



MINUTES

SPECIAL COUNCIL MEETING

THURSDAY 12 OCTOBER 2006

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the Meeting open at 2pm and welcomed Members and Staff to the Meeting.

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

Cr N Dew	Shire President	Coastal Ward
Cr C Germain	Deputy Shire President	Town Ward
Cr M Walmsley		West Ward
Cr B Heath		Town Ward
Cr T Witney		Town Ward
Cr M Davis		Town Ward
Cr Z O'Reilly Carter		Coastal Ward
Mr I Curley		Chief Executive Officer
Mr L Tilbrook		Deputy Chief Executive Officer
Mr M Turner		Director Strategic Development
Mr S Cleaver		Director Community Services
Mr R Davidson		Manager Planning & Development Services
Mrs RH O'Mara		Executive Support Officer - Minute Taker

APOLOGIES

Cr P Fitzpatrick	East Ward
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3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

Nil

5. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. REPORTS**8.1 DIRECTOR STRATEGIC DEVELOPMENT****8.1.1 LOT 203 SOUTH WESTERN HIGHWAY, WAGERUP - CO-GENERATION POWER PLANT**

Reporting Officer / Officer's Interest:	Matthew Turner – Director Strategic Development/ Nil
Responsible Officer / Officer's Interest:	Matthew Turner – Director Strategic Development/ Nil
Proponent:	Alinta
Landowner:	Alcoa World Alumina Australia
Date of Report:	6 October 2006 File No:TP933
Previous Reference:	Item 9.5.7 of February 2006 OCM Item 9.5.3 of March 2006 OCM Item 9.5.9 of April 2006 OCM Items 9.5.4 & 9.5.5 of June 2006 OCM
Statutory/Policy Implications:	See separate heading below
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

In February Council received an application from Alinta to construct a \$250 Million Power Station at the Wagerup Alumina Refinery. The application included the Power Station and its associated Transmission Lines from Wagerup to a terminal site on Landwehr Road. A copy of the submitted plans is contained in Appendix 1.

A location plan is contained in Appendix 2.

Stage 1 of the Power Plant will generate electricity from natural gas for peak usage in the South-West grid. A future stage, not the subject of this application, will be co-generation, supplying steam to the Alumina Refinery and electricity to the grid. The second stage is expected to occur in conjunction with the Unit Three expansion of the Alumina Refinery.

Background

At the February Council meeting the advertising requirements for a Development Application for the Power Plant and Transmission Lines were set. When the Development Application was submitted, the consultation was undertaken in accordance with that resolution.

Concurrently, the proponent submitted an Environmental Impact Statement to the EPA to be assessed under Part IV of the Environmental Protection Act 1986. Determination of the Planning Application had to be deferred until such time as the Minister for the Environment has issued a decision under Part IV of the Act, which occurred on 27 September 2006. Having been satisfied with the environmental aspects of the proposal, the Minister approved the proposal subject to conditions.

In the meantime the Environmental Protection Authority granted approval for components of the proposal. These components were then the subject of separate applications for Planning Consent to the Shire by Alinta. The Shire considered these components and granted approval for the constructor's carpark at the March OCM, site clearing and earthworks at the April OCM, and the footings at the June OCM.

Alinta has also applied separately for the Transmission Lines. This component has been removed from the original application the subject of this report (TP933) and will be considered separately in this Agenda (TP994).

Western Power has commenced construction of the proposed Terminal Switchyard and Transmission Lines at Lot 4 Landwehr Road, where the Transmission Lines from the power plant are proposed to intersect with the existing 330kV lines running north-south through the Shire. This component is a Public Work and is therefore exempt from requirement for Planning Consent from the Shire.

Statutory/Policy Implications

The proposed site for the Power Station is on land zoned 'Special Industry' under Town Planning Scheme No.7. The Zoning Table in the Scheme refers to Clause 4.16 which reads as follows:

“4.16 SPECIAL INDUSTRY

- 4.16.1 Land use and development of any Special Industry Zone shall be restricted to the operations of the industry identified on Scheme Map.*
- 4.16.2 Land included in the Special Industry Zone for buffer purposes may continue to be used for rural activities.*
- 4.16.3 Nothing in this Scheme shall be construed to limit the operation of the Alumina Refinery (Wagerup) Agreement and Acts Amendment, 1978 as amended.”*

The operation identified on the Scheme Map is ‘Wagerup Alumina Refinery’. The Power Station has been located on land associated with the Wagerup Refinery because future stages will be linked to power generation and heat outputs from the Refinery. The use is therefore considered to be associated with the operations of the Wagerup Alumina Refinery and is therefore permitted by the zoning.

Under Town Planning Scheme No. 7, the power plant is considered to be best defined as a ‘General Industry’ under the Scheme. The definitions of ‘General Industry’ and ‘Industry’ are as follows:

*“**Industry - General:** - means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.”*

*“**Industry:** - means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:*

- a) the winning, processing or treatment of minerals;*
- b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;*
- c) the generation of electricity or the production of gas;***
- d) the manufacture of edible goods;*

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

- i) the carrying out of agriculture;*
- ii) site work on buildings, work or land;*
- iii) in the case of edible goods the preparation of food for sale from the premises; or*
- iv) panel beating, spray painting or motor vehicle wrecking.”*

The power station generates electricity and is therefore clearly an industry. It does not fit the definitions of the other forms of industry and therefore can be best categorised as a ‘General Industry’ under the Scheme.

There are no other Scheme provisions or Council policies that apply to the subject application.

Community Consultation

The development application submitted to the Shire for the proposal was subject to a 21 day public comment period in April, with letters sent to all landowners with 3000 metres of the proposed location of the power station (including those in the Shire of Harvey), an advertisement in the Sea-to-Scarp and a notice on the Shire's website.

A total of 10 submissions were received. A summary of the submissions and an officer response is contained in **Appendix 3**.

Council Officers requested additional information in response to some of the submissions. The additional information, by way of letter dated 17 May 2006, is contained at **Appendix 4**.

Alinta also separately provided the community with some information on the proposal, sending a brochure to all landowners in the Shire of Waroona and holding a public information day, in addition to giving an overview of the project to the Wagerup CCN and the Wagerup Tripartite Group.

Officer's Comments

The principle concerns expressed in the consultation period related either to the environmental aspects of the proposal or the transmission lines. The transmission lines have been removed from the application and are considered separately. The Environmental Protection Authority and the Minister for the Environment are satisfied that the power plant will not cause unreasonable harm to the environment and have granted approval subject to conditions.

The proposal is consistent with the zoning for the land and will have a benefit to the wider community through the generation of power in an environmentally acceptable manner. On this basis the application is recommended for approval.

APPENDICES 1 TO 4

COUNCIL DECISION

OCM06/190

MOVED: Cr Davis

SECONDED: Cr O'Reilly Carter

That Council resolve, with respect to the application, dated 24 February 2006, for a Power Plant at Lot 203 South Western Highway, Wagerup, to approve the application unconditionally.

CARRIED 7-0

8.1.2 TRANSMISSION LINES ASSOCIATED WITH POWER PLANT - VARIOUS LOTS, WAGERUP

Reporting Officer / Officer's Interest:	Matthew Turner – Director Strategic Development/ Nil
Responsible Officer / Officer's Interest:	Matthew Turner – Director Strategic Development/ Nil
Proponent:	Alinta
Landowner:	Alcoa World Alumina Australia
Date of Report: 6 October 2006	File No: TP994
Previous Reference:	Item 9.5.7 of February 2006 OCM Item 9.5.3 of March 2006 OCM Item 9.5.9 of April 2006 OCM Items 9.5.4 & 9.5.5 of June 2006 OCM
Statutory/Policy Implications:	See separate heading below
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

Alinta has made separate application for the \$32 Millon Transmission Lines associated with the \$250 Millon Power Station at the Wagerup Alumina Refinery. The POWER station is the subject of a separate report in this Agenda.

The 31 towers are 50 metre high lattice towers. They run from the Refinery across the northern extent of the RDAs and across to a terminal site near Landwehr Road where they join Western Power's grid. A copy of the submitted plans and elevations is contained in Appendix 5.

The Shire requested consideration of undergrounding the lines where they crossed South Western Highway or the use of poles similar to those recently installed south of Pinjarra. Alinta sent a submission explained the reason for the choice of towers and contained photomontages of the towers and poles, which is contained in Appendix 6.

In May 2006 detailed photomontages were also submitted in a number of locations along the alignment. They are contained in Appendix 7.

Background

The original Development Application (TP933) was delayed pending the outcome of the Part IV assessment by the Environmental Protection Authority. Alinta received environmental approval for the Transmission Lines component of the project and submitted the separate application (TP994), which is the subject of this report.

For a full background on the project, see the report under separate header in this Agenda.

Statutory/Policy Implications

The location of the alignment of the Transmission Lines is primarily zoned either 'Rural 2 – Irrigated Agriculture' or Rural 1 – General Farming' under Town Planning Scheme No.7. The alignment also crosses 'Primary Regional Roads' and 'Railways' reservations under the Peel Region Scheme. The application was referred to Main Roads in accordance with the provisions of the Peel Region Scheme. A copy of their response is contained in the Schedule of Submissions.

The use of Transmission Lines does not fit any of the definitions contained in the Zoning Table of the Scheme. It is not 'Public Utility' because it is being done by a private company, not a public authority. It does not fit the definition of 'Industry'. It must therefore be considered a 'Use Not Listed' in accordance with Clause 4.2.5 of the Scheme:

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

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

It is therefore open to Council as to whether they consider the use to be consistent with the objectives of the zone. There are no objectives for the specified zones through which the lines are proposed to pass, however the general objectives for all the 'Rural' zones are as follows:

"4.14.1 Objectives & Policies

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."*

There are no other Scheme Provisions or Council Policies that apply to the subject application.

Community Consultation

The Development Application was advertised in accordance with the Scheme requirement and Planning and Development Policy No.1 – Community Consultation. Comments were invited for a 21 day public comment period closing on 5 October. Letters were sent to all landowners in proximity to the alignment of the transmission lines. A notice was placed in the West Australian on 14 September and in the Harvey Reporter on 19 September.

A total of two (2) submissions were received. A summary of the submissions and an Officer response is contained in **Appendix 8**.

There were also a number of submissions regarding the transmission lines on the original application (TP933). A summary of those submissions is contained at **Appendix 3**.

Officer's Comments

The transmission lines are the element of the Wagerup Power Plant proposal that has caused the greatest concern because of their potential to detrimentally affect the visual amenity of the locality and the Shire. In particular the crossing of South Western Highway, which is a principle tourist route for the Shire and the wider region, has been questioned.

The lattice towers proposed are 50 metres high and would not be effectively screened in some locations. The photomontages demonstrate effective screening along McClure Road and east of South Western Highway but at the crossing of South Western Highway and out near Somers Road, the lines will be highly visible.

At the crossing of South Western Highway, the Council requested information on undergrounding or use of poles instead of the lattice towers. The information from Alinta indicates that undergrounding would result in the loss of vegetation west of the highway which CALM is seeking to protect. The cost is also prohibitive to the project. Alinta have also outlined that the poles, which are 40 metres high, would affect the top of the same trees. There would be a cost increase and it would delay the project.

Ultimately Council must be satisfied regarding the visual impact of the transmission lines. The visual impact of the lattice towers versus the poles appears to be a matter of personal choice, with some people preferring the towers to the poles and vice versa. The wider spacing of the towers and their relatively light-weight construction as seen as positives for the towers. The poles are 10 metres lower and therefore easier to screen but because they are white and solid they stand out against the horizon.

It is considered that screening at strategic locations forms the best method of reducing the impact of the structures. Screening along South Western Highway and along Somers Road would prove, in the long term, effective for most of the alignment. Screening alongside the roadways would be most effective and could also help to screen Alcoa's operations. The screening could be in the road reserve with the approval of the MRWA and the Shire or in some cases on land which is owned by Alcoa. It is recommended that a condition to this effect be applied.

The route chosen for the lines north of the RDAs is considered the best alignment because it is entirely on land owned by Alcoa and does not come close to any dwellings. The other choice for the alignment was south of the RDAs, however this was discounted by Alinta and Alcoa because there are a number of non-Alcoa land-holdings and existing dwellings.

With increased screening, it is recommended that the application for lattice tower transmission lines be approved. Whilst it must be acknowledged that there will be some loss of visual amenity from the alignment, it is considered on balance, that this is outweighed by the benefits of the project to the region and the State. The proposal is not considered to be inconsistent with the objectives of the rural zone and it is therefore recommended that the use be approved subject to conditions to improve the screening.

APPENDICES 5 TO 9

COUNCIL DECISION

OCM06/191

MOVED: Cr Walmsley

SECONDED: Cr Heath

That Council resolve, with respect to the application, dated 6 September 2006, for Transmission Lines associated with the Power Plant at Lot 203 South Western Highway, Wagerup, to approve the application subject to the following conditions:

- 1. The proponent is to prepare a Plan to the satisfaction of the Director Strategic Development for the planting of screening vegetation along the western side of South Western Highway and the eastern side of Somers Road (as shown in Appendix 9) to reduce the visual impact of the Transmission Lines. Planting to be in the road verge or on land owned by Alcoa.**

2. All planting is to be undertaken prior to commissioning of the Power Plant and to be maintained thereafter.

Advice to Applicant:

Main Roads WA advise of the following requirements for the Transmission Lines:

- a. The base of any Towers are to be located outside the South Western Highway Road Reserve and widening as depicted on the Peel Region Scheme.
- b. The lowest sags point of the transmission cables over the South Western Highway Reserve needs to hang no lower than 10 metres above the existing road surface.
- c. Any works required within the South Western Highway Road Reserve will require traffic management in accordance with the delegation of authority issued by the Commissioner of Main Roads.

CARRIED 7-0

8.1.3 TRANSFER OF VESTING (MANAGEMENT) ORDER FOR RESERVE 13987 FROM THE SHIRE OF WAROONA TO THE CONSERVATION COMMISSION OF WESTERN AUSTRALIA

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson manager Planning and Development Services / Nil
Proponent:	Department of Conservation and Land Management
Landowner:	Department of land Information
Date of Report: 6 October 2006	File No:
Previous Reference:	
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

To transfer the Vesting (Management) Order for Reserve 13987 from the Shire of Waroona to the Department of Environment and Conservation (DEC). A locality plan and site plan is at Appendix 10.

Background

Reserve 13987 is a 24ha parcel bounded on the east by the Harvey River, on the north by the Old Bunbury Road and on the west by Doman Road. This Reserve was originally created in 1912 for the purpose of 'camping' however in 1992 when the Reserve was vested in the Shire of Waroona the purpose was changed to 'parkland'.

In May 2005 the Department of Conservation and Land Management (CALM) approached Council on the matter of proposed Tuart Conservation Reserves and specifically the conservation significance of Reserve 13987. The agency was seeking Council's views on whether or not it would be agreeable to the transfer of the vesting of the reserve to the Conservation Commission for reservation as part of as part of the formal conservation reserve system. A copy of the letter is at **Appendix 11**.

Community Consultation

Community consultation is not required.

Officer's Comments

Since the vesting of the Reserve in 1992, other than maintenance of firebreaks, Council has not carried out any significant developments and as a consequence the remnant vegetation has not been greatly disturbed. This is in keeping with the purpose of parkland.

Council's Manager of Works and Services has advised that the Reserve has no important resource materials on site (ie sand) and that any such materials are readily obtainable from other sites.

There does not seem to be any special reason why Council would need to retain the management of the Reserve and in fact it could be anticipated that future maintenance will be more expensive, involving both Works and Ranger Services as a result of public pressure from an increasing population in the district.

On the other hand, given the need to conserve Tuarts, transfer to an agency created specifically to carry out this activity has some merit and accordingly the proposal is recommended.

APPENDICES 10 & 11

COUNCIL DECISION

OCM06/192

MOVED: Cr O'Reilly Carter

SECONDED: Cr Witney

That Council resolves to transfer the vesting of Reserve 13987 to the Conservation Commission of Western Australia and the Department of Land Information be advised accordingly.

CARRIED 7-0

8.2 DIRECTOR COMMUNITY SERVICES

8.2.1. PROPOSED ADDITIONS – LAKE CLIFTON COMMUNITY CENTRE, 15 TUART GROVE, LAKE CLIFTON

Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver, Director Community Services / Nil	
Proponent:	Misyl Design/ Lake Clifton Progress & Sports Association	
Landowner:	Shire of Waroona	
Date of Report:	5 October 2006	File No: 115/2
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	\$6000 funded by the Lake Clifton Progress & Sports Association	
Voting Requirements	Simple Majority	

Proposal

To endorse additions to the Lake Clifton Community Centre by the Lake Clifton Progress & Sports Association.

Background

Misyl Design on behalf of the Lake Clifton Progress & Sports Association has submitted Plans (**Appendix 12**) and Specifications for the addition of a Store Room for the Lake Clifton Community Centre at 15 Tuart Grove, Lake Clifton.

Community Consultation

Nil

Officer's Comments

The purpose of the 63m² extension is to create additional storage for miscellaneous items; the proposed store will be created through the enclosure of a verandah and the Progress Association intend to construct the addition utilising their own funds and resources.

As Council is the land owner Council consent is required

APPENDIX 12

COUNCIL DECISION

OCM06/193

MOVED: Cr Germain

SECONDED: Cr O'Reilly Carter

That the Lake Clifton Progress & Sports Association be permitted to construct a 63m² Store Room as an extension to the Lake Clifton Community Centre located on Council Reserve No. 40086.

CARRIED 7-0

10. CLOSURE OF MEETING

There being no further business the Chairperson closed the Meeting the time being 3.06pm.