, that you please prune and maintain these trees before someone or something is seriously damaged as a result. Thank you.

5. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

OCM15/03/019

MOVED: CR WITNEY

SECONDED: CR LOOK

That Leave of Absence be granted to Cr Larry Scott for the period 19 April 2015 to 16 May 2015 inclusive.

CARRIED 8/0

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Salerian, Cr Look, Cr Witney and Cr Scott declared an interest affecting impartiality in Item 9.3.3 as they were members of the Waroona Agricultural Society.



7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Petition – Noel Besestri – 48 Thatcher Street, Waroona – Box Trees on Northern Side of Thatcher Street

COUNCIL RESOLUTION

OCM15/03/020

MOVED: CR WITNEY

SECONDED: CR LOOK

That the Petition from Noel Besestri of 48 Thatcher Street, Waroona be accepted.

CARRIED 8/0

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 24 February 2015

COUNCIL RESOLUTION

OCM15/03/021

MOVED: CR WITNEY

SECONDED: CR MASON

That the Minutes of the Ordinary Council Meeting held 24 February 2015 be confirmed as being a true and correct record of proceedings.

CARRIED 8/0

9.0 REPORTS OF OFFICERS AND COMMITTEES



9.1 DIRECTOR TECHNICAL SERVICES

| 9.1.1 THATCHER STREET - BOX TREES | |
|--|---|
| Reporting Officer / Officer's Interest: | Patrick Steinbacher, Director Technical Services; No Interest |
| Responsible Officer / Officer's Interest | Ian Curley, Chief Executive Officer; No Interest |
| Proponent: | Noel Besestri |
| Landowner: | Shire of Waroona |
| Date of Report: 17 March 2015 | 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 "Assets, Resources, Financial Management & Sustainability" | |

PROPOSAL SUMMARY

A resident on Thatcher Street has approached Council officers with concerns about the current state of the Queensland Box trees to the North of Thatcher Street. A policy exists that deals with trees such as these and the extent of the works allowable under this policy has been explained to the proponent however the proponent feels more should be done to address the issues posed by the trees. This report intends to seek Council's views on the wider issue of Box Trees on the North of Thatcher Street, to both deal with the matter at hand and for future similar issues.

BACKGROUND/INITIAL COMMENTS

The Proponent emailed the Shire office on 11 February (attached). The proponent sets out a number of issues, which are reasonable given the nature of the Box Trees and their shortcomings as street trees, which are well known.

Council Policy # 5.9 "Street & Road Verge, Parks & Reserves Tree Planting, Replacement, Maintenance & Removal" states, in part:

"Trees beneath power lines shall be pruned in accordance with relevant authority guidelines. All other trees located in street verges, parks and reserves shall be allowed to develop their natural canopy unless other constraints are identified and assessed. Trees may be under pruned and shaped where necessary to maintain vehicle clearance, pedestrian access and vehicle driver and pedestrian vision at the discretion of the Manager of Works and Services."

This was relayed to the Proponent via a letter however the Proponent has indicated that they are not satisfied with this response and as such have requested that the matter be taken further with a view to increasing the level of service that the trees to the North of Thatcher Street receive beyond that allowed under Council Policy.

Council officers do sympathise with the Proponent and agree that the Box Trees are an ongoing issue to both Council controlled land and adjacent private property.

Council's Works Committee was briefed on this matter on Wednesday 11 March. It was concluded that there are three basic options with which to deal with the trees, being –

- Full removal of the subject trees, either in one project or in a staged fashion over a number of years
- Severe pruning as per the trees on the Southern side of Thatcher Street under power lines
- Continued maintenance as per the current Policy

Full removal presents a substantial capital cost and may not be the preferred option for all residents of the subject section of Thatcher Street. Severe pruning is also relatively expensive and is an ongoing annual cost which goes against the intent of the current Policy which is to allow trees to develop an attractive canopy.

While the Works Committee understood the concerns raised by the Proponent, it concluded that the only realistic option based on financial concerns and the auspices of the prevailing policy was to continue to carry out periodic, as required maintenance to the trees to the North of Thatcher Street as allowed under the existing policy.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

The Works Committee has been briefed on this matter.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 "Assets, Resources, Financial Management & Sustainability"

FINANCIAL ISSUES/IMPLICATIONS

Based on similar situations it is estimated that the cost of removal is in the vicinity of two to three thousand dollars per tree, not including other costs such as traffic control. Given that there are 27 trees in the subject section of Thatcher Street (Jackson to Elliott Streets) alone, removal would be a substantial cost and would conceivably set a precedent.

Currently Council spends approximately \$10,000 (ex GST) per annum on the trees on the South side of Thatcher Street which require annual pruning as they are under power lines. It is envisaged that it would be a similar cost to carry out the same pruning to the North side trees after the first year of pruning which would be a substantially greater cost given the amount of material that would have to be dealt with in the initial pruning.

The cost of periodic targeted pruning on an as required basis of the trees on the North of Thatcher Street is included in each annual maintenance budget. Actual expenditure is dependent on the amount of work required.

POLICY ISSUES/IMPLICATIONS

Should Council resolve as per the officer recommendation there are no Policy implications.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Consultation has been limited to conversations with the Proponent's representative.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The intention of the Policy as Officers see it is to allow trees that are not under power lines or that otherwise affect critical infrastructure to grow unhindered to develop their full canopy, as well as reducing unnecessary pruning and therefore costs.

The issues presented by the trees are well known and understood and while officers sympathise with the Proponent and other residents who have had similar concerns, the costs to remove the trees or to raise the level of service that they receive is prohibitive. Also, the setting of a precedent should either of these two options be considered, may have serious implications in the future. Added to this, the intent of the Policy is to allow the development of an attractive canopy which lends itself to a more pleasant streetscape overall while allowing as required maintenance pruning.

| | | |
|-----------------------------|------------|----------------------------------|
| Appendices Attached: | Yes | Appendices Numbers: 9.1.1 |
|-----------------------------|------------|----------------------------------|

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council, in relation to the Queensland Box Trees on the North side of Thatcher Street Waroona, between the intersections of Jackson and Elliott Streets:

1. Not approve their removal
2. Not approve additional pruning works as per similar trees located under power lines
3. Continue to carry out as required maintenance pruning in accordance with Policy # 5.9 "Street & Road Verge, Parks & Reserves Tree Planting, Replacement, Maintenance & Removal".

COUNCIL RESOLUTION

OCM15/03/022

MOVED: CR DEW

SECONDED: CR SALERIAN

That the communication Item 9.1.1 – Thatcher Street Box Trees, lie on the table for further consideration at the Ordinary Council meeting to be held on 28 April 2015.

CARRIED 8/0

9.2 DIRECTOR DEVELOPMENT SERVICES

| | |
|---|--|
| 9.2.1 LOT 334 (NO. 3), BOUVARD PLACE, PRESTON BEACH – PROPOSED SINGLE HOUSE | |
| Reporting Officer / Officer's Interest: | Lucy Lyster – Town Planner, Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Development Services / Nil |
| Proponent: | Bruno Tassone |
| Landowner: | Tassone Holdings PTY LTD ATF The Tassone Family Trust |
| Date of Report: 30 January 2015 | File No.: TP1728 |
| Previous Reference: | N/A |
| Policy Implications: | State Planning Policy 3.1 – Residential Design Codes Local Planning Policy 1 – Community Consultation |
| Statutory Implications: | 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 2014/15-2023/24 |
| Financial Implications: | See report. |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</i> | |

PROPOSAL SUMMARY

An application has been received for a Single House on Lot 334 (No. 3), Bouvard Place, Preston Beach. The location plan can be seen in **APPENDIX 9.2.1A**.

The proposed floor area of the single house covers 250m² of the 722m² lot. The proposed house will have a wall height of 8m and a total ridge height of 8.8m. The floor plan and elevation can be seen in **APPENDIX 9.2.1B**.

The dwelling is to be constructed of rendered brickwork and selected plank lining externally. There is a proposed ballustraded balcony area on the first floor of the proposed single dwelling, this balcony area faces North, East and South. The roof will be constructed of Colorbond. A colour scheme for the above stated materials has not been supplied.

The dwelling is proposed to be set back 8.4m from Bouvard Place. The dwelling is proposed to be set back 1.8m from the Western side boundary, 2.9m from the Eastern side boundary and 8m from the rear (Southern) boundary.

A total of 66% of the site has been retained as open space.

BACKGROUND / INITIAL COMMENTS

| | |
|------------------------|-------------------|
| Lot size. | 722m ² |
| Existing improvements. | Nil |

The subject lot is currently vacant and cleared, sloping steeply from the northern boundary downwards to the southern boundary. The topography changes by approximately 7.75m from the highest to the lowest point on the subject lot.

Previous Applications

None

STATUTORY IMPLICATIONS**Peel Region Scheme (PRS) 2003**

Clause 12, Purposes of zones, states:

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

- (a) Urban – to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

State Planning Policy 3.1 – Residential Design Codes (R Codes)

The subject lot is located within the Preston Beach Town Precinct with a density Code of R15. Within the R15 coded area the minimum setbacks are as follows:

- 6 m from primary street – TPS allows for a 4.5m setback within the Urban 9 zone.
- 1.5 m from a secondary street
- 6m from the rear boundary
- * other setbacks

* Setback depending on wall height, wall length and whether wall contains major openings or not. (Table 2a and 2b of R Codes).

Deemed to comply provision C2.1 (i) of 5.1.2 states that buildings setback from street boundaries in accordance with table 1 are deemed acceptable.

Deemed to comply provision C3.1 (i) of Clause 5.1.3 states that buildings setback from other boundaries than street boundaries in accordance with tables 2a and 2b are deemed acceptable.

Deemed to comply provision C4 of Clause 5.1.4 states that open space provided in accordance with Table 1 is deemed acceptable.

Design principle provision for 5.1.6 Building height, states building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:



- Adequate access to direct sun into buildings and appurtenant open spaces;
- Adequate daylight to major openings into habitable rooms; and
- Access to views of significance.

Deemed to comply provision 5.3.7 Site Works, states:

C7.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.

C7.3 Subject to subclause C7.2 above, all excavation or filling behind a street setback line and within 1m of lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, local structure plan or local development plan.

Design principle provision for 5.3.7 Site Works, states:

P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

Deemed to comply provision 5.3.8, Retaining walls, states:

C8.1 Retaining walls set back from lot boundaries in accordance with the setback provisions of Table 1.

C8.2 Where a retaining wall less than 0.5m high is required on a lot boundary, it may be located up to the lot boundary or within 1m of the lot boundary to allow for an area assigned to landscaping, subject to the provisions of clauses 5.3.7 and 5.4.1.

Design principle provision for 5.3.8, Retaining walls, states:

P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

Deemed to comply provision 5.4.1, Visual Privacy, states:

C1.1 Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:

- i. set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum of 6m:
 - Major openings to bedrooms and studies – 4.5m
 - Major openings to habitable rooms other than bedrooms and studies – 6m
 - Unenclosed outdoor active habitable space – 7.5m.
- ii. are provided with permanent screening to restrict views within the cone of vision from any major opening or an enclosed outdoor active habitable space.

Design principle provision for 5.4.1, Visual Privacy, states:

P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- building layout and location;
- design of major openings;
- landscape screening of outdoor active habitable spaces; and/or
- location of screening devices.

P1.2 Maximum visual privacy to side and rear boundaries through measures such as:

- offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;
- building to the boundary where appropriate;
- setting back the first floor from the side boundary;
- providing higher or opaque and fixed windows; and/or
- screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

Shire of Waroona Town Planning Scheme No. 7 1996

The subject lot is located within the 'Urban 9 – Preston Beach' zone under the Shire of Waroona Town Planning Scheme No. 7 (TPS) and is therefore subject to Clause 4.13 of the Scheme, which relates specifically to that zoning.

Clause 4.13.1 states that it is Council's objective is to ensure that the Preston Beach Town site develops for residential, holiday accommodation and recreational uses in a manner consistent with protection of the environment and landscape of the area.

Council's policies will therefore be to:

- Permit, at the discretion of Council, a range of uses compatible with the character and intent of the zone.
- Require that development be of a scale, construction and appearance which is, in the opinion of Council, appropriate to the area.

Clause 4.13.4 of the scheme states, notwithstanding the minimum setbacks from boundaries in Table 1 of the Residential *Design Codes* the minimum front setback in the subdivided portion of Preston Beach established at the time of Scheme Gazettal may be reduced to 4.6m and may be further reduced with planning consent of Council.

Clause 6.2.1 of the Scheme states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R-Codes shall conform to the provisions of those Codes and the Schedules to those Codes.

Clause 6.12.1 of the Scheme 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 except in the 'Urban 9 Preston Beach' Zone where unless otherwise approved, no building shall be erected with the apex of the roof exceeding 7.5 metres in heights above natural ground level.

Local Planning Policy 1 – Community Consultation (LPP1)

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

LPP1 requires that an application with non-compliance is to be advertised to owners and occupiers of affected neighbour properties for a period of 21 days.

STRATEGIC PLANNING 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.

Local Planning Strategy (LPS)

The subject lot is located within the Coastal Precinct of the LPS. It is the Shire's aim to provide for the enhancement of the Preston Beach townsite.

A Single House is a primary use in the Residential Sub-precinct.

COMMUNITY CONSULTATION

The proposal was advertised to the potentially affected adjoining neighbours in accordance with LPP1. See schedule of submissions in **APPENDIX 9.2.1C**.

INTERNAL REFERRAL

Upon referral to the Building Department, the Manager of Environmental Health and Building Services stated that there are concerns with stormwater management and that a Drainage Management Plan will be required.

Upon referral to Environmental Health Services, the Manager of Environmental Health and Building Services stated that an effluent disposal application will be required.

Upon referral to the Shire's Technical Services Directorate, the Director of Technical Services required that a Drainage Management Plan will be required.

FINANCIAL ISSUES / IMPLICATIONS

Nil

OFFICER COMMENTS

Peel Region Scheme (PRS) 2003

The proposed single house meets the requirements under the urban zone definition within the PRS.

TPS

The proposed Single House is a permitted land use within the Urban 9 – Preston Beach zone.

The proposed Single House does not comply with the Scheme requirement for a maximum building height of 7.5m. The proposed development has a maximum height of 8.8m, however the proposed variation is considered to be acceptable given the difficult topography of the lot. The lot is oriented in a north-south direction, therefore expected overshadowing of adjacent residential lots is considered to be minimal. The predominant impact of the additional height is on the lot to the south, which is owned by the Shire of Waroona and forms part of the Preston Beach golf course.

In accordance with the objectives of the zone, scale and construction is to be appropriate within the area, therefore a condition has been added requiring materials to complement and blend in with the amenity of the area.

State Planning Policy 3.1 – Residential Design Codes (R Codes)

The street setback of 8.4 m complies with the 4.5m setback prescribed by the TPS, therefore meeting Deemed to Comply provision C2.1 (i) of Clause 5.1.2.

The proposed side and rear setbacks comply with the Deemed to Comply requirement C2.1 of Clause 5.1.2.

The proposed development will retain a total of 66% open space. Deemed to Comply provision C4 of Clause 5.1.4 states that a minimum of 50% of the lot is to be open space. The development therefore complies with this provision.

The proposed wall height is 8m in lieu of 6m and overall height 8.8m in lieu of 7.5m, therefore the proposal is assessed against design principle for Clause 5.1.6. The proposed single house is to be built on an extremely steep lot with difficult topography to build upon. In accordance with the design principles the proposed development is not considered to create an adverse impact on the streetscape. The application was advertised to neighbours with no comments received in relation to height.

The application proposes fill up to a maximum of 3m, and therefore is to be assessment against the design principle 5.3.7, P7.1 and P7.2. In accordance with principle P7.1 the proposed fill levels are required to build a structurally sound single house on an extremely steep lot. In accordance with principle P7.2, the proposed fill on the site, levels out the finished floor levels in line with natural ground levels on the highest lot boundaries. The proposed single house is similar and in keeping to other developments within the surrounding area who have developed on steep slopes.

The application proposes retaining walls up to a height of 2.3m with a nil setback in lieu of a 1.5m setback; therefore the proposal is to be assessed against the design principle P8. The proposed retaining walls are necessary to effectively contain and level fill on the

steep lot. The proposed retaining walls are not proposed to enter or affect adjoining properties.

In relation to visual privacy the proposal does not meet the deemed to comply provision for a 7.5m code of vision for outdoor active habitable spaces, therefore the application is to be assessed against the design principle provision for Clause 5.4.1, principles P1.1 and P1.2. The cone of vision crosses into a small corner portion (approx. 26m²) of the adjacent lot to the east, this area contains a shed and an area used to park a boat. No comments were received during the consultation in relation to visual privacy. Therefore the impact on visual privacy is deemed to be acceptable.

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

The proposed single house meets the aims and principles outlined within Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

Internal Referral

In accordance with the internal advice received a condition has been added requiring a drainage management plan. An Advice notes have also been included requiring a building permit be issued prior to development commencing on site and that an effluent disposal application will be required.

Conclusion

Following the above assessment against the TPS, R-Codes, LPS and LPP1, the proposed development is not considered to unduly impact the adjoining neighbours or streetscape. It is therefore recommended that the application be approved subject to appropriate conditions and advice notes.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**OCM15/03/023****MOVED: CR SCOTT****SECONDED: CR MASON**

That in relation to the proposed Single House on Lot 334 (No.3) Bouvard Place, Preston Beach, Council resolves to approve the application for planning consent subject to the following conditions:

- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans, unless otherwise required or agreed to in writing by the Shire of Waroona.**
- 2. All stormwater and drainage run-off to be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**
- 3. A Drainage Management Plan shall be submitted to the satisfaction of the Shire of Waroona prior to the commencement of construction. All drainage to be implemented in accordance with the approved Drainage Management Plan to the satisfaction of the Shire of Waroona.**
- 4. Building materials are to be of a standard and colour scheme complementing and blending in with the amenity of the area to the satisfaction of the Shire of Waroona.**
- 5. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

ADVICE TO APPLICANT:

- A. The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2014.**
- B. Further to conditions 2 and 3 the applicant is advised to discuss site drainage with the Technical Services Directorate and the Building Department prior to developing a Drainage Management Plan.**
- C. The applicant is advised that an effluent disposal application approval is required.**

CARRIED 8/0

| | |
|--|---|
| 9.2.2 LOT 100, (NO. 8895), SOUTH WESTERN HIGHWAY, WAGERUP – APPLICATION FOR PLANNING CONSENT FOR SOLAR POWER SYSTEM FOR EXISTING SATELLITE EARTH STATION | |
| Reporting Officer / Officer's Interest: | Lucy Lyster – Town Planner / Nil |
| Responsible Officer / Officer's Interest | Louis Fouché – Director Development Services / Nil |
| Proponent: | Solgen Energy Pty Ltd |
| Landowner: | NBN Co. Limited |
| Date of Report: 5 March 2015 | File No.: TP1738 |
| Previous Reference: | TP1517, SD147586 |
| Policy Implications: | Local Planning Policy 1 – Community Consultation Local Planning Policy 5 – Setbacks and Building Envelopes |
| Statutory Implications: | 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 2014/15-2023/24 |
| Financial Implications: | Nil. |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</i> | |

PROPOSAL SUMMARY

Council is requested to consider an application for Planning Consent for a ground mounted 100kW Solar Photovoltaic Power System at Lot 100, (No. 8895), South Western Highway, Wagerup.

The solar power system is has a total area of 56m by 34m (1904m²), consisting of 16 12m by 4m individual solar panel arrays.

The solar panels are mounted on an angle facing north, the highest elevation (south) will be 2.148m in height with the panels sloping to the north, and the southern northern edge being 0.45m in height.

The solar panel system is to be located in the South Western corner of the lot, 15.013m from the Northern boundary (Road setback), 36.521m from the Western boundary, 107.754m from the Southern boundary and 198.93m from the Eastern boundary.

Council is also required to determine whether the proposed development is consistent with the objectives of the Rural 1 – General Agricultural zone as the application is for a “use not listed”.

A location and site plan can be seen in **APPENDIX 9.2.2A**, and the elevation plan can be seen at **APPENDIX 9.2.2B**.

BACKGROUND / INITIAL COMMENTS

| | |
|-----------------------|-------------------------|
| Lot size | 6.8453ha |
| Existing improvements | Satellite Earth Station |

The subject site, 6.8449ha, contains a number of trees, with a strip of mature trees located along the western boundary, adjacent to the South Western Highway and to the north of the block. These trees provide a visual buffer for traffic approaching from the north. The existing trees and newly planted vegetation, required as a condition of TP1517, along the western boundary act as a landscaped visual buffer to the Highway.

Access to the site is obtained via an unsealed driveway off the South Western Highway. The existing NBN satellite earth station is located in the centre of the lot.

Previous Applications

TP1517 – Installation of telecommunications infrastructure (satellite earth station) – approved by Council on 18 December 2012 (OCM 12/12/149).

SD147586 – Three lot subdivision recommended for approval by Council on 27 May 2013 (OCM13/4/034).

STATUTORY IMPLICATIONS**Peel Region Scheme 2003 (PRS)**

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.”

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

The subject lot is located within the ‘Rural 1 – General Farming’ under the Shire of Waroona Town Planning Scheme No. 7 (TPS) and is therefore subject to Clause 4.14 of the Scheme, which relates specifically to that zoning.

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.

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



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

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

- (a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) Include the other options under this clause.

Clause 6.12.1 of the Scheme 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.

Clause 6.12.1 of the Scheme 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.

STRATEGIC PLANNING 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.

Local Planning Strategy 2009 (LPS)

The subject land is located within the General Agriculture Precinct under the LPS and identified as General Agriculture. The objective of the general agriculture classification is to provide for the continued use of the area for a range of agricultural uses. The precinct states minimum setbacks of 20m from a road boundary and 10m from side/rear boundaries.

Local Planning Policy 5 – Setbacks and Building Envelopes

Applications for the relaxation or modification of setback requirements shall be assessed against the following criteria:

- a) The effect that the proposed relaxation or modification is likely to have on the amenity of adjoining or nearby properties, in terms of privacy, overshadowing or visual intrusion.
- b) The effect that the proposed relaxation or modification is likely to have on the environment, especially in terms of the quality and/or quantity of remnant, native vegetation that may be affected by alternative building locations.
- c) The effect that the proposed relaxation will have on the general amenity of the streetscape or landscape.

- d) The ability for concerns to be satisfactorily addressed via conditions of approval pertaining to detailed building design, the planting of screening vegetation, or similar.

COMMUNITY CONSULTATION

Local Planning Policy 1 – Community Consultation (LPP1)

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

LPP1 requires that an application for a use not listed with local impact is to be advertised to owners and occupiers of affected neighbour properties for a period of 21 days.

EXTERNAL REFERRAL

Main Roads Western Australia (MRWA) had no objection to the proposed development. A comment that an increased setback may be appropriate to improve security on site was included in the submission.

A schedule of submissions received is at **APPENDIX 9.2.2D**.

INTERNAL REFERRAL

The Manager of Environmental Health and Building Services stated the proposed development would require a building permit application.

The Environmental Officer had no concerns with the proposal.

The Director of Technical Services stated there were no concerns with the proposal.

FINANCIAL ISSUES / IMPLICATIONS

Nil.

OFFICER RECOMMENDATION

TPS

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

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

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. The proposed development is considered to be infrastructure



ancillary to the approved satellite earth station and therefore appropriate development on the lot.

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

The proposed solar power system is consistent with the aims and principles towards achieving Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

Local Planning Strategy (LPS)

The proposed solar power system land use is not listed as a primary or discretionary use within the LPS, however the solar power system is not considered to be inconsistent with the objective of the General Agricultural precinct.

The solar panel system is situated 15m from the road boundary; it is considered that the proposed setback reduction will not detrimentally impact on the amenity of the area for the following reasons:

- The proposed solar panel system is situated in location behind the road reserve that is heavily vegetated with mature trees and bushes. The road reserve is approximately 20m wide; therefore the proposed development will not have any visual impact on the road or neighbours.
- The proposal was advertised to the potentially affected neighbours on the opposite side of the road and no objections were received.
- The proposal is consistent in nature with the existing development on the subject lot and will not have a material impact on the amenity of the streetscape.
- MRWA advised that they have no objection to the proposed development.

Local Planning Policy 1 – Community Consultation (LPP1)

In accordance with the TPS and LPP1, the application was advertised to adjoining neighbours for a period of 21 days.

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

Local Planning Policy 5 – Setbacks and Building Envelopes (LPP5)

In relation to LPP 5, a), the proposed solar power system will be 15m from the road boundary in lieu of the LPS requirement of 20m. The effect upon adjoining landowners is minimal if any, as the proposed structure is only 2.148m in height and located behind mature trees and bushes. Condition 6, of TP1517 (Satellite Earth Station), required a landscape plan to be implemented to screen the satellite earth station from the South Western Highway. The submitted landscaping plan shows the possible location of the solar power system and the proposed screening around it. See **APPENDIX 9.2.2C**. A condition is proposed to reinforce this requirement with the current application.

In relation to LPP 5, b), the proposed development does not propose to remove or clear any remnant vegetation. Therefore the reduced setback will have no significant environmental ramifications on the subject lot.

In relation to LPP 5, c), the proposed solar power system is ancillary development to the existing approved satellite earth station. Therefore the proposed development is consistent with the existing development on the lot and the amenity of the area.

In relation to LPP 5, d), it was considered necessary that the existing vegetation and the landscaping condition on the previous approval be re-applied to this application to ensure that the proposed development is appropriately screened. The exact location of the proposed solar power system was also not accurately defined with the previous application for the Satellite Earth Station (TP1517).

External Referral

MRWA has no objection to the proposed development, but suggested that an increased setback may be appropriate to improve security on site. The comment has been noted, however the security of the site is not a significant consideration within the planning approval process.

Internal Referral

Internal departments have not raised any issues with the proposal. An advice note has been added requiring that a building permit be submitted for proposed solar power system.

Conclusion

Following the above assessment the proposed development application for the solar power system is not considered to create any significant adverse effects on the amenity of the area and meets the requirements and objectives of the TPS, LPS and LPP 1 and LPP 5. Therefore it is recommended that the application be approved.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION**OCM15/03/024****MOVED: CR MASON****SECONDED: CR WRIGHT**

That in relation to the application for planning consent for a Solar Power System for the existing Satellite Earth Station on Lot 100, (No. 8895), South Western Highway, Wagerup, and pursuant to Clauses 4.2.5 of the Shire of Waroona Town Planning Scheme No.7 1996, Council resolves:

- A. To determine that the proposed development is consistent with the objectives of the Rural 1 – General Agricultural zone and is therefore permitted subject to the following conditions:**
- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans, unless otherwise required or agreed in writing by the Shire of Waroona.**
 - 2. Prior to commencement of the development/land use, a landscaping plan is to be developed by the proponent, submitted to and approved by the Shire of Waroona to achieve appropriate screening of the Solar Power System. The approved landscaping plan is to be implemented in full and the landscaping thereafter maintained to the satisfaction of the Shire.**
 - 3. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

ADVICE TO APPLICANT:

- A. The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2015.**
- B. With regard to condition 2 the Shire of Waroona requires that landscaping plans utilise the recommended species lists listed in appendix A of Local Planning Policy 23.0 - Landscaping. The Shire of Waroona supports the use of endangered or threatened endemic native species in landscaping wherever this is practicable.**

CARRIED 8/0

| | |
|--|---|
| 9.2.3 LOT 12 (NO. 8174), SOUTH WESTERN HIGHWAY, WAROONA – APPLICATION OF SHIRE OF WAROONA COMMON SEAL FOR DEED OF VARIATION & WITHDRAWAL OF CAVEAT | |
| Reporting Officer / Officer's Interest: | Lucy Lyster – Town Planner / Nil Chris Dunlop – Senior Town Planner / Nil |
| Responsible Officer / Officer's Interest: | Louis Fouché – Director Planning & Development Services / Nil |
| Proponent: | C Legal and Bunbury Settlement Services Pty Ltd on behalf of Charles Hull Contracting Pty Ltd |
| Landowner: | Charles Hull Contracting Pty Ltd |
| Date of Report: 11 March 2015 | File No.: SD141582 |
| Previous Reference: | See Previous Applications heading in report. |
| Policy Implications: | Policy 1.26 - Application of Shire of Waroona Common Seal |
| Statutory Implications: | See heading in report. |
| Strategic Implications: | Shire of Waroona Strategic Community Plan 2014/15-2023/24 |
| Financial Implications: | See heading in report. |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land</i> | |

PROPOSAL SUMMARY

The application of the Shire of Waroona Common Seal is required for the Deed of Variation and relates to the withdrawal of the caveat for Lot 12 (No. 8174), South Western Highway, Waroona. This report seeks approval for the application of the Shire's common seal that is required for the withdrawal of caveat document.

The location plan can be seen in **APPENDIX 9.2.3A** and the existing and proposed easements in **APPENDIX 9.2.3B**.

BACKGROUND / INITIAL COMMENTS

Charles Hull Contracting Pty Ltd, the owner of the subject lot (through C Legal and Bunbury Settlement Services Pty Ltd), wishes to vary a deed dated 22 April 1997 between the owner and the Shire of Waroona. The variation of the deed seeks to acknowledge the amalgamation of Lots 43 and 11, South Western Highway, Waroona into Lot 12, South Western Highway, Waroona (SD141582).

The original deed, dated 22 April 1997 was required as part of an agreement between the owner and the Shire for the construction of a shed on Lot 42. The deed ensures access to the lot in the absence of a crossover. The deed also addresses the provision of parking, a drainage contribution and infrastructure such as water, sewer and electricity, should a right of carriageway easement between the then lots 42 and 43 not be registered.

The proposed right of access easement is located in the south eastern corner of the newly created Lot 12, and provides a right of access to Lot 42 from the South Western Highway.



The owner seeks the Shire to remove the Caveat G459776 from the Certificate of Title for Lots 42 and 43. The Deed of Variation requires the Shire to lodge a caveat with Landgate over Lot 42 and/or Lot 12, by virtue of its interest therein as set out in the original Deed as varied by the new Deed. The owner advised the Shire that the existing Caveat must be removed in order for Landgate to release the title for the newly created Lot 12.

The Shire instructed McLeods Barristers and Solicitors to act on the Shire's behalf in preparing and submitting the Deed of Variation and Withdrawal of Caveat documents.

Previous Applications

The amalgamation of Lots 11 and 43, South Western Highway (SD141582), was recommended for approval under delegation on 24 March 2014 and approved by the Western Australian Planning Commission on 19 April 2010.

TP271 – Planning Consent for Green Colorbond Industrial Storage Shed on lot 42 South Western Highway, approved by Council on 2 May 1997, Resolution No: P1015/97 & OCM 7997.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

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

Part VI of the TPS addresses Development Requirements for the development of land including Clause 6.6 (Drainage) and Clause 6.8 (Vehicle Parking)

Clause 8.3.2 of the TPS enables the determination of a Planning Consent with conditions.

Existing Deed of Agreement between the Shire of Waroona and Charles Hull Contracting PTY LTD

The deed of agreement relates to Planning Consent TP271 approved on 2 May 1997, wherein the Shire permitted a shed on lot 42 South Western Highway.

Clause 4.1 of the deed state that prior to or upon the owner transferring Lot 42, the owner shall grant to the transferee of Lot 42 a right of carriageway over the easement area and shall reserve to the owner of lot 43 a right of carriageway of the easement area to the intent that the registered proprietors of Lot 42 and Lot 43 shall both have a right of carriageway in common over the easement area.

Clause 4.2 of the deed states that prior to or upon the owner transferring lot 43, the owner shall reserve to the owner of lot 42 a right of carriageway over the easement area to the intent that the registered proprietors of lot 42 and lot 43 shall both have a right of carriageway over the easement area.

Clause 4.3 of the deed states that as an alternative to paragraphs 4.1 and 4.2 the owner shall construct a separate sealed crossover to lot 42 to the satisfaction of the shire and Main Roads Western Australia together with a \$500 contribution for the shire's drainage system and together with separate installation of public utilities such as water, electricity, deep sewer and other standard conditions.

In the event of a breach of the terms of the deed Clause 5 entitles the Shire to carry out necessary works (as referred to in clause 4.3) at the cost of the owner.

Clause 6 of the deed entitles the Shire to lodge a caveat on the title of the affected properties and Clause 8 obliges the Shire to withdraw its caveat with the transfer of lots.

Clause 7 also refers to the owner's responsibility re. costs, damages and loss to the Shire in exercising its obligations under the deed.

Clause 9 entitles the Shire to recoup costs in preparing the deed from the owner.

PLANNING – STRATEGIC 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.

POLICY IMPLICATIONS

Shire of Waroona Policy 1.26 – Application of Shire of Waroona Common Seal

The Withdrawal of Caveat and Deed of Variation is to be stamped with the Shire of Waroona Common Seal in accordance with Policy 1.26 – Application of Shire of Waroona Common Seal.

COMMUNITY CONSULTATION

Under Policy 1.26 – Application of Shire of Waroona Common Seal there is no requirement for community consultation for the application of the Shire of Waroona Common Seal.

INTERNAL REFERRAL

The Director of Technical Services stated there were no concerns with the proposal.

FINANCIAL ISSUES / IMPLICATIONS

Costs for McLeods Barristers and Solicitors to act on the Shire's behalf are to be covered by Charles Hull Contracting in accordance with Clause 9 of the Deed of Agreement.

Also note Clause 4.3 of the deed in relation to the provision infrastructure and Clause 7 regarding the owner's responsibility for costs, damages and loss to the Shire in exercising its obligations under the deed in Existing Deed of Agreement heading.

OFFICER COMMENTS**Shire of Waroona Policy 1.26 – Application of Shire of Waroona Common Seal**

The Deed of Variation is to be stamped with the Shire of Waroona Common Seal in accordance with Policy 1.26 – Application of Shire of Waroona Common Seal and signed by the CEO and Shire President.

Conclusion

In order for the amalgamation of the subject land to be finalised, creating an easement to provide a right of way access to Lot 42, the completion of the Deed of Variation and Withdrawal of Caveat is required. The deed also addresses the provision of relevant infrastructure appropriate to the use of the lot. Therefore it is recommended that the application of the Shire of Waroona Common Seal to the Deed of Variation is approved.

| | | | |
|-----------------------------|------------|----------------------------|-----------------------|
| Appendices Attached: | Yes | Appendices Numbers: | 9.2.3A & B |
|-----------------------------|------------|----------------------------|-----------------------|

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM15/03/025

MOVED: CR WITNEY

SECONDED: CR SALERIAN

That in relation to the application of Shire of Waroona Common Seal for the Deed of Variation and Withdrawal of Caveat on Lot 12 (No. 8174), South Western Highway, Waroona, Council resolves:

- A. To approve the Application of the Shire of Waroona Common Seal to the Deed of Variation, in accordance with Policy 1.26.**

CARRIED 8/0



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: 16/3/15 | File No.: 1/3 |
| Previous Reference: | N/A |
| Policy Implications: | N/A |
| Statutory Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |
| Voting Requirements | Simple Majority |

| | | | |
|-----------------------------|------------|----------------------------|--------------|
| Appendices Attached: | Yes | Appendices Numbers: | 9.3.1 |
|-----------------------------|------------|----------------------------|--------------|

| | | |
|--|--|----------------------------|
| <u>COUNCIL RESOLUTION</u> | | |
| OCM15/03/026 | | |
| MOVED: CR WITNEY | | |
| SECONDED: CR WRIGHT | | |
| That Vouchers numbered: | | |
| <u>ACCOUNT</u> | <u>CHEQUE NOS.</u> | <u>TOTAL \$</u> |
| Municipal | Cheques 7978 - 8016 | \$56,508.07 |
| Trust (Cheque/EFTs) | EFT 19793 & 19958 | \$1,214.15 |
| Electronic Transfers Municipal Fund | EFT 19794 to 20008 | \$420,309.06 |
| Direct Wages | 01/2/2015 – 28/2/2015 inclusive | \$174,712.00 |
| GRAND TOTAL: | | <u>\$652,743.28</u> |
| and attached at Appendix 9.3.1 be endorsed. | | |
| | | CARRIED 8/0 |



| 9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015 | |
|---|--|
| 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: 16/3/15 | File No.: 1/1 |
| Previous Reference: | N/A |
| Policy Implications: | N/A |
| Statutory Implications: | N/A |
| Strategic Implications: | N/A |
| Financial Implications: | N/A |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management" | |
| Voting Requirements | Simple Majority |

| | | | |
|-----------------------------|------------|----------------------------|--------------|
| Appendices Attached: | Yes | Appendices Numbers: | 9.3.2 |
|-----------------------------|------------|----------------------------|--------------|

COUNCIL RESOLUTION**OCM15/03/027****MOVED: CR WRIGHT****SECONDED: CR LOOK**

That the Monthly Statements of Financial Activity for the period 1 July 2014 to 28 February 2015 be received and noted.

CARRIED 8/0

Cr Salerian, Cr Look, Cr Witney and Cr Scott declared an interest affecting impartiality in Item 9.3.3 as they were members of the Waroona Agricultural Society.

| 9.3.3 LEASE OF COUNCIL PROPERTY – WAROONA SHOWGROUNDS – VARIOUS BUILDING – AGRICULTURAL SOCIETY | |
|--|--|
| Reporting Officer / Officer's Interest: | Laurie Tilbrook, Director Corporate Services / Nil |
| Responsible Officer / Officer's Interest | John Crothers, Co-Ordinator Corporate Planning / Nil |
| Proponent: | Not Applicable at this time |
| Landowner: | Shire of Waroona |
| Date of Report: 17 March 2015 | File No.: 88/3: Legal Document No. 121 |
| Previous Reference: | Council Minute 14/05/51 of 27 May 2014 |
| Policy Implications: | None |
| Statutory Implications: | Section 5 of Strategic Community Plan |
| Financial Implications: | Minimal |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 “<i>Asset Management – Responsible Stewardship of Council Assets</i>” | |

PROPOSAL SUMMARY

For Council to adopt a proposed Lease to be entered into with the Waroona Agricultural Society Incorporated, with regard to the use of the “Other” buildings, as well as the Office building, which are located on a Council controlled property, being Crown Reserve 8746, of Lot 316, Waroona.

BACKGROUND/INITIAL COMMENTS

In May 2014 Council considered a draft new lease for the ‘Office’ building, and it is now proposed to adopt a formal lease for the other buildings as well as the Office which are used and maintained by the Waroona Agricultural Society.

In May 2014 a report was put before Council proposing a Lease with the Waroona Agricultural Society with regard to the Office building, but really all the buildings used and maintained by that organisation should be included in the lease. It is noted that the document sent to them last year has still not been signed.

A new draft Lease Agreement has now been drawn up with regard to all the buildings used by the Agricultural Society.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable, as the land use will remain the same.

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 “Asset Management – sub-item 5.07 Responsible Stewardship of Council Assets”.



FINANCIAL ISSUES/IMPLICATIONS

There are no significant financial implications emanating from this proposal.

It is proposed that the new lease be \$500 per annum, plus GST. This equates to \$200 for the Office [as per the proposal of last year] plus \$50 per 'Other' building.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

There are no statutory issues or environment implications emanating from this report.

LEGAL ISSUES/IMPLICATIONS

There are no major legal issues or implications relating to this matter, merely a new legal agreement relating to formalising maintenance responsibilities for the buildings controlled by the Waroona Agricultural Society.

COMMUNITY CONSULTATION

No community consultations are seen as being necessary on this matter.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution on the proposed lease is now sought.

| | | | |
|-----------------------------|------------|----------------------------|--------------|
| Appendices Attached: | Yes | Appendices Numbers: | 9.3.3 |
|-----------------------------|------------|----------------------------|--------------|

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM15/03/028

MOVED: CR DEW

SECONDED: CR MASON

1. That the proposed Lease Agreement with the Waroona Agricultural Society Incorporated for the lease of part of Crown Reserve 8746, of lot 316 Waroona, be adopted;
2. That the charge for the Lease Agreement for the buildings included in the lease shall be \$500 per annum, plus GST.
3. That the Common Seal of Council be attached to the Agreement document;
4. That the Shire President and CEO be authorised to sign and complete all matters relating to this agreement.

CARRIED 8/0



9.4 CHIEF EXECUTIVE OFFICER

| 9.4.1 LEASE OF COUNCIL PROPERTY – WAROONA PLAYGROUP CENTRE | |
|---|---|
| Reporting Officer / Officer's Interest: | Ian Curley, Chief Executive Officer / Nil |
| Proponent: | Waroona Community Resource Centre |
| Landowner: | Shire of Waroona |
| Date of Report: 17 March 2015 | File No.: 88/3: Legal Document No. 19 |
| Previous Reference: | May 2014 Council meeting |
| Policy Implications: | None |
| Statutory Implications: | Section 5 of Strategic Community Plan |
| Financial Implications: | Nil |
| LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "Asset Management – Responsible Stewardship of Council Assets" | |

PROPOSAL SUMMARY

For Council to include the lease area of the previous Child Health Clinic in the Current Lease with the Waroona Playgroup Incorporated (WPI), with regard to the use of a Council property, being Part Lot 40 (No. 10) Henning Street, Waroona.

BACKGROUND/INITIAL COMMENTS

In May 2014 the Council and WPI entered into a lease whereby WPI leased the playgroup building in Henning Street for a 5 year period commencing 01.01.2014. the lease did not include the previous Child Health section of the building.

The Waroona Community Resource Centre had written advising that they wish to relocate the toy library from the Waroona Health & Community Resource Centre to the previous Child Health Clinic rooms adjoining the Playgroup and that the toy library will be administered by the Playgroup. The previous Child Health Clinic rooms are currently unoccupied.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 "Asset Management – sub-item 5.07 Responsible Stewardship of Council Assets".

FINANCIAL ISSUES/IMPLICATIONS

There are no significant financial implications emanating from this proposal.

POLICY ISSUES/IMPLICATIONS

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

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

There are no statutory issues or environment implications emanating from this report.

LEGAL ISSUES/IMPLICATIONS

There are no legal issues or implication relating to this matter, merely an addition to the current lease document between the Council and WPI.

COMMUNITY CONSULTATION

No community consultations are seen as necessary on this matter.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution to amend the current Lease is now sought.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

OCM15/03/029

MOVED: CR SCOTT

SECONDED: CR WRIGHT

1. That the Lease Agreement with the Waroona Playgroup Incorporated for the lease of Part Lot 40 (No. 10) Henning Street Waroona be amended to include the previous Child Health Clinic section of the building as indicated in Appendix 9.4.1;
2. That the Common Seal of Council be affixed to the Lease Agreement amendment;
3. That the Shire President and CEO be authorised to sign and complete all matters relating to this Lease Agreement amendment.

CARRIED 8/0

10. CONFIDENTIAL REPORTS

Nil.

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

Nil.

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION**12.1 ELECTED MEMBERS**

Nil.



12.2 OFFICERS

Nil

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.15 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 28 APRIL 2015 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

