



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 28 MARCH 2006

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the Meeting open at 2.50pm and welcomed Members, Staff, and Members of the Public 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 M Turner		Manager Planning & Development Services
Mr S Cleaver		Manager Environmental Health & Building Services
Mrs M Ellis from 2.50pm to 3.30pm		Community Development Officer
Mrs RH O'Mara		Executive Support Officer - Minute Taker

APOLOGIES

Cr P Fitzpatrick		East Ward
Mr L Tilbrook - Annual Leave		Deputy Chief Executive Officer

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

Crs Dew and Heath declared a Proximity Interest in Item 9.5.7 as being landowners within the Study Brief area.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING – 28.02.06****COUNCIL DECISION**

OCM06/055

MOVED: Cr Heath**SECONDED: Cr Davis**

That the Minutes of the Ordinary Council Meeting held 28 February 2006 be confirmed as being a true and correct record of proceedings.

CARRIED 7-0**9. REPORTS OF OFFICERS AND COMMITTEES****9.1 OFFICER IN CHARGE – RECREATION & AQUATIC CENTRE**

Nil

9.2 COMMUNITY DEVELOPMENT OFFICER**9.2.1 OUTDOOR PRACTICE AND MULTI SPORT AREA AT WAROONA RECREATION CENTRE**

Officer/Officer's Interest:	Maree Ellis - Community Development Officer/Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 21 March 2006	File No: 126/1
Previous Reference:	Item 10.2.2 Oct 04 OCM04/154
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The total cost of the project will be \$22,000. This will be funded with \$14,000 from Grants received and a proposed transfer of \$8,000 from the funds currently held in Trust.
Voting Requirements	Absolute Majority to amend the Budget

Proposal

That the Shire of Waroona accept the grant amount of \$14,000 towards the construction of a Multi Sport practice area (Appendix 1) and transfer Council funds of \$8,000 from Trust Account Lot 511 Thatcher Street to the project.

Background

At a meeting of Council on October 26 2004, Council agreed to support the construction of a concrete basketball practice area on the site to the North / Western side of the existing new playground at the Waroona Recreation & Aquatic Centre.

[extract of 26 October 2004 Ordinary Council Meeting Minutes]

“That it be a recommendation to Council, to support the construction of a concrete court training / practice area on the site to the North/Western side of the existing new playground at the Waroona Recreation & Aquatic Centre subject to the following conditions.”

- 1. The area to be a concrete surface 20m x 20m in size with the baskets placed side by side a suitable distance from each other. The back of the baskets will face the building and the lights are to be located West of the area and facing towards the building. (the building referred to is the new extension to the Waroona Recreation & Aquatic Centre)***
- 2. The removal, transportation and reconnection of two lights and two backboards from the old court area e the responsibility of the Waroona Basketball Club and incur no cost to Council.***
- 3. The funds for the construction of the half court in King Park are to be reallocated to the proposed court at the Waroona Recreation & Aquatic Centre. (The adopted budget for 2004/05, includes \$6,400 for two half courts to be constructed in King Park and Centennial park)***
- 4. Construction of a half court at King Park to be reviewed for consideration in the 2005/2006 budget.”***

Since that decision, the Community Development Officer has been successful in obtaining a grant of \$14,000 from the Office of Children and Youth “Youth Spaces Fund” to complete the project with the inclusion of a multi sport wall attached to the practice area and a pathway to link the area to the Skate Park and Hill Street.

The Waroona Basketball Club has committed in kind support, equipment in the form of Basketball hoops and lights, and \$3,500 in funds through an Alcoa Action Grant.

Officer's Comments

Costs have escalated since the original decision making it necessary to raise Council's contribution from \$6,400 to \$8,000. A total of \$11,000 is available in Lot 511 Thatcher Street Trust account that fits the purpose of this project.

The completion of this project will enhance the area and give local youth and families a recreation space that can be utilised for a variety of activities and somewhere to go when the Recreation Centre is closed or fully booked. It would be beneficial to be able to commence the project before winter when the area becomes too wet to work on. Postponing the project until the next financial year will also lead to a further rise in construction costs, which will not be covered by the grant funds.

The Lot 511 Thatcher Street Trust account holds a cash-in-lieu contribution from a Developer as a condition imposed by the Western Australian Planning Commission from approval for a residential subdivision in Thatcher Street. The contribution is held in Trust to be used to provide/improve public open spaces within Waroona. The current balance of the account is approximately \$11,000.

Community Consultation

- Waroona Basketball Association
- Waroona Youth Advisory Council
- Waroona Recreation Advisory Committee
- Youth Officer

APPENDIX 1**COUNCIL DECISION**

OCM06/056

MOVED: Cr Davis

SECONDED: Cr Witney

That Council amend the 2005/2006 Budget by including the construction of a concrete court training/practice multi sport area on the site to the North/Western side of the existing new playground at the Waroona Recreation & Aquatic Centre subject to the following conditions.

1. The area to be a concrete surface 20m x 20m in size with the baskets placed side by side a suitable distance from each other. The back of the baskets will face the building and the lights are to be located West of the area and facing towards the building (the building referred to is the new extension to the Waroona Recreation & Aquatic Centre). The construction to include a multi sport wall attached to the slab with a path linking the space to the Skate Park.
2. The removal, transportation and reconnection of two lights and two backboards from the old court area are the responsibility of the Waroona Basketball Club and will incur minimal cost to Council.
3. Council to contribute \$8,000 towards the construction of the area with the funds to be transferred from Lot 511 Thatcher Street Trust account.

CARRIED BY ABSOLUTE MAJORITY 7-0**9.3 MANAGER WORKS & SERVICES**

Nil

9.4 MANAGER ENVIRONMENTAL HEALTH & BUILDING SERVICES**9.4.1 REQUEST FOR DOG EXERCISE AREA – DRAKESBROOK WEIR**

Officer/Officer's Interest:	Steve Cleaver - Manager Environmental, Health & Building Services/Nil	
Proponent:	Yvonne Davies, 32 Miller Street, Waroona	
Landowner:	Water Corp	
Date of Report:	17 March 2006	File No: 49/1
Previous Reference:	OCM 06/054	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple majority	

*Proposal****To request consideration for a dog exercise area at Drakesbrook Weir.***

Background

At the February Ordinary Meeting of Council, Council resolved:

"That the Manager Environmental Health & Building Services to provide a Report to Council at the March Ordinary Council Meeting on the possibility of "Dog Exercise Areas" at Drakesbrook Weir".

Community Consultation

Nil

Officer's Comments

The Drakesbrook Weir Barbecue area is leased from the Water Corporation at a peppercorn rental. Contrary to popular belief the Lease area is in fact quite small being only 281m in length (refer **Appendix 2**). As the existing use is for public recreation there is insufficient room in the current leased area to accommodate other uses.

The terms of the Lease between the Shire and the Water Corporation are quite prescriptive. It could be foreseen that if the use has been altered to be different from that prescribed in the Lease then the agreement would have to be renegotiated.

Further to this the mechanism to create dog exercise areas is significant, in that the Shires Dog Local Law 2001 would have to be amended. Currently there are a number of prescribed dog exercise areas in the Waroona town site at the Football Oval and Recreation Grounds to cater for dog exercise and there have been few requests for more facilities.

The current leased area at the Drakesbrook Weir is signposted as a no dog area with two signs prohibiting dogs in that area. The request to create a dog exercise area at the leased area cannot be supported and Mrs Davies will be referred to the Water Corporation who is the surrounding landholder.

APPENDIX 2

COUNCIL DECISION

OCM06/057

MOVED: Cr Walmsley

SECONDED: Cr Germain

Mrs Yvonne Davies is advised that her request to create a dog exercise area at Drakesbrook Weir is refused.

CARRIED 7-0

9.4.2 MANAGER ENVIRONMENTAL HEALTH AND BUILDING SERVICES LEAVE ARRANGEMENTS

Officer/Officer's Interest:	Steve Cleaver - Manager, Environmental Health & Building Services/Nil	
Proponent:	Nil	
Landowner:	Nil	
Date of Report: 20 March 2006	File No:	P122
Previous Reference:	Nil	
Statutory/Policy Implications:	Will set Council's Policy	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple majority	

Proposal

To authorise Mr T Pitcher as Acting Manager, Environmental Health and Building Services from 10 April to 5 May 2006

Background

Councils Delegation Manual has delegated a number of matters to the position of Manager, Environmental Health and Building Services. This includes but is not limited to the issuing of Building Licences and Septic Tank Approvals. It is therefore necessary to approve Councils Environmental Health Officer/ Building Surveyor as Acting Manager Environmental, Health and Building Services whilst Mr Cleaver is on leave.

Community Consultation

Nil

Officer's Comments

It is proposed that in due course this matter will be dealt with by the creation of a Council policy.

COUNCIL DECISION

OCM06/058

MOVED: Cr O'Reilly Carter

SECONDED: Cr Heath

That Mr Trevor Pitcher be authorised as Acting Manager Environmental, Health and Building Services for the period 10 April to 5 May 2006.

CARRIED 7-0

9.5 MANAGER PLANNING AND DEVELOPMENT SERVICES

<p><u>COUNCIL DECISION</u> OCM06/59 MOVED: Cr Germain SECONDED: Cr Davis</p> <p>That the order of business be changed to deal with Item 9.5.7 as 2 members of the public were present specifically for this Item.</p> <p style="text-align: right;"><u>CARRIED 7-0</u></p>
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Cr Dew declared a Proximity Interest in the following Item 9.5.7 as he is a landowner within the Study Brief area, vacated the Chair and left the Meeting and the Chambers the time being 3.01pm.

Cr Heath declared a Proximity Interest in the following Item 9.5.7 as he is a landowner within the Study Brief area, and left the Meeting and the Chambers the time being 3.01pm.

Cr Germain assumed the Chair.

9.5.7 PRESTON BEACH TOWNSITE STRATEGY – PROJECT BRIEF

Officer/Officer's Interest:	Matthew Turner - Manager Planning & Development Services / Nil	
Proponent:	Shire of Waroona and major landowners in Preston Beach	
Landowner:	Various	
Date of Report:	23 March 2006	File No: TPSP1
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Once prepared the Preston Beach Townsite Strategy will form the basis of strategic and statutory decision making for Preston Beach.	
Financial Implications:	Costs associated with the project will be borne by the major landowners. This includes paying for the Shire's Consultant plus an amount of \$5,000 to offset the Shire's costs associated with the administration of the project in accordance with the Town Planning (Local Government Planning Fees) Regulations.	
Voting Requirements	Absolute Majority	

Proposal

Areas to the north and south of the existing settlement of Preston Beach have been identified for possible urban expansion in the Shire of Waroona Draft Local Planning Strategy. Prior to the consideration of rezoning of such land under the Peel Region Scheme and Local Authority Scheme, a broad land use strategy is required to ensure orderly and co-ordinated subdivision of the area.

A draft Project Brief for the preparation of the Preston Beach Townsite Strategy is presented to Council for its endorsement. The Brief is contained in Appendix 14. The Brief outlines the process and key considerations to achieve the Strategy, which will be prepared by the Consultants for the major landowners.

The Brief also details the composition of a Steering Committee to oversee the project. The proposed membership is as follows:

<i>Shire CEO</i>	<i>Ian Curley</i>
<i>Shire Manager Planning</i>	<i>Matthew Turner</i>
<i>Shire Consultant Planner/Designer</i>	<i>To be advised</i>
<i>Preston Beach Association Reps</i>	<i>Denis King & Jeff Bateman</i>
<i>North Preston Land Owner Rep</i>	<i>Matt Raison</i>
<i>South Preston Land Owner Rep</i>	<i>Ron Lyster</i>
<i>North Planning Consultants</i>	<i>David Caddy – The Planning Group</i>
	<i>Ian Everett – Chappell and Lambert</i>
<i>South Planning Consultant</i>	<i>Larry Guise - TME</i>
<i>DPI Representative</i>	<i>Cameron Bulstrode</i>

It is proposed that the Shire appoint an experienced Urban Designer as its Consultant to review the concepts and plans prepared by the landowner's Consultants and to provide it with advice on matters to be considered. Administration of the project from the Shire's perspective will still be done by the Manager Planning & Development Services.

Community Consultation

The preparation of the Strategy will involve considerable consultation, including visioning workshops. No consultation was required or considered necessary on this brief other than with the landowners, their Consultants, and officers of the Department of Planning and Infrastructure.

Officer's Comments

The content of the Project Brief has been agreed between the major landowners, their Consultants, Council officers and officers from the Department of Planning and Infrastructure. It is recommended that it be appointed and the process of the preparation of the Strategy commence.

APPENDIX 14

OFFICER RECOMMENDATION

That Council:

- A. Resolve to commence the preparation of the Preston Beach Townsite Strategy, including the formation of the Steering Committee and Technical Advisory Groups, on the basis of the Project Brief contained in Appendix 14.
- B. Resolve to delegate authority to the CEO to appoint a suitably qualified Consultant Planner/Urban Designer to provide professional services during the preparation of the Preston Beach Townsite Strategy.

<p><u>COUNCIL DECISION</u> OCM06/060 MOVED: Cr Davis SECONDED: Cr O'Reilly Carter</p> <p>That Council:</p> <p>A. Resolve to commence the preparation of the Preston Beach Townsite Strategy, including the formation of the Steering Committee and Technical Advisory Groups, on the basis of the Project Brief contained in Appendix 14 with the addition of an appropriate time frame to be set by the Manager Planning & Development Services.</p> <p>B. Resolve to delegate authority to the CEO to appoint a suitably qualified Consultant Planner/Urban Designer to provide professional services during the preparation of the Preston Beach Townsite Strategy.</p> <p style="text-align: right;"><u>CARRIED BY ABSOLUTE MAJORITY 5-0</u></p>

Note:

The Officer Recommendation was changed to include a condition that a suitable time frame be imposed on the project.

Crs Dew and Heath returned to the Meeting and the Chambers and Cr Dew resumed the Chair the time being 3.12pm.

Cr Witney declared a Proximity Interest in the following Item 9.5.1 as she is an adjoining landowner of the area of the Structure Plan, and left the Meeting and the Chambers the time being 3.13pm.

9.5.1 DRAFT WAROONA NORTH STRUCTURE PLAN – ENDORSEMENT FOR ADVERTISING

Officer/Officer's Interest:	Matthew Turner - Manager Planning & Development Services / Nil	
Proponent:	Shire of Waroona	
Landowner:	Various	
Date of Report:	22 March 2006	File No: TPSP2
Previous Reference:	Nil	
Statutory/Policy Implications:	See Heading in Report	
Strategic Implications:	Once completed the Structure Plan will provide strategic guidance of rezoning proposals, subdivision applications and development applications within the area covered by the Structure Plan.	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

The draft Waroona North Structure Plan (February 2006) prepared by Belton-Taylforth is presented to Council for consent to advertise. A copy of the draft Structure Plan has been circulated under separate cover to Elected Members.

The purpose of the Structure Plan is to:

- ***Guide land use and development within the Study Area during Mineral Sand Mining (up until 2011-2012).***
- ***Provide a longer-term plan for the Study Area Post-Mining.***

The Study Area is located to the immediate north of the existing Waroona townsite, generally bounded by McDowell Street/Nanga Brook Road, South Western Highway, Tallathalla Road and the Darling Scarp. No eastern boundary of the Study Area has been defined, however for the purposes of this Report the Scarp has been included. As a guide it can be assumed that the eastern boundary of the Study Area corresponds with the north-south (unconstructed) Tallathalla Road reserve. Some consideration of surrounding land uses and linkages to these areas has also occurred to ensure that surrounding land uses will not constrain, or be constrained by, future land use within the Study Area.

The Structure Plan map is included in Appendix 3.

Background

In June 2004 Council resolved to commence preparation of the Waroona North Structure Plan and a brief was adopted to appoint consultants to undertake the process. Money was made available in the 2004-2005 Budget, with Iluka contributing 50% of the project costs. A Steering Committee was formed comprising Elected Members, Shire Officers, Landowners, Community Members and an Iluka Representative.

At its meeting in December 2004, Council appointed Belton-Taylforth to prepare the Structure Plan, which commenced in January 2005.

Statutory/Policy Implications

It is proposed that the Shire adopt the Structure Plan as a Town Planning Scheme Policy in accordance with the provisions of Clause 2.4 of the Scheme. Clause 2.4 requires that the draft Policy be advertised once a week for two consecutive weeks in a newspaper and that a minimum of 21 days be granted for submissions to be received.

Once finalised the Structure Plan will be forwarded to the WAPC for its endorsement.

Community Consultation

The process of preparing the Structure Plan has included extensive consultation. In addition to the direction provided by the community members of the Steering committee, a visioning workshop was held on February 2005 to guide the broad direction of the Structure Plan. In April 2005 two broad land use options were advertised for public comment. The options and the outcomes of this advertising are included in the draft Structure Plan.

In accordance with Clause 2.4 of the Scheme the draft Structure Plan must be advertised prior to Council's final adoption as a Town Planning Scheme Policy. It is proposed that the Structure Plan be advertised for a minimum period of 28 days via the following mediums:

- Notice in the Harvey Reporter for two (2) consecutive weeks.
- Copies of the draft Report be available on the Shire's website and at the Shire's Administration Office.
- Notice to all landowners within and adjacent to the study area, including a copy of the Structure Plan map.
- Notice to all the relevant Government stakeholders inviting comments.

Officer's Comments

The Waroona North Structure Plan Steering Committee has endorsed the draft Structure Plan as contained in Version 1 – February 2006 to Council for its adoption for advertising. The Structure Plan builds on the community visioning workshop and the land use options advertised for public comment in April 2005.

The Structure Plan recommended an area of 108 hectares be set aside for future expansion of the townsite. Surrounding this on the areas less suitable to urban development are special residential land uses (Lots 2000-4000m²) and areas of Rural Residential further up the Scarp where reticulated water is not available. A 26 hectare recreation space is proposed around the site of the speedway reserve. This could be used for a variety of active and passive recreational uses. North of the residential uses the land is proposed for Intensive/Priority Agriculture with a minimum Lot size of 40 hectares. This is consistent with the draft Local Planning Strategy.

The upper reaches of the Scarp (generally higher than 100 ADH) is a Landscape Protection zone, which would balance the need to protect the visual amenity of the scarp with low scale agricultural or tourism proposals. There is also a Highway zone to manage the visual impact along the South Western Highway immediately north of the current townsite.

It is recommended that the draft Waroona North Structure Plan be adopted for advertising as contained in Version 1 – February 2006.

APPENDIX 3

COUNCIL DECISION

OCM06/061

MOVED: Cr Davis

SECONDED: Cr O'Reilly Carter

That Council resolve, pursuant to Clause 2.4 of Town Planning Scheme No. 7, to adopt Planning and Development Policy No.17 'Waroona North Structure Plan' as a draft Policy for the purpose of advertising.

The advertising is to consist of the following:

- **A minimum period of 28 days.**
- **Notice in the Harvey Reporter for two consecutive weeks.**
- **Copies of the draft Report on the Shire's website and at the Shire's Administration Office.**

CARRIED 6-0

Cr Witney returned to the Meeting and the Chambers at this point the time being 3.15pm.

9.5.2 LOT 309 (No. 64) RECREATION ROAD, WAROONA – PROPOSED OUTBUILDING

Officer/Officer's Interest:	Mike Critch – Town Planner/Nil
Proponent:	Craig Lloyd Wood
Landowner:	Craig Lloyd Wood
Date of Report: 2 March 2006	File No:TP930
Previous Reference:	N/A
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

An application for Planning Consent has been received by Council on 14 February to construct a Garage/Shed on Lot 309 Recreation Road, Waroona. The Garage/Shed is proposed to have dimensions of 14 metres long and 9 metres wide with a vertical height of approximately 4.2 metres and finished off in custom orb cladding.

The Site Plan and details relating to this application are attached as Appendix 4.

The applicant has advised that the Garage/Shed will be used to park a 25ft caravan and 24ft boat, and to serve as a workshop and storage area.

The shed is 126m² in total area, exceeding the 100m² specified under Town Planning Scheme No. 7.

Statutory Implications

The subject site is currently zoned 'Urban 4 – Residential' under Town Planning Scheme No. 7. The objectives and policies of Council for the zone are "to ensure development occurs in a manner which provides adequately for a variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resources and a high level of urban amenity".

Section 6.11 of the Scheme entitled 'Outbuildings' sets the Policy requirements for Sheds in the 'Urban 4 – Residential' zone. The maximum total area allowed of outbuildings in the 'Urban 4 – Residential' zone is 100m², unless otherwise approved by Council. The maximum height of shed roofing permitted is 4.2 metres above natural ground level.

The proposed setbacks for the shed comply with the Residential Design Codes of Western Australia.

Community Consultation

The proposal was deemed not to comply with the provisions of Town Planning Scheme No. 7 warranting consultation with neighbouring properties that were most likely to be affected. Neighbours from adjoining properties and properties directly across the road from the subject site were informed of the proposal. Respondents were given 21 days to make any objections. During this period, one response was received. A schedule of the submission is contained as **Appendix 5**.

Officer's Comments

The proposal does exceed the requirements of Town Planning Scheme No. 7 but in this instance it may be deemed appropriate, given the size of the Lot and neighbouring properties. Nearby lands are primarily semi-rural in nature consisting of a farm and large paddocks. A garage/shed of this scale and nature would not have any foreseeable negative impacts on surrounding properties.

The submission received from a neighbour of a nearby property did not have a problem with the size of the shed providing it is used for residential purposes only. Given the surrounding land uses it is recommended that the Shed be approved by Council.

APPENDICES 4 & 5

COUNCIL DECISION
OCM06/062
MOVED: Cr Walmsley
SECONDED: Cr O'Reilly Carter

That Council resolve, with respect to the application for an Outbuilding at Lot 309 Recreation Road received by Council on 14 February 2006, to approve the Shed subject to the following conditions:

- 1. All stormwater runoff from impervious surfaces is to be disposed off on site to the satisfaction of Manager of Planning and Development Services.**
- 2. The applicant is advised that the Outbuilding is to be used strictly for domestic purposes only.**

Advice to applicant:
A Building Licence must be obtained prior to any works commencing on site relating to this Planning Application.

CARRIED 7-0

9.5.3 LOT 203 SOUTH WESTERN HIGHWAY, WAGERUP – PROPOSED CARPARK

Officer/Officer's Interest:	Matthew Turner - Manager Planning & Development Services / Nil	
Proponent:	Alinta Cogeneration (Wagerup) Pty Ltd	
Landowner:	Alcoa World Alumina Australia	
Date of Report: 22 March 2006	File No:	TP939
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

Alinta has applied for a new 400 bay bitumen car park on the site of the Alcoa Wagerup Refinery. The submitted plans and information are contained in Appendix 6. The application is in anticipation of the construction of the Alinta Co-generation Power Plant application that is the subject of a separate application for planning approval and is currently being advertised by the Shire (TP933). However, this work is separate to Council's consideration of the Power Plant and will enable the construction of the car park to commence whilst the Shire considers the major application.

The car park will replace the existing overflow car parking for Alcoa's operations plus provide bays for contractors associated with the construction of the Power Plant.

Community Consultation

It is not considered that the car park will have any impact on surrounding landowners and therefore no consultation was considered necessary on this matter.

Officer's Comments

The proposed location of the car park is considered appropriate given no clearing will be required and it is understood that it was previously the location of a car park during an earlier stage of construction at the Wagerup Refinery. There are not considered to be any negative impacts as a result of the proposal and therefore the application is supported.

The size of the bays and aisles is consistent with Council's requirements for commercial parking bays.

It should be made clear that approval of this application should not be considered as approval to the Power Plant and power lines application still being processes by the Shire. There are many separate issues to be considered in that application.

APPENDIX 6

COUNCIL DECISION

OCM06/063

MOVED: Cr Walmsley

SECONDED: Cr Davis

That Council resolve, with respect to the application, dated 21 March 2006, for a car park at Lot 203 South Western Highway, Wagerup, to approve the application subject to the following conditions:

- 1. All car parking bays to be paved, drained and line-marked.**
- 2. Trees being provided in landscaping strips to provide shade for vehicles at a rate of one tree for every four bays to the satisfaction of the Manager Planning & Development Services.**

Advice to applicant:

Approval to the car park should not be construed as approval of the Power Plant and Power Lines application.

CARRIED 7-0

9.5.4 LOT 25 (NO. 11) HOLMES ROAD, LAKE CLIFTON – APPLICATION FOR PLANNING CONSENT FOR A NURSERY (WATER PLANTS) AND AQUACULTURE (FROG FARM)

Officer/Officer's Interest:	Mike Critch – Town Planner/Nil
Proponent:	Deirdre Whiting
Landowner:	Deirdre Whiting
Date of Report: 22 March 2006	File No:TP916
Previous Reference:	TP900
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

Council received a new application for Planning Consent for a Nursery (Water Plants) and Aquaculture (Frog Farm) on 10 February 2006. The new proposal is a modification to sell water plants and to breed frogs. This use will be carried out in a screened enclosure. There is also a large limestone car parking area located off Holmes Road.

A location plan of the site is enclosed with this report in Appendix 7.

Background

In November 2005 Council received an application for Planning Consent for a Frog and Flora and Fauna Rehabilitation Farm at the subject site. The Frog Farm use was considered to be classified as 'Aquaculture' and 'Public Amusement' under *Town Planning Scheme No 7*. Council initiated an Amendment to the Scheme to include an additional use of Public Amusement for the site at its Meeting held on Tuesday 10 January 2006. The Environmental Protection Authority (EPA) has assessed the amendment and it does not require formal approval.

Statutory/Policy Implications

The zoning classification for the site is 'Rural 3B – Coastal Highway' which limits certain types of land use activities. 'Aquaculture' and 'Nursery' enterprises are classified as (AA) uses under the Scheme. Objectives for 'Rural 3B – Coastal Highway' zone is to:

“ensure the continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road and the traffic management requirements of that road”.

Council may, at its discretion and in accordance with the requirements of its Policy, permit both uses taking place on the subject site. Planning approval is also subject to:

“satisfactory advice from the Department of Conservation and Land Management and the Environmental Protection Authority, that the proposed use will not impact detrimentally on Yalgorup National Park.”.

The subject site abuts Regional Open Space and will therefore require approval under the Peel Region Scheme. The application has been referred to the Western Australian Planning Commission for its determination.

Community Consultation

Consultation was required with the Department of Conservation and Land Management (CALM) and the Department of Environment (DoE) for the application. Council has received feedback from DoE on the application who has subsequently agreed with the proposal subject to one condition, to provide a detailed Nutrient and Irrigation Management Plan. No comment has been received by CALM.

Officer's Comments

It is open to Council to approve the breeding of the frogs from the site which is deemed to be 'Aquaculture', an 'AA' use. The 'Nursery' use in this instance would also be considered to be appropriate given that it is supplementary to the Frog Farm.

It is recommended that the Nursery and Aquaculture uses be approved by the Council for the site since the scale and nature of the proposal will not have any foreseen impacts on the environment, the ecology and landscape of Yalgorup National Park and neighbouring Regional Open Space. The nearest residence is located over 200m from the proposed Aquaculture and Nursery area, and is buffered by dense vegetation.

The car parking area on site is considered sufficient to facilitate the parking requirements for the nursery and Frog Farm. Traffic entering the subject site will be along Holmes Road, and will therefore have little impact on the traffic management of Old Coast Road.

The DoE also advises the proponent to consult with the Department of Conservation and Land Management and to obtain clearing permits and adequate groundwater allocation licences. The Frog Farm has the first CALM licence dedicated to a Frog Farm in Western Australia.

Once the Scheme Amendment is finalised, then Council will be in a position to approve the 'Public Amusement' aspect of the operation.

APPENDIX 7

COUNCIL DECISION

OCM06/064

MOVED: Cr Germain

SECONDED: Cr O'Reilly Carter

That Council resolve, with respect to the application, dated 10 February 2006 for a Nursery (Water Plants) and Aquaculture (Frog Farm) on Lot 25 Holmes Road, to approve the application subject to the following conditions:

- 1. A Nutrient and Irrigation Management Plan (NIMP) is to be prepared and implemented to the satisfaction of the Department of Environment (DoE).**
- 2. This approval is given for the breeding of frogs and a Water Plant Nursery on the site.**
- 3. Hours of operation are limited to the hours of 8am – 6pm 7 days per week.**

Advice to Applicant:

- **The NIMP shall address the issues outlined in the Water Quality Protection Notes entitled “Nutrient and Irrigation Management Plans”**
- **The proponent is advised to seek advice from the DoE Mandurah office concerning groundwater usage for the areas of Public Open Space and any proposed dewatering or dust suppression operations. A licence will be required before groundwater abstraction can commence and will contain a number of conditions, which are binding on the proponent.**
- **A Clearing Permit is required for any clearing of native vegetation associated with the application. The Clearing Permit must be obtained from the DoE prior to the commencement of clearing on site.**

CARRIED 7-0

Maree Ellis left the Meeting and the Chambers at this point the time being 3.30pm

9.5.5 LOT 317 McDOWELL STREET, WAROONA – PROPOSED HOME OCCUPATION (BEAUTY THERAPY)

Officer/Officer's Interest:	Mike Critch – Town Planner/Nil
Proponent:	Jayde Elise Vergone
Landowner:	Raymond and JoAnn Vergone
Date of Report: 22 March 2006	File No:TP915
Previous Reference:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

An application for Planning Consent for a HOME occupation has been received for the subject site, which is on the corner of McDowell Street and Hill Street. A location plan is contained at Appendix 8. The occupant wishes to undertake Beauty Therapy from a spare room containing an ensuite of the residence. The hours of operation are proposed to be Monday 3pm to 6pm, Thursday 10am to 6pm and Friday 9am to 6pm. The applicant will be the sole employee and a courier will make deliveries once a month if required.

Subsequent to the initial application, the proponent has forwarded further correspondence, contained at Appendix 9.

A Site plan is contained at Appendix 10.

Statutory & Policy Implications

Lot 317 McDowell Street is zoned ‘Urban 6 – Rural Living’ under Town Planning Scheme No. 7. A ‘Home Occupation’ is an ‘AA’ (Council discretionary) use in that zone. The definition of ‘Home Occupation’ under the Scheme:

“means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage or a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or the land on which the business is conducted;*
- b) does not entail employment of any person not a member of the occupier's household;*
- c) does not occupy an area greater than 20m²;*
- d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;*
- e) does not display a sign exceeding 0.2m² in area;*
- f) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;*
- g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;*
- h) does not entail the presence or more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building;*
- i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises).”*

Pursuant to Clause 7 of Policy No. 11.0 - 'Home Based Business', permission of the Council must be obtained prior to establishment of a Home Occupation provided Council is satisfied that:

- a) “the proposal will conform to the conditions of operation in the definition of Home Occupation.*
- b) The amenity of the area, and the interests of householders in the locality will not be adversely affected.; and*
- c) In considering an application for a Home Based Business, Council is to consider the effect on similar existing businesses in the Waroona Town Centre.”*

Community Consultation

The location and nature of the proposed Home Occupation is not likely to have any impacts on neighbouring properties given that the house is located on a 7.4 Ha property and surrounded by an existing vineyard. Therefore no consultation in accordance with Policy No. 1- 'Community Consultation' with surrounding landowners was required.

Officer's Comments

The subject site is considered to be acceptable for a small scale Beauty Therapist operating from her/his home. Subject to limited numbers of clients per day, there should not be any impact by way of traffic movements provided the scale of the operation is limited. The proposed Beauty Therapy is bound by Hill and McDowell Streets and is located 190 metres from the nearest residence.

In considering the proposal for the Beauty Therapy, the Policy requires Council to consider similar existing businesses operating in the Town Centre. There is an existing Beauty Therapy operating in a shop in the Town Centre. A previous application for a Home Occupation Beauty Therapy on Dallas Street was refused by Council in July 2004.

It is recommended that this application be approved, subject to a limit of eight (8) clients per day. This will ensure that the business at that location remain small scale. It is considered that any more than eight clients per day would start to have an impact on the amenity of the area by way of traffic movements.

OFFICER RECOMMENDATION

That Council resolve, with respect to the application for a Home Occupation (Beauty Therapy) at Lot 317 McDowell Street, Waroona to approve the application subject to the following conditions:

1. The undertaking of the Home Occupation does not entail employment of any person not a member of the occupier's household;
2. The area utilised for the business does not occupy an area greater than 20m²;
3. There being a minimum of fifteen (15) minutes between appointments; and
4. There being a maximum of eight (8) clients per day.

APPENDICES 8, 9, & 10

COUNCIL DECISION

OCM06/065

MOVED: Cr Davis

SECONDED: Cr Witney

That Council resolve, with respect to the application for a Home Occupation (Beauty Therapy) at Lot 317 McDowell Street, Waroona to approve the application subject to the following conditions:

- 1. The undertaking of the Home Occupation does not entail employment of any person not a member of the occupier's household;**
- 2. The area utilised for the business does not occupy an area greater than 20m²;**
- 3. There being a minimum of fifteen (15) minutes between appointments;**
- 4. There being a maximum of eight (8) clients per day; and**
- 5. The hours of operation to be restricted to:
Monday 3pm to 6pm;
Thursday 10am to 6pm; and
Friday 9am to 6pm.**

CARRIED 6-1

Note:

The Officer Recommendation was changed so as to include a further condition restricting the hours of operation.

9.5.6 LOT 2 JOHNSTON ROAD, WAGERUP – PLANNING CONSENT FOR EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY LICENCE

Officer/Officer's Interest:	Mike Critch – Town Planner/Nil
Proponent:	Terana Holdings Pty Ltd
Landowner:	Terana Holdings Pty Ltd
Date of Report: 17 March 2006	File No: EI30 & TP910
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

Application has been made for Planning Consent for an Extractive Industry and an Extractive Industries Licence for Lot 2 Johnson Road in January 2006. Since February 2006 the proponent has been obtaining the necessary clearing and environmental approvals from the Environmental Protection Authority, Department of Environment and the Department of Industry and Resources.

The property has an area of approximately 292Ha and was established as a pine plantation in the 1970's. The pines were harvested in 2002/2003 and since then the land has not been utilised. It is proposed that approximately 40Ha, in the western part of the site will have sand extracted.

It is proposed that extraction activities continue for approximately ten years at a rate of approximately 20,000 cubic metres of sand per annum. Over that period the proponent envisages extraction to take place between the hours of 6am to 5pm Monday to Saturday with 10 - 12 trucks accessing the site per day. Truck sizes will vary from 15 tonnes up to 42 tonnes.

It is proposed that access to the site be provided from Johnson Road via Old Coast Road where haulage will take place. A limestone access track will be constructed within the site. Agricultural style perimeter fencing will be maintained along the boundaries of the property and security fencing will be erected around vehicle and fuel storage areas to prevent unauthorised entry and damage to property.

A location plan is contained in Appendix 11. The submitted survey information and details of the proposed approach to rehabilitation is contained in Appendix 12.

Statutory & Policy Implications

The subject site is zoned 'Rural 1 – General Farming' in the Shire of Waroona Town Planning Scheme 7. Within that Zone, 'Industry – Extractive' is listed as an "AA" use (i.e. a use approval of which is at the discretion of Council).

The proponent has also applied for an Extractive Industry Licence under the Shire's Extractive Industries Local Law 1999. The Local Law stipulates the type of matters that can be imposed as conditions on the Licence.

Planning & Development Services Policy No.15 – Extractive Industry. The essential elements of the Policy are as follows:

1. The granting of Planning Consent for Extractive Industry and Extractive Industry Licence approvals for up to 5 years duration.
2. Requiring rehabilitation plans that provide for clear and measurable outcomes, or, where a proposal has been assessed by the EPA, meet EPA requirements; and
3. Requiring annual monitoring reports, including survey information, identifying rates of extraction and progress with rehabilitation.
4. Requiring the upgrading of the local road system where the proposal will have a significant impact on that system.

Community Consultation

Consultation on the matter was undertaken in accordance with the requirements of the Local Law and Clause 8.2.3 of the Scheme. A notice was placed in the Harvey Reporter on 14 February 2006, notices sent to the immediately abutting landowners, and a sign placed on site. Comments were invited for a 21 day period. Notices were also sent to the Department of Industry & Resources and the Department of Environment.

Only one submission was received and a schedule of the submission is contained as **Appendix 13**. No objections were received regarding the proposal.

Officer's Comments

As per Council's resolution, it is recommended that Council approve the proposed Extractive Industry. The proposal is generally sound and the need for the sand resource is undeniable. The Department of Industry and Resources give the Extractive Industry application full support. Sand expected to be mined on the site is identified as a suitable source for construction purposes and is quarried from several other sites within the Shire and along the Swan coastal plain. The proposed Extractive Industry is deemed appropriate for the site and it does not contain any remnant vegetation.

Distances from the operating areas of the proposed mine to neighbouring properties are reasonable. The nearest dwelling is located to the south east of the site, over 1km from the vehicle compound and mining lease boundaries. There were no objections from any of the surrounding property owners.

Site Access

Access to the site is proposed via Johnston Road. Discussion with The Manager Works Services indicated the current condition of Johnston Road would support the sand quarry operation. Truck access onto Old Coast Road will need consideration as it is recommended by Main Roads that turning right onto Old Coast Road is not permitted. It is the responsibility of the proponent to resolve this issue prior to operations commencing on site.

Length of Approval

Council's Policy allows for approvals up to 5 years. In this instance it is recommended that the Planning Consent and the Extractive Industry Licence be issued for that maximum 5 year period. The proponent has gone to great lengths to obtain the necessary environmental approvals and should be permitted to operate with certainty of approval.

APPENDICES 11, 12, & 13**COUNCIL DECISION**

OCM06/066

MOVED: Cr Germain

SECONDED: Cr Heath

That Council resolve with respect to the application for planning consent for extractive industry and extractive industry licence for Lot 2 Johnston Road, Wagerup to:

- A. Approve the application for planning consent for extractive industry for a period of five (5) years and subject to the following conditions:
1. A Rehabilitation Plan being submitted to the satisfaction of the Manager Planning & Development Services.
 2. A Drainage Management Plan being submitted to the satisfaction of the Manager Planning & Development Services.

Advice to Applicant:

The Department of Environment advise that a Works Approval will be required if on-site processing and screening will occur.

The Department of Environment advise that there may be issues of groundwater quality and availability. The proponent should seek advice and a licence for groundwater abstraction.

- B. Issue an Extractive Industries Licence for a period of five (5) years subject to the following conditions:
1. Operations to be undertaken in a manner consistent with the applicant's submission.
 2. Operations being carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.
 3. Clearing and Rehabilitation is to occur in accordance with an approved Rehabilitation Management Plan.
 4. Council reserves the right to direct that cartage over particular roads may be redirected from time to time, and in case of road failure or potential failure, may direct that cartage operations over designated roadways cease entirely for the period specified.
 5. Pit faces to be kept in safe condition at all times.
 6. 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.
 7. No later than 24 months from the date of this approval the Licensee must provide a progress report to the satisfaction of Council 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.
 8. Payment of the annual licence renewal fee as determined under the Shire of Waroona Extractive Industries Local Law (\$150 per year for less than 1 hectare at time of determination).

CARRIED 7-0

Cr Davis left the Meeting and the Chambers at this point the time being 3.55pm.

ADJOURNMENT

The Chairperson adjourned the meeting at this point for afternoon tea the time being 3.55pm

RECONVENED

All those present at the adjournment of the Meeting were present in the room after the adjournment. The Meeting reconvened at 4.06pm

See Page 9 for Item 9.5.7

9.5.8 LOT 342 SOUTH WESTERN HIGHWAY, WAROONA (DRAKESBROOK HOTEL/MOTEL) – APPLICATION FOR PLANNING CONSENT FOR 16 PORTABLE MOTEL UNITS

Officer/Officer's Interest:	Mike Critch – Town Planner/Nil
Proponent:	Stephen Crooks
Landowner:	Westville Holdings Pty Ltd
Date of Report: 24 March 2006	File No: TP921
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

In January 2006 Council received an application for Planning Consent for a new 16 room motel block, running parallel to and to the east of the existing Motel complex. The proposed facility comprises of 4 prefabricated accommodation units, with each two unit block positioned back to back.

A gable roof and verandas are proposed to be placed over the entire structure and will be made of Colourbond to match the existing roof. The proposed cladding will be cream in colour to match the existing motel. One car parking bay will be provided per unit at the front of each unit and each unit will be self contained.

A site plan and specifications are contained at Appendix 19 together with a Location Plan.

Statutory/Policy Implications

The zoning classification for the site is 'Special Use Zone No. 1 - 'Drakesbrook Motel & Nanga Brook Restaurant' under Town Planning Scheme No. 7. The Permitted Uses and Conditions of Use are restricted to:

- a) *hotel/motel*
- b) *restaurant & reception centre*
- c) *bottle shop*
- d) *management accommodation*
- e) *boat storage facilities*
- f) *other minor associated facilities as approved by Council.*

Pursuant to Clause 9.6 of the Scheme, delegation of authority to approve or refuse applications for planning consent is extended to Council for certain types of land uses or developments. Hotel and Motel land uses cannot be determined under delegated authority and shall be referred to Council for consideration.

Community Consultation

Pursuant to Planning and Development Policy 1.0 – 'Community Consultation', notice of the proposed development was given to owners and occupiers of the land immediately surrounding the site. Respondents were given 21 days to lodge a submission. During this period, no submissions were received by Council.

Officer's Comments

Accommodation has operated on site in the past and it is anticipated by the proponent that there will be a shortage of accommodation in Waroona due to increasing demand. While the development consists of prefabricated units, it is proposed to be permanent and should not detract from the high development standard expected on the site, provided that colours and finishes of new buildings correspond with existing structures.

To ensure a high standard of development for the site, conditions will be applied subject to the planning approval of the new Motel Units. Screening vegetation will be required along the northern and eastern sides of the units to ensure the visual impact of the units be kept to a minimum. The colour and finishes of the new Motel Units will be expected to match those currently seen with existing buildings.

Provision of one parking bay per unit is considered to be sufficient for the site.

Approval of the application is therefore recommended for the proposed Motel Unit additions, since the scale and function of the proposal is consistent with Scheme intentions. Council's objective should be to ensure the area develops for tourism accommodation and recreational uses in a way that maintains the quality of landscape and built environment.

OFFICER RECOMMENDATION

That Council resolve, with respect to the application dated 25 January 2006, for the provision of 16 Additional Motel Units at Lot 342 South Western Highway, Waroona, to approve the application subject to the following conditions:

1. All stormwater runoff from impervious surfaces is to be disposed of on site to the satisfaction of Manager Planning and Development Services.
2. A landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Manager Planning and Development Services prior to the issue of a Building Licence.
3. Landscaping to be completed prior to occupancy and thereafter maintained to the satisfaction of Manager Planning and Development Services.
4. Proposed buildings and structures are to apply the same colour and finishing themes adopted for existing buildings and structures, to the satisfaction of Manager Planning and Development Services.
5. Before the subject development is first occupied or commences operation, 16 car parking spaces together with their access aisle to be clearly paved, sealed, marked, and drained and thereafter to the satisfaction of Manager Planning and Development Services.

APPENDIX 19

COUNCIL DECISION

OCM06/067

MOVED: Cr Witney

SECONDED: Cr O'Reilly Carter

That Council resolve, with respect to the application dated 25 January 2006, for the provision of 16 Additional Motel Units at Lot 342 South Western Highway, Waroona, to approve the application subject to the following conditions:

- 1. All stormwater runoff from impervious surfaces is to be disposed of on site to the satisfaction of Manager Planning and Development Services.**
- 2. A landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Manager Planning and Development Services prior to the issue of a Building Licence.**
- 3. Landscaping to be completed prior to occupancy and thereafter maintained to the satisfaction of Manager Planning and Development Services.**
- 4. Proposed buildings and structures are to apply the same colour and finishing themes adopted for existing buildings and structures, to the satisfaction of Manager Planning and Development Services.**
- 5. Before the subject development is first occupied or commences operation, 16 car parking spaces together with their access aisle to be clearly paved, sealed, marked, and drained and thereafter to the satisfaction of Manager Planning and Development Services.**
- 6. That the section between the ground level and the floor level be enclosed to the satisfaction of the Manager Planning & Development Services.**

CARRIED 6-0

Note:

The Officer Recommendation was changed to include a condition that the area between the ground level and the floor level be enclosed to restrict the accumulation of any rubbish etc.

9.6 MANAGER FINANCE & ADMINISTRATION/DEPUTY CEO

9.6.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2005 TO 28 FEBRUARY 2006

Officer/Officer's Interest:	Chris Smith - Finance Officer / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report: 22 March 2006	File No:	1/1
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
Voting Requirements	Simple Majority	

APPENDIX 15**COUNCIL DECISION**

OCM06/068

MOVED: Cr Germain

SECONDED: Cr Heath

That the Monthly Statement of Financial Activity for the period 1 July 2005 to 28 February 2006 (Appendix 15) be received and noted.

CARRIED 6-09.6.2 **ACCOUNTS FOR PAYMENT**

Officer/Officer's Interest:	Chris Smith - Finance Officer
Proponent:	N/A
Landowner:	N/A
Date of Report: 22 March 2006	File No: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 16**COUNCIL DECISION**

OCM06/069

MOVED: Cr Witney

SECONDED: Cr O'Reilly Carter

That Vouchers numbered: -

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal Trust	3905-3984 10827	118,996.47 75.00	118,996.47 75.00
Electronic Transfers	3468-3556	201,868.12	201,868.12
Direct Wages	07.03.06 21.03.06	52,737.20 49,506.48	
			102,243.68
		TOTAL:	<u>\$423,183.27</u>

and attached at Appendix 16 be endorsed.

CARRIED 6-0

9.6.3 CHANGE OF RATING METHOD

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	21 March 2006	File No.:1/7
Previous Reference:	Nil	
Statutory/Policy Implications:	See Heading in Report	
Strategic Implications:	Nil	
Financial Implications:	See Heading in Report	
Voting Requirements	Simple Majority	

Proposal

The Council is required to seek Ministerial approval for a change in method of valuation from Unimproved Value (UV) to Gross Rental Value (GRV) for properties located in the Rural and Rural Residential areas immediately to the east of the Waroona townsite. (Location map attached at Appendix 17)

Background

The most recent change in the basis of rating occurred in 2001/2002. On this occasion the similarly zoned area of Armstrong Hills/Tuart Grove was changed from UV to GRV.

At the time the Council did place on notice with the Department that an area to the east of the Waroona Townsite (Forrington Heights) would also be the subject of a change, however this would be placed on hold pending the completion of a further subdivision located immediately adjacent (Woodley Heights).

Statutory/Policy Implications

The Council in accordance with Section 6.28 of the Local Government Act 1995 is required to rate land areas in accordance with the principal of "predominates use".

Generally this Section defines that the basis for a rate on any land is to be:

- a. where the land is used predominantly for rural purposes, the UV of the land;
- b. where the land is used predominantly for non-rural purposes the GRV of the land.

Local Governments have a role in ensuring that the rating principles of the Act are correctly applied to rateable land within their districts.

Community Consultation

A comprehensive consultation period will occur. Generally this would take the form of a detailed explanatory memorandum being sent or delivered to all owners.

This would be in addition to normal newsletter and website advertising.

Financial Implications

Twenty three (23) properties will be affected by the proposal of which presently ten (10) have a residential development.

There are no significant financial implications for the Council with this proposal which seeks to ensure compliance with the Act rather than generate additional revenue, although a small amount of additional income would be generated.

Rate increases can be expected on the developed properties due to the issue of a GRV.

The amount of increase is not possible to predict due to:

- Valuations are yet to be supplied.
- The level of rating to be set by the Council during the adoption of the 2006/07 Budget.
- The type of development located on the property, i.e. a larger residence which is likely to attract a higher gross rental value and therefore higher rates.

Vacant land will continue to receive minimum rates until such time as development occurs following which an interim GRV rate would be issued.

Officer's Comments

In submitting the proposal for Ministerial approval the Council is required to make the determination that the predominant use of the subject land is "residential" and then satisfy the Minister accordingly.

In addition it is required to:

- Supply clear and accurate description of each property.
- An effective date from which the change will occur.
- Details of any other properties within the Shire that may also be considered for a rating change. This is to ensure consistency of rating within the district.
- Make application to the Valuer General for the supply of revised valuations.

This determination is made on the basis that:

1. It is apparent that the land is used predominantly for residential purposes.
2. The issue of Planning and Building approvals give a clear indication of what improvements are occurring or are likely to occur on the land.
3. Although some small rural activities could be conducted on the land it is evident that the nature of the land is not conducive to an occupier deriving a livelihood from the properties.

Note:

It is anticipated that an extension of the GRV rating area will be required at Lake Clifton following recent subdivisions adjacent to Southern Estuary Road. This will be the subject of a separate application in 2007.

APPENDIX 17

<p><u>COUNCIL DECISION</u> OCM06/070 MOVED: Cr Germain SECONDED: Cr Walmsley</p> <p>1. In accordance with Section 6.28 of the Local Government Act 1995 the Council will, according to land use, rate areas of the Shire immediately east of the Waroona Townsite (zoned Rural 6 – Rural Residential) as Gross Rental Value (GRV) areas commencing from the 2006/2007 rating year.</p> <p>2. The Council’s intention in relation to Part 1 above is conveyed to the Minister for Local Government.</p> <p style="text-align: right;"><u>CARRIED 6-0</u></p>

9.6.4 QUARTERLY REPORT FOR THE PERIOD ENDING 20 MARCH 2006

Officer/Officer’s Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Laurie Tilbrook – Deputy Chief Executive Officer
Landowner:	Shire of Waroona
Date of Report: 22 March 2006	File No.: 1/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

The following information is provided as a result of analysis of the 2005/2006 adopted Budget as at 20 March 2006.

No major concern in relation to budget expenditure has been identified.

As was reported in the previous quarter there are areas of under-expenditure associated with capital projects. Those projects will continue to be analysed prior to year end to determine if there is a need for deferments and/or fund transfers etc.

1. Operating Statement Explanation of Variances

Governance

Interest on investments

In excess of budget due to larger than expected cash on hand, mainly associated with incomplete capital projects.

Interim Rating

Interim rating income to 20 March of \$11,100 is the highest recorded for any one financial year. This additional income has been partly offset by Council Resolution authorising expenditure on a road asset revaluation.

Environmental Protection

Funding of \$16,500 received for construction of Preston Beach viewing platform and boardwalk (further funding of \$16,500) remains outstanding.

Although 100% funded by Grants, expenditure on this project requires authorisation by the Council.

Town Planning

Unbudgeted expenditure of \$6,496 (Account 2192) associated with recruitment and appointment of Town Planning Officer.

Development Fees

Income is well in excess of budget due to the receipt of fees from Kingpoint Holdings (Preston Beach Resort development) and Alinta Co-generation Plant.

This additional revenue has been allocated to capital works associated with completion of Towns Square project (OCM06/040)

Community Amenities

Funding of \$46,184 has been received to construct Public Toilets at Drakesbrook Weir.

This project does not propose additional funds from the Council and is yet to be commenced.

Arts & Crafts Centre

This job will be over budget by approximately \$15,000 due to extra labour costs associated with the removal of old slabs. This amount however is offset slightly by the sale of second hand slabs at \$3,000.

2. Statement of Financial Position

Cash position as at 20 March 2006

Municipal -	\$1,640,000
Reserve -	\$542,984

Investments from the above balances:

National Australia Bank	\$509,071	due 24.03.06 (Municipal)
National Australia Bank	\$513,628	due 04.04.06 (Municipal)
National Australia Bank	\$542,984	due 26.05.06 (Reserve)

3. Capital Expenditure

There are a number of Capital projects which at 9 months are partly or yet to be commenced.

These will require assessment within the next quarter to determine the likely affect on the 2005/06 Budget and implications for the forthcoming 2006/07 Budget.

It appears that there will be a significant carryover of funds not only with current budgeted projects but those where grants have been received since budget adoption.

Details are as follows:

PROJECT	BUDGET &	ACTUAL \$ 20.03.06	STATUS
Office partitioning	8,500	7,230	Complete
Install Exchange Server	5,200	5,200	Complete
Construct Carpark – Health Centre	15,594	2,366	Commenced
Preston Beach Carpark	66,350	68,775	Complete
Hamel Eco Precinct	110,000	26,876	Incomplete
Dual use Path Construction	27,500	46,419	Complete
Drakesbrook Place – Town Square	414,075	335,555	Incomplete
CBD Component – Town Square	48,000	11,760	Incomplete
Underground Power – Town Square	525,000	8,772	Incomplete
Road Construction Program	561,743	200,737	Incomplete
Purchase Plant (Tractor)	75,000	41,300	Complete

The following grant funding has been received of which associated expenditure is to be authorised by the Council as an amendment to the 2005/06 Adopted Budget:

a. Construct outdoor basketball practice facility:

The total cost of the project will be \$22,000. This will be funded with \$14,000 from Grants received and a proposed transfer of \$8,000 from the funds currently held in Trust.

b. Dune stabilisation project – construct boardwalk and viewing platform at Preston Beach.

Funding of \$33,000 has been approved.

c. Purchase of Crash Trailer (Roadwise):

Trailer has been ordered (\$5,000) with 100% funding.

d. Frog Garden Waroona Tourist Centre:

Funding of \$3,665 received from Alcoa.
Operating Expenditure account only.

4. Budget Amendments 2005/06

The following Budget amendments have been approved by the Council up to and including February 2006 Ordinary Council Meeting.

- a. Installation of fencing – Buller Road Refuse Site - \$13,050 (OMC05/115)
- b. Waterous Road Industrial Estate – connecting services - \$22,085 includes transfer from Reserve Account (SCM05/173)
- c. Renovation to Drakesbrook Weir Public Toilets - \$46,184 with funding provided by Water Corporation (OCM06/017)
- d. Review of Recreation & Aquatic Centre operations by YMCA - \$6,273 being allocation from Sporting Reserve Account (OCM06/016)
- e. Community Art Project – Waroona Town Square - \$52,380 funding provided by Alcoa (OCM06/002)
- f. Reallocation of funding (\$5,000) to carry out Insurance and Land & Building Asset revaluation. Authorise unbudgeted expenditure of \$5,000 to carry out revaluation of Road Infrastructure Assets (OCM06/049).
- g. Allocation of Insurance proceeds from loss of Old Drakesbrook School as follows: (OCM06/050)
 - \$34,000 to Building Maintenance Reserve Account
 - \$15,000 to provision of Memorial to commemorate the Building
- h. Drakesbrook Place – Town Square Project. Authorise additional Capital Expenditure of \$35,000 (OCM06/040).

COUNCIL DECISION

OCM06/071

MOVED: Cr Walmsley

SECONDED: Cr Heath

That the Quarterly Financial Report for the period ending 20 March 2006 be received.

CARRIED 6-0

9.7 **CHIEF EXECUTIVE OFFICER**

9.7.1 **DEPUTY CHIEF EXECUTIVE OFFICER – VEHICLE USAGE**

Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Chief Executive Officer	
Landowner:	N/A	
Date of Report: 23 March 2006		File No.:P102
Previous Reference:	Nil	
Statutory/Policy Implications:	Council Policy on private vehicle usage by Senior Staff is determined by each individual Officer's Employment Contract.	
Strategic Implications:	Nil	
Financial Implications:	Council Officer to be responsible for all fuel costs thus reducing the Fringe Benefits Tax liability of both the Officer and the Council	
Voting Requirements	Absolute Majority	

Proposal

That Council formally endorse approval for the Deputy Chief Executive Officer (DCEO) to use Council Vehicle 101.WR on an Interstate trip (Victoria) in April 2006. Approval is for a singular use purpose and an amendment to the Officer's current Contract arrangements is not sought.

All fuel costs whilst on leave would be the responsibility of the Deputy Chief Executive Officer.

Background

During the month Council was requested to make a decision in accordance with Council Policy 1.24. "Decisions to be made outside of a Council Meeting". Through this process Council voted in favour of the proposal.

The current terms and conditions of the Deputy CEO's Contract, in relation to vehicle use states:

"The Officer is entitled to full private and unrestricted use within the State of Western Australia".

This means therefore, that whilst the distance to be travelled would be similar to that of the North of Western Australia, permission is required for the vehicle to travel east.

Council's insurance coverage on vehicles is current throughout Australia.

Community Consultation

N/A

Officer's Comments

There are no Financial Implications for the Council with this proposal. In fact it is normal in such situations that a financial benefit will be achieved because of a reduction in FBT liability of the Council based on the number of kilometres travelled (estimated 10,000).

In addition, by paying all fuel costs the Officer will also benefit as the cost of this expense will result in a 100% reduction in the Officer's FBT liability, thus creating a positive situation for both parties.

COUNCIL DECISION**OCM06/072****MOVED: Cr Germain****SECONDED: Cr Heath**

That Council endorse the decision made under Council Policy 1.24 to permit the Deputy Chief Executive Officer (DCEO) use of Council Vehicle 101.WR outside the State of Western Australia for the period 27 March 2006 to 30 April 2006 with all fuel costs for that period being the responsibility of the Officer.

CARRIED BY ABSOLUTE MAJORITY 6-09.7.2 ANNUAL REVIEW OF DELEGATIONS TO THE CEO, STAFF AND COMMITTEES

Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Nil	
Landowner:	Nil	
Date of Report: 16 March 2006	File No.:52/1	
Previous Reference:	Nil	
Statutory/Policy Implications:	The review of delegations is required in accordance with Section 5.18 and 5.16 of the Local Government Act 1995 and must be carried out at least once every financial year.	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Absolute majority	

Proposal**Nil**Background

The Council, or delegator, is required to review its new and ongoing delegations on an annual basis. This is a statutory requirement that requires a resolution to show that the Council has undertaken a review of its delegations.

The last review was carried out at the Council Meeting held March 23, 2004 where a Register containing the new and ongoing delegations was presented to the Council.

Community Consultation

N/A

Officer Comments

The Register of Delegations - (**Appendix 18**) contains details of all ongoing delegations granted since the original Register of Delegations was adopted in 1998 and any new delegations granted since the last review date. All previous delegations that relate to specific actions that have now been carried out, have been deleted.

Council may consider which of the ongoing delegations are still relevant and which ones may need to be revoked or amended.

APPENDIX 18

<p><u>COUNCIL DECISION</u> OCM06/073 MOVED: Cr Germain SECONDED: Cr Witney</p> <p>That the Council adopt the Register of Delegations as attached at Appendix 18. <u>CARRIED BY ABSOLUTE MAJORITY 6-0</u></p>
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9.7.3 2006 SENIOR STAFF PERFORMANCE AND REMUNERATION REVIEW

Officer/Officer's Interest:	Ian Curley - Chief Executive Officer/ - Interest affecting impartiality declared-	
Proponent:	Ian Curley	
Landowner:	N/A	
Date of Report:	21 March 2006	File No.:54/4
Previous Reference:	Council meeting held 22 March 2005	
Statutory/Policy Implications:	Formal adoption of Council Policy	
Strategic Implications:	N/A	
Financial Implications:	N/A	
Voting Requirements	Absolute Majority	

Proposal

To formally adopt as Council Policy, the resolutions from the 22 March 2005 Ordinary Council Meeting.

Background

[Extract from the 22 March 2005 Ordinary Council Meeting Minutes]

"That Council:

- a. delegate to the Senior Staff Appointment, Remuneration and Performance Review Committee the power to undertake the 2005 Performance and Remuneration Review of the Chief Executive Officer (CEO) in accordance with the CEO's Contract, and liaise with the CEO on the 2005 performance and remuneration review of the Deputy Chief Executive Officer, Manager Works & Services, Manager Planning & Development Services, and the Manager Environmental Health & Building Services and that decisions made by the Committee are binding on the Council.
- b. endorse the Senior Staff Appointment, Remuneration and Performance Review Committee's decision to abolish the rental subsidy previously offered to Senior Staff and replace it with a housing allowance of \$5,000pa and that the allowance be made available to the Chief Executive Officer, Deputy Chief Executive Officer, Manager Works & Services, Manager Planning & Development Services, and the Manager Environmental Health & Building Services as of July 1, 2005, and whilst their principal place of residence remains within the Shire of Waroona."

At the March 2005 Council meeting Council resolved to delegate to the Senior Staff Appointment, Remuneration and Performance Review Committee the power to undertake the 2005 Performance and Remuneration Review of the Chief Executive Officer and other Senior Officers, and to abolish the previous Senior Staff rental subsidy and replace it with a housing allowance. Whilst the decisions were made by Absolute Majority of the Council, they did not reflect the intention for them to be included as Policies. Council is now requested to formalise the previous decisions into a Policy.

Community Consultation

N/A

Officer's Comments

Nil

COUNCIL DECISION

OCM06/074

MOVED: Cr Germain

SECONDED: Cr Walmsely

That Council adopt the following Policies:

- 1. That Council delegate to the Senior Staff Appointment, Remuneration and Performance Review Committee the power to undertake the annual Performance and Remuneration Review of the Chief Executive Officer (CEO) in accordance with the CEO's Contract, and liaise with the CEO on the annual Performance and Remuneration review of the Deputy Chief Executive Officer, Manager Works & Services, Manager Planning & Development Services, and the Manager Environmental Health & Building Services and that decisions made by the Committee are binding on the Council.**
- 2. That Council provide a housing allowance of \$5,000pa to the Chief Executive Officer, Deputy Chief Executive Officer, Manager Works & Services, Manager Planning & Development Services, and the Manager Environmental Health & Building Services as of July 1, 2005, whilst their principal place of residence remains within the Shire of Waroona. The housing allowance to supersede the previous rental assistance scheme.**

CARRIED BY ABSOLUTE MAJORITY 6-0

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

Nil

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

11.1 ELECTED MEMBERS

Nil

11.2 OFFICERS

Nil

12. CLOSURE OF MEETING

There being no further business the Chairperson closed the Meeting the time being 5.13pm.



OUTSTANDING MATTERS LIST AS AT 28 MARCH 2006

Date of Meeting	File No.	Subject	Remarks/Status	Action Due by
Nov 99 June 01	131/1 177/1	East/West Road Link	Maintain priority for recognition of Dorsett & Coronation Roads as a major east-west link to Peel Deviation. <i>Ongoing. Seek inclusion in 5 year significant Road Funding Program.</i>	To be included in Road Program 2005/06 Financial Year
May 03	88/1	Building Leases	Preparation of Operational Leases for Waroona Cricket Club, Playgroup (Occupation Agreement)	June 06
March 04	72/2	Waroona Historical Society	Review of 12 month operating conditions for Road Board Office prior to formal Leasing	April 06
March 04	149/1 164/1	Waroona Dam	Implementation of multi-purpose Ranger Plan (Currently with Minister)	March 06
Dec 04	79/1	Industrial Land	Negotiations with Alcoa to commence procedures for proposed development of Lot 10 Waterous Road	March 06
Dec 04	12/1	Rural Numbering	Implementation in accordance with 05/06 Budget – number plates ordered.	May 06
June 05	51/2	Westrail Lease	Enter into Land Use Agreement Lots 224 & 226 SW Highway	March 06
Aug 05	TPSP1	Shire Administration Centre	Research on current and future needs for expansion	March 06
Aug 05	50/4	Water Corp – Infill Sewer program	Arrange for Water Corp to meet with Council re Infill Sewer program pending review of program.	April 06
Sept 05	77/4	Infill Sewerage	Request for review of Sewerage Infill timetable Waroona Townsite	March 06
Sept 05	131/4	Waroona Roadwise Committee	Proposal to submit funding application for purchase for mobile speed trailer	March 06
Jan 06	A1371	Dune Rehabilitation Lots 323 – 325 Bouvard Pl Preston Beach.	Site rehabilitation plantings to occur by July 06 - OCM06/004	July 06
Jan 06	126/2 173/1	Recreation & Aquatic Centre	Report into review of operations.	June 06
Jan 06	7/2	Alcoa/Shire of Waroona Sustainability Fund	Outcomes of Council's decision - OCM06/019	April 06
Feb 06	44/17	Drakesbrook School Site	Design and Construct Memorial to Old School	May 06