



# **MINUTES**

**ORDINARY COUNCIL MEETING**

**TUESDAY 28 FEBRUARY 2006**

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## 1. **DECLARATION OF OPENING/ANNOUNCEMENTS**

The Chairperson declared the Meeting open at 9.10am 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 P Fitzpatrick		East Ward
Cr Z O'Reilly Carter		Coastal Ward
Mr I Curley		Chief Executive Officer
Mr L Tilbrook		Deputy Chief Executive Officer
Mr M Turner		Manager Planning & Development Services
Mr S Cleaver		Manager Environmental Health & Building Services
Mrs M Ellis from 9.10am to 9.35am		Community Development Officer
Mrs RH O'Mara		Executive Support Officer - Minute Taker

## **APOLOGIES**

Cr M Davis	Town Ward
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## 3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

### 4.1 **PUBLIC QUESTION TIME**

Nil

### 4.2 **PUBLIC STATEMENTS**

There were three (3) Members of the Public who presented Statements:

1. Mr Peter Wahlsten – in relation to Item 9.5.1 (**Appendix A**)
2. Mrs Yvonne Davies – (**Appendix B**)
3. Mr Andre Vogel – in relation to Item 9.5.1 (**Appendix C**)

**5. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

- 5.1 Cr Noel Dew declared a Financial Interest in Items 9.5.4 and 9.5.14.
- 5.2 Cr Bill Heath declared a Proximity Interest in Item 9.5.1

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 10.01.06**

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM06/023</b>  <b>MOVED: Cr Heath</b>  <b>SECONDED: Cr Walmsley</b>  <b>That the Minutes of the Ordinary Council Meeting held 10 January 2006 be confirmed as being a true and correct record of proceedings.</b></p>	<p><b><u>CARRIED 7-0</u></b></p>
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**9. REPORTS OF OFFICERS AND COMMITTEES**

**9.1 OFFICER IN CHARGE – RECREATION & AQUATIC CENTRE**

Nil

**9.2 COMMUNITY DEVELOPMENT OFFICER**

**9.2.1 MEMORIAL TO COMMEMORATE THE OLD DRAKESBROOK SCHOOL**

Officer/Officer's Interest:	Maree Ellis Community Development Officer / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	22 February 2006   File No: 44/17
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	<p>The Deputy CEO has advised that proceeds from Insurance for the Building was the subject of a separate Report considered by the Finance Committee on 20 February 2006 (<b>See Item 9.6.6</b>).</p> <p>This meeting resulted in a recommendation to allocate the proceeds (\$49, 000) to the "Building Maintenance Reserve Account.</p> <p>At the time of the Finance Committee meeting no formal proposal was available with regard to a development on the site, however verbal information was provided that a Memorial was under consideration.</p>
<b>Voting Requirements</b>	<b>Absolute Majority to amend the 05/06 Adopted Budget</b>

### Proposal

***That Council commit to the building of a suitable memorial to commemorate the site of the Old School at Centennial Park.***

### Background

In July of 2005 the Old Drakesbrook School Building at Centennial Park was burnt to the ground. Since that time the site has been left vacant, awaiting a decision from the community and the Waroona Shire Council as to its future use.

The Waroona Historical Society conducted a consultation with the local community through a three-month survey to gather community perception and ideas for the site.

The survey was conducted at the Waroona Show and then survey forms were placed at strategic locations in Waroona. There were only one hundred and one respondents or 2½% of the community who answered the survey. 78% indicated that they would like to see a replica building constructed however, the total response numbers were insufficient to indicate any widespread community agreement on the issues raised in the survey.

The Historical Society has indicated that they are more in favour of the construction of a Memorial on the site than the building of a replica. This decision was formed after considering the small percentage of the population who responded, and analysis of the additional comments on the survey form. A formal decision and recommendation from the Society has not yet been made due to the absence at the meeting of two members of the committee.

The Shire of Waroona has also recently been approached by Anne Bennetts from the Fremantle Arts Centre, regarding their current art project titled "Partnering Stronger Communities". After discussions with Anne, regarding this project, a conclusion was reached that there is an opportunity to direct this project towards the concept of a Memorial for Centennial Park to commemorate the Old School site. The project coordinator has indicated a willingness to meet with the Waroona Historical Society to discuss the concept. Fremantle Arts would bring to the project an experienced artist and a small amount of funds.

### Officer's Comments

The site of the Old School has historical and cultural significance for Waroona, and Centennial Park is valued by members of the community and visitors to the town. Creating a Memorial on the site of the Old Drakesbrook School will preserve the history and honour the memory of the past at a reasonable cost. Linking this with the Fremantle Arts project will provide the experience and expertise needed to develop a creative design and it would be prudent to take advantage of this opportunity. The members of the Waroona Historical Society do not feel that a replica building could replace the original building and are keen to find an alternative solution.

### Community Consultation

- Community Survey conducted by the Historical Society
- Meeting with Historical society

**COUNCIL DECISION**

**OCM06/024**

**MOVED: Cr Fitzpatrick**

**SECONDED: Cr Walmsley**

**That Council resolves:**

- A. To commit to the building of a Memorial to commemorate the site of the Old Drakesbrook School subject to formal agreement from the Waroona Historical Society.**
- B. That Fremantle Arts be requested to include it in their brief to direct works relating to the “Partnering Stronger Communities” project to the Old Drakesbrook School site at Centennial Park with the final design to be decided by the Council and the Waroona Historical Society.**
- C. Delegate authority to the Chief Executive Officer for the planning and design of the Memorial.**

**CARRIED 7-0**

**COUNCIL DECISION**

**OCM06/025**

**MOVED: Cr Fitzpatrick**

**SECONDED: Cr Germain**

**That Council resolve to amend the 2005/2006 Budget and allocate up to Fifteen thousand dollars (\$15,000) from the proceeds of the insurance monies received as a result of the loss of the Old Drakesbrook School, with expenditure being debited to Account No. 3104 for a suitable memorial on the Old Drakesbrook School site.**

**CARRIED BY ABSOLUTE MAJORITY 7-0**

Mrs Ellis, the Community Development Officer left the Meeting and the Chambers the time being 9.35am.

**9.3 MANAGER WORKS & SERVICES**

Nil

**9.4 MANAGER ENVIRONMENTAL HEALTH & BUILDING SERVICES**

**9.4.1 APPROVAL TO KEEP THREE DOGS- 67 MEADOWVIEW COURT PRESTON BEACH**

Officer/Officer's Interest:	Steve Cleaver – Mgr Environmental Health & Building Services / Nil
Proponent:	Brenda Rae
Landowner:	D Goodman & B Rae
Date of Report:	21 February 2006   File No: 45/2
Previous Reference:	Nil
Statutory/Policy Implications:	Dog Local Law 2001
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple majority</b>

Proposal**To allow the keeping of three dogs at 6 Meadowview Court Preston Beach**Background

A letter has been received from Eleanor Maynard requesting transfer of Harry a Maltese/Poodle to Mrs Brenda Rae 6 Meadowview Court Preston Beach. Mrs Maynard used to live at her parents house at 40 Mitchell Road, Preston Beach however has moved to Secret Harbour and left their dog in the care of Mrs Rae.

Mrs Rae already has two dogs Charlie an 8 yr old Shih Tzu and Laddie a 4 year old Pomeranian. Clause 3.2 of the Shires Dog Local Law allows only for the keeping of two dogs in the townships.

Community Consultation

Nil

Officer's Comments

Councils Ranger consulted all neighbours and no objections have been raised to Mrs Rae keeping 3 dogs. As the dogs are small in size and no complaints have been previously received, approval is recommended subject to conditions that if a dog is removed that the approval lapses and that approval is for the current dogs only.

**COUNCIL DECISION**

**OCM06/026**

**MOVED: Cr Germain**

**SECONDED: Cr Walmsley**

**That Mrs Brenda Rae of 6 Meadowview Court Preston Beach is permitted to keep three dogs be subject to the following conditions:**

- 1. A review being conducted after each 12 month period.**
- 2. All dogs to be registered.**
- 3. Permission applies only to dogs specified.**
- 4. The Council retains the right to revoke or vary the permit at any time.**

**CARRIED 7-0**

9.4.2 APPOINTMENT OF EMERGENCY MANAGEMENT POSITIONS

Officer/Officer's Interest:	Steve Cleaver, Manager Environmental, Health & Building Services / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:	21 February 2006	File No: 51/2
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Simple Majority</b>	



Proposal***To approve of statutory positions created by the Emergency Management Act 2005.***Background

The Chief Executive Officer of Fire and Emergency Services WA Mr Bob Mitchell has requested that the Shire delegate certain positions as required under the Emergency Management Act 2005. The Act formalises the role of Local Government in relation to Emergency Management Committees, Local Emergency arrangements and managing community recovery.

Those positions that the Shire require to nominate at this point in time are:

Hazard Management Officer  
Chairman of the Local Emergency Management Committee  
Local Recovery Co-ordinator

It is important to note that these statutory positions are able to exercise full power of the Emergency Management Act 2005 in times of emergencies.

Community Consultation

Nil

Officer's Comments

Whilst the Shire of Waroona has relinquished control of the Waroona Brigade to FESA the other smaller brigades namely Lake Clifton and Preston Beach etc still remain the responsibility of this Local Government. In this regard the Shire is, still in terms of the Emergency Management Act 2005, a "Hazard Management Agency" for fire. As a result it is recommended that the Chief Fire Control Officer is delegated the role of Hazard Management Officer under the Act.

The Officer in Charge of the Waroona Police has traditionally Chaired the LEMC meetings and has indicated that he is happy to continue in this role. Similarly the Manager Environmental, Health & Building Services has traditionally co-ordinated the Shires recovery efforts and in this regard should continue in the role as Local Recovery Co-ordinator.

FESA has indicated that due to the changes of staff it is preferable that positions rather than persons be nominated.

**COUNCIL DECISION****OCM06/027****MOVED: Cr Germain****SECONDED: Cr Heath**

**That FESA be advised that the following positions are nominated in accordance with the Emergency Management Act 2005:**

- 1. Hazard Management Officer –Shire of Waroona Chief Fire Control Officer.**
- 2. Chairman of the Local Emergency Management Committee – Officer in Charge Waroona Police.**
- 3. Local Recovery Co-ordinator - Shire of Waroona Manager Environmental, Health and Building Services.**

**CARRIED 7-0**

9.4.3 MEMORANDUM OF UNDERSTANDING (MOU) – BEVERAGE INDUSTRY ENVIRONMENT COUNCIL AND THE WAROONA SHIRE COUNCIL

Officer/Officer's Interest:	Steve Cleaver, Manager Environmental Health & Building Services / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report:	21 February 2006	File No: 77/3
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	\$25,960 comprised of \$3,000 cash and goods to the value of \$22,960	
<b>Voting Requirements</b>	<b>Absolute Majority</b>	

Proposal

***To endorse a Memorandum of Understanding between the Beverage Industry Environment Council and the Shire of Waroona for bin infrastructure (Appendix 1).***

Background

The Shire of Waroona has been liaising with the Beverage Industry Environment Council (BIEC) for twelve (12) months in relation to funding for bin infrastructure. BIEC is an organisation funded from the major beverage organisations. It is funded specifically for the encouragement of public place recycling.

BIEC have indicated that they will fund the purchase of bin caps for the Waroona Show recycling bins and possibly five to seven bin shrouds for the Main Street and Drakesbrook place.

Community Consultation

Cleanaway

Officer's Comments

The bin infrastructure will utilise 120 litre mobile garbage bins that will be supplied by Cleanaway. As the bins are owned by Cleanaway no cost will be borne by the Shire for purchase of these bins, however we will pay a weekly pick up fee. As the current South West Highway litter bins rely on manual pick ups this will in future be picked up by the Cleanaway side lift truck. This will reduce manual handling and transport to the refuse site. Further to this, the bin shrouds prevent domestic waste dumping and have provision for signage. Most importantly the bins will provide for waste recycling which has not been previously offered.

The Shire contribution relates mainly to collection of the infrastructure and auditing the success of the recycling program. As costs borne by the Shire are minimal they may be incorporated into the current budget without amendments.

**APPENDIX 1**

**COUNCIL DECISION**

**OCM06/028**

**MOVED: Cr O'Reilly Carter**

**SECONDED: Cr Witney**

**That the Chief Executive Officer signs the Memorandum of Understanding with the Beverage Industry Environment Council to the value of Twenty five thousand nine hundred and sixty dollars (\$25,960).**

**CARRIED BY ABSOLUTE MAJORITY 7-0**

**9.5 MANAGER PLANNING AND DEVELOPMENT SERVICES**

**Cr Heath declared a Proximity Interest in the following Item 9.5.1 as he is an adjoining land owner to the property of the proposed development and left the Meeting and the Chambers the time being 9.41am.**

**9.5.1 RECONSIDERATION OF ILLEGAL CLEARING OF SHIRE LAND – BOUVARD PLACE, PRESTON BEACH**

Officer/Officer's Interest:	Matthew Turner - Manager Planning & Development Services / Nil	
Proponent:	N/A	
Landowner:	Shire of Waroona	
Date of Report:	14 February 2006	File No: A1371
Previous Reference:	Item 9.7.4 January 2006 OCM	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

Proposal

***The owners of Lots 324 & 325 Bouvard Place have requested reconsideration of the Council's decision at its Meeting held on 10 January 2005 with regard to the manner and extent of rehabilitation of a dune on Shire land at the rear of Lots 323-325 Bouvard Place that was illegally cleared.***

***The separate submissions from the owners of Lots 324 and 325 Bouvard Place are contained within Appendix 2 & Appendix 3.***

***The submissions request Council to reconsider the height of the dune that was cleared and have provided a photo of the dune prior to any alteration. They have also requested that they not be required to plant the *agonis flexuosa* (peppermint trees).***

Background

On 9 November 2005 the Shire was advised by the owner of Lot 323 Bouvard Place that some clearing and earthworks had occurred on Shire land at the rear of Lots 323-325 Bouvard Place in Preston Beach. The Manager Planning & Development Services and Shire President met with the complainant on site to inspect the damage.

The site is freehold land leased by the Shire to the Preston Beach Golf Club. Lots 323 and 325 Bouvard Place are vacant, whilst Lot 324 contains an existing two-storey dwelling. A location plan is contained in **Appendix 4**.

On 16 November the Manager Planning & Development Services wrote to the owners of Lots 324 and 325 Bouvard Place seeking an explanation for the illegal earthworks and clearing. The landowners met with the CEO and Manager Planning & Development Services on 30 November. The reasons given for the clearing were to remove a dune that was encroaching on Lot 324 and to provide a fire break to both properties. However the landowners both indicated their willingness to rectify the damage.

On 9 December 2005 the Manager Planning & Development Services met with members of the Shire of Waroona Foreshore Planning and Management Committee and a Landcare officer on the site to determine the best method to rectify and rehabilitate the site. The Committee made the following recommendations:

1. The site be rehabilitated using plant species that are indigenous to the area, utilising the list of species used by the Committee for its rehabilitation and from those identified at the site. This list was confirmed by the Landcare Officer following the meeting, from samples taken from the site. This rehabilitation was to include some 'peppermint trees' that were on the site prior to clearing. Planting can not occur until the winter months.
2. The site be brushed immediately using suitable tree/shrub clippings. The owners had wished to use standard mulch, however this was not favoured because it blows away or is covered easily and is not as effective in protecting the seedlings while they grow.
3. A standard 4-strand ring lock fence be constructed along the rear boundary of Lots 325 and 324 (a portion of Lot 323) to prevent access to the site whilst it is rehabilitated.
4. There was seen little value in rebuilding the dune that had been flattened because to do so would cause more damage in retrieving the sand. The key priority was to revegetate the dune.

The complainant has indicated that they wish the dune to be returned to its original height because it offers their vacant block some wind protection. They offered by way of email on 22 December 2005, to undertake the restoration and rehabilitation of the dune behind their property themselves, at no cost to Council or the adjoining landowners. They forwarded a copy of a survey they undertook in mid 2005 of their block and the adjoining dune prior to it being cleared.

At its meeting held on 10 January 2005 Council considered the matter and resolved in part as follows:

- "A. Not to commence legal action at the present time, subject to the co-operation of the owners of Lots 324 and 325 Bouvard Place, Preston Beach with the rehabilitation of the site.*
- B. The site is to be rehabilitated to the satisfaction of the Manager Planning & Development Services in accordance with the plan contained in Appendix 18 and the following:*

1. *The site be rehabilitated using only the plant species contained on the list in Appendix 16. The exact list of species to be planted to be approved by the Manager Planning & Development Services. A minimum of 100 seedlings to be planted over the site and a minimum of 10 of those to be "Agonis flexuosa" ("peppermint trees"). Planting to occur no later than July 2006 and to be maintained until July 2007. Any plants to die over the summer to be replaced by the landowners in July 2007.*
  2. *The site to be brushed using suitable tree/shrub clippings with a minimum height of brushing being 150mm.*
  3. *A 4-strand ring lock fence being constructed along the rear boundary of Lots 323 to 325 as shown on the plan in Appendix 18 to prevent access to the site whilst it is rehabilitated.*
  4. *The site levels to be re-established to the levels provided in Appendix 19.*
- C. *The rehabilitation behind Lots 324 and 325 Bouvard Place, Preston Beach to be undertaken at the cost of the owners of Lots 324 and 325. The rehabilitation behind Lot 323 Bouvard Place, Preston Beach to be undertaken by the owner of Lot 323 at their cost. In the event that the owner of Lot 323 decides not to undertake the rehabilitation behind their Lot, that work shall be undertaken by the owners of Lots 324 and 325 at their cost."*

#### Community Consultation

No consultation was required or considered necessary on this matter.

#### Officer's Comments

Following the January Council meeting, the owner of Lot 323 commenced earthworks to build up the height of the dune behind their property. Sand was taken from the southern side of the plateau and pushed up into a hill directly behind Lot 323.

The Council resolution of 10 January required the levels on the dune to be restored as per the survey undertaken by the owner of Lot 323. In order to verify the levels following the work by the owner of Lot 323, the Manager Planning & Development Services and Town Planner surveyed the dune on 25 January 2006 and the results in comparison to those supplied by the owner of Lot 323 are contained in **Appendix 5**. As can be seen from the survey, the levels provided by the owner of Lot 323 do not seem to correlate with the site and therefore the Manager Planning & Development Services has been unable to administer the decision of 10 January 2006.

However, what is clear is that the earthworks undertaken on behalf of the owner of Lot 323 do not correlate with Council's decision of 10 January 2006. The new peak is not where it was on the plan approved by Council. As noted in the Report to the meeting on 10 January 2006, the peak of the dune on the survey provided by the owner of Lot 323 was not changed by the previous earthworks undertaken on behalf of the owners of Lots 324 and 325.

Since the meeting of 10 January 2006, the owners of Lot 324 have provided a photo of the site that was clearly taken before any works were undertaken on the dune. Before and after photos of work undertaken are contained in **Appendix 6**. The photo is consistent with the survey provided by the owner of Lot 323 and aerial imagery of the site showing a plateau sand dune with little high vegetation that permitted views of the ocean. The photo in **Appendix 6 (Photo 2)** shows the dune after the earthworks by the owner of Lot 323.

The owner of Lot 323 has stated to the Manager Planning & Development Services that the dune has been restored higher than it originally was, which is to allow for some settling of the dune.

Of particular concern, in undertaking the earthworks to build a sand dune that is not consistent with Council's decision of 10 January 2006, is that further damage has occurred to the vegetation on both the northern and southern sides of the dune as a result of building the dune, which is inconsistent with the owner of Lot 323's claim to be able to undertake the work without any further and unnecessary delay or damage as stated in his correspondence of 22 December 2005.

The height of the dune on Council land has become a matter of dispute between the owners of Lots 323, 324 and 325. Being on Council property, it is open to the Council to determine what level it should be restored to. Council may consider the following options -

- A) to enforce the conditions of the resolution from the January 2006 Council meeting and leave the dune at the height it is currently, with a high sand hill, or it can return it to a plateau as it existed prior to any rehabilitation works being undertaken; or
- B.
  - 1. The dune be restored to a height similar to that in the photo of the site before the clearing works were commenced, ie a plateau. This height being consistent with the photographic evidence provided at **Appendix 6 - Photo 2**. This earthwork to be done by the Shire to ensure there is minimal further damage to vegetation on the dune.
  - 2. The planting of the 10 *agonis flexuosa* (peppermint trees) to be as contained on the plan in **Appendix 7**.
  - 3. The Council reiterate the remainder of its decision of 10 January 2006.

The owners of Lots 324 and 325 have also requested reconsideration of the requirement to replant peppermint trees. They dispute the number of peppermint trees that were on the site. Whilst it is not possible to determine how many of the trees were on the site previously, it is clear that a number have been removed or damaged. The peppermint trees are endemic to the area and it is therefore appropriate that they be replanted. It is recommended that 10 be replanted in the locations shown on the plan at **Appendix 7**.

Now that both parties have had an opportunity to address Council on the matter, a final resolution to the matter is required. It is not anticipated that there would be any grounds to revisit the matter once Council has made this decision.

#### OFFICER RECOMMENDATION

That Council resolve, with respect to the illegal clearing and earthworks of Shire land at the rear of Lots 323-325 Bouvard Place Preston Beach, to:

- A. Council reiterates its decision of 10 January 2006 with respect to this matter with the following modifications:
  - 1. Deletion of Part B4 "*The site levels to be*" and replace with the following:  
"*The site levels being returned to something similar to those illustrated in the photo of the site prior to any work as contained in Appendix 6 - Photo 1 and the work to be undertaken by the Shire to the satisfaction of the Manger Planning & Development Services.*"
  - 2. That ten (10) *Agonis Flexuosa* (Peppermint Trees) are to be planted in the locations shown on the Plan in Appendix 7.

**APPENDICES 2 to 7****COUNCIL DECISION**

OCM06/029

MOVED: Cr Fitzpatrick

SECONDED: Cr Walmsley

That Council resolve with respect to the illegal clearing and earthworks of Shire land at the rear of Lots 323-325 Bouvard Place, Preston Beach to:

1. Reiterate its Decision of 10 January 2006 and that the levels remain as they exist at the date of the February 2006 Ordinary Council Meeting; and
2. That ten (10) Agonis Flexuosa (Peppermint Trees) are to be planted in the locations shown on the Plan in Appendix 7.

**CARRIED 6-0****Note:**

*The Officer Recommendation was changed as Council was satisfied that the Decision of 10 January 2006 satisfactorily addressed the situation.*

**Cr Heath returned to the Meeting and the Chambers the time being 10.12am**

9.5.2 **LOT 8 MCDOWELL STREET, WAROONA – SECOND RECONSIDERATION REQUEST - PROPOSED WAREHOUSE (SELF STORAGE UNITS)**

Officer/Officer's Interest:	Andrew Pawluk – Contract Planner/Nil
Proponent:	Timelink Holdings Pty Ltd
Landowner:	Timelink Holdings Pty Ltd
Date of Report: 1 February 2006	File No.:TP839
Previous Reference:	Item 9.5.3 of OCM 24 May 2005 Item 9.5.5 of OCM 26 July 2005
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

**Proposal/Reconsideration**

***The proponent has submitted a further (second) request for Council to reconsider its requirements of Condition 4, as revised at its Meeting in July 2005, which requires the landscaping of the first 3 metres of the setback to South West Highway. Condition 4 was imposed in respect to the Planning Approval issued for a proposed Warehouse (Self Storage Units) development on Lot 8 McDowell Street, Waroona.***

***For Council's information a copy of the Site Plan is attached to this report (Appendix 8).***

**Background**

Council considered and gave conditional approval in May 2005 to the installation of a 30m x 5m, 10 unit Storage Shed on Lot 8 McDowell Street, being a second stage extension to the existing "Self Storage" Warehouse facility on the property.

The Officer's report contained a recommended footnote which read:

*"The applicant is advised that Council will require the submission of a landscaping plan showing how landscaping will be installed within the site, particularly within the South West Highway setback area, in its consideration of the application for the third shed on the property."*

Council specifically resolved to impose the following condition in place of the above footnote"

Condition 4                    *"Submission of a Landscaping Plan to the satisfaction of Council detailing the proposed vegetation to be used in the front portion of Lot 8 McDowell Street, Waroona."*

The applicant submitted a formal request dated 1 July 2005 for Council to consider deleting Condition 4.

In its consideration of this request at its Meeting held 26 July 2005, Council resolved to revise Condition 4 and impose an additional Condition 5, as follows:

Condition 4                    "A landscaping area being provided no less than 3m metres setback from and for the entire frontage of South West Highway.

Condition 5                    "Submission of a Landscaping Plan to the satisfaction of the Manager Planning & Development Services detailing the proposed vegetation to be used within the landscape area and the details of the management of weeds within the whole of the vacant area at the front of the block."

#### Statutory & Policy Implications

Dot point four of Clause 4.7.1 of the Scheme, which provides the policies for the Urban 3 – Service Commercial zone, within which the subject Lot lies, states:

"require appropriate landscaping in the setback area abutting the Highway".

Clause 4.7.3 of the Scheme requires a 9 metre setback on Lots on the eastern side of South West Highway.

Clause 4.7.4 of the Scheme requires 'adequate landscaping to be established and maintained' within the setback to South West Highway

#### Community Consultation

No consultation was required or considered necessary on this matter.

#### Officer Comments

Each of the arguments raised in the proponent's letter is shown in italics below and the Officer response is provided immediately following:

*"When I did the initial development I moved the fence line along McDowell Street inside the (property) boundary by 3m and landscaped this area. Council appear to have based the requirement for Condition 4 on the basis that no landscaping had been done at all to the original development. I have in fact landscaped quite a large area at the front (McDowell Street side) of the units."*



An inspection confirms that the (McDowell Street) fence has been erected within the property boundary. It did appear that the fence line was located up to 3m within the property. An exact measurement was not possible as no survey pegs were evident along this fence line. The landscaping has been planted mostly within the private land area but the whole verge area (public and private) is landscaped and has been maintained.

The officer's comments in both previous reports to Council had indicated the existing landscaping that had been undertaken by the proponent, as confirmed below.

In the May 2005 Officer's report it was stated under the heading 'Previous Conditions', "...the verge area along McDowell for the length of the units has been planted with native plants, and provides an attractive setting that has been well maintained."

In the July 2005 Officer's report it was also advised of the existing landscaping stating: "The Council road (McDowell Street) verge area in front of the existing development has been planted with native species and presents well."

Both the Council reports clearly acknowledged the existence of the existing landscaping. Conditions 4 and 5 have been imposed in respect of the objectives of the Scheme to ensure the installation of attractive landscaping within the setback area to South West Highway.

*"The proportion of land facing South West Highway will require approximately 1 to 1.2m of fill to bring it up to road level before it is developed and this would cover or necessitate the removal of any landscaping done now."*

The ground level rises as the Lot regresses from the South West Highway frontage. It is accepted that development of the (undeveloped) front area of the Lot will require some filling, probably to a level of about 1.0 to 1.2m. However, this is not considered to be a reason not to establish landscaping at a result of the current application. It is recommended that the filling occur now as part of the establishment of the landscaping. Alternatively, landscaping could be put in at the current level and re-established if and when the front portion is developed.

*"It is requested that Council defer the requirement for landscaping of the frontage to South West Highway until such time as that area is developed."*

The proponent has not provided sufficient justification to warrant Council to reconsider or defer the imposition of the landscaping Condition No. 4. It is consistent with Council policy to require the landscaping and it is not considered there is any impediment to the proponent implementing Conditions 4 & 5 of Council's approval of the development.

**APPENDIX 8****COUNCIL DECISION**

OCM06/030

MOVED: Cr Germain

SECONDED: Cr Fitzpatrick

That Council, in respect to the request to defer the enforcement of (revised) Condition 4 of its approval for a Warehouse (self storage units) on Lot 8 McDowell Street, Waroona dated 24 May 2005, resolves to advise the applicant that it is not prepared to remove Conditions 4 or 5 from the approval and that the landscaping must be established as per Council's resolution of 26 July 2005.

**CARRIED 7-0**9.5.3 **LAKE CLIFTON – HERRON STRUCTURE PLAN – FINAL ADOPTION**

Officer/Officer's Interest:	Matthew Turner - Manager P&D Services
Proponent:	Shire of Waroona & City of Mandurah
Landowner:	N/A
Date of Report:	14 February 2006
	File No.:129/2
Previous Reference:	Item 9.5.3 February 2005 OCM
Statutory/Policy Implications:	It is intended 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 their endorsement.
Strategic Implications:	The Structure Plan will provide strategic guidance of rezoning proposals, subdivision applications and development applications in Lake Clifton.
Financial Implications:	A number of the strategies contained within the Structure Plan would require funding by the City of Mandurah and the Shire of Waroona. These will be prioritised and given consideration in future Shire budgets.
Voting Requirements	Simple Majority

**Proposal**

***The purpose of the Lake Clifton – Herron Structure Plan is to provide the City of Mandurah and the Shire of Waroona with a plan that will guide on the long term planning and direction for the Lake Clifton and Herron localities. A copy of the draft Report was circulated to all Elected Members in February 2005.***

***The key components of the Report consist of the following:***

- ***Consideration of the Opportunities and Constraints, including the Town Planning Framework; Engineering and Environmental Considerations and an Opportunities and Constraints Plan.***
- ***The outcomes of the Community Consultation.***
- ***The Draft Structure Plan with the area broken down into Precincts.***

- ***Consideration and Recommendations with respect to Recreation, Community, Commercial and Employment.***
- ***A list of the Recommendation/Strategies arising from the Report.***

***Following advertising the Structure Plan is presented to Council for final adoption subject to a number of modifications arising out of the submissions.***

#### Background

The need for a Structure Plan for Lake Clifton was identified through the review of the Shire's District Planning Strategy. The benefit of a joint exercise with the City of Mandurah was recognised and reinforced through the development of a community building in Tuart Grove Avenue. Funding for the Community Centre was provided by both the Shire of Waroona and the City of Mandurah, recognising that it should serve the communities of both Lake Clifton and Herron.

The structure plan was to achieve the following objectives:

1. Create a vision for the future development of the Lake Clifton-Herron area that reflects community needs and aspirations;
2. Address planning, environmental and servicing constraints in an integrated manner;
3. Ensure that recreation, community and commercial facilities are appropriately located to ensure that the community needs and aspirations are met in a sustainable manner; and
4. Provide for a robust and integrated local road network and subdivision pattern.

A draft brief for the project was prepared and provided to Council via the Information Bulletin in December 2002. Council's contribution of \$15,000 was budgeted for in 2003/04. In October 2003 expressions of interest were sought from consultants to undertake the study, with Koltasz Smith (in conjunction with Sinclair Knight Merz and GHD) being appointed in late 2003 to commence the study in January 2004.

In February 2005, the City of Mandurah and Shire of Waroona adopted a draft Structure Plan as a Local Planning Policy and gave consent for the document to be advertised.

#### Community Consultation

The Structure Plan was advertised in accordance with the requirements of Clause 2.4 of the Scheme for the adoption of a Town Planning Scheme Policy. The document was advertised for a period of 42 days with the consultation process, letters and the relevant extracts to all landowners within and adjacent to the study area, advertisements within the City Voice section of Mandurah Mail and in the Harvey Reporter. Details of the Structure Plan were also available for viewing at the City of Mandurah and Shire of Waroona Administration Offices and Libraries, and on both Council's websites.

At the close of the advertising period, 53 submissions were received. Of the 53 submissions received, 41 were received from the public. **Appendix 9** details the submissions received (summarised) and provides Officer Comments in response to each of the submissions.

### Officer's Comments

Three main issues that related to the Shire of Waroona were raised through the submissions. They are discussed in turn below:

#### *Local Road Connection – Armstrong Hills/Tuart Grove*

Several submissions received objected to the provision of a road connection between Armstrong Hills and Tuart Grove rural residential estates via Sharee Close on the basis that there would not appear to be any benefit for the road link to be created and it would impact on the landowners on Sharee Close.

One of the objectives of the Lake Clifton-Herron Structure Plan was to provide for a robust and integrated local road network and subdivision pattern based on the need to improve permeability between the existing residential estates and future development areas. This objective is in line with Liveable Neighbourhoods, which espouses the provision of local street networks that are highly inter-connected to help limit travel distances, promote walking, cycling, public transport usage and a strong sense of community. Highly inter-connected street systems also enable the efficient movement of service and emergency vehicles. The current 'conventional development' design of Armstrong Hills and Tuart Grove estates incorporates a number of cul-de-sacs and a street system that is not inter-connected.

From the community consultation workshop, the issues of providing link roads in order to bypass the need to access the highway, provide access to the community hall and between Armstrong Hills and Lake Clifton were identified as priorities (ranked 3rd in the first priority issue of 'Transport' associated with "Community Facilities" and "Future Planning – Aspirations").

A road link between the estates has been a point of discussion in the community and with the Shire in the past. In November 2002 the matter was discussed at a Lake Clifton Progress Association Meeting with the then Manager Planning & Development Services. The Minutes of the meeting record that the feeling of the meeting was a general 'negative attitude' towards access via Sharee Close, however they also noted that the local Bush Fire Brigade suggested at the meeting that it would be beneficial to them.

On balance it is considered that the proposed road link should remain on the Structure Plan. This leaves the option open for it to be achieved in the future if it is deemed necessary and the funds to purchase the required land can be made available.

#### *Walk Trails Along Lake Clifton Foreshore*

A few submissions have objected to the provision of walk trails along the Lake Clifton foreshore as it is felt that allowing the public to access the area will be detrimental to the ecosystem of the Lake.

The current planning philosophy is that Lots should not back onto public open space/regional open space in order to demarcate the public and private realms, thus ensuring that public areas are retained for public usage without private development encroaching into the area – as has been the case in other areas within the City of Mandurah. In areas whereby existing Lots do back onto public open space/regional open space, shared paths/walk trails are proposed in an effort to address the associated issues, whilst also providing improved and/or controlled access to sensitive environments (if applicable).

With regards to this proposed walk trail, it is acknowledged that there are issues associated with the construction of such a walk trail, particularly in terms of the vegetation and landform in the area. Taking this into account it is likely that boardwalks would be required and this can be costly. In addition the Lake Clifton foreshore is under the care and control of the Department of Conservation & Land Management, thus any works in this foreshore reserve require their approval/consideration – at this stage CALM have in-principally supported the provision of walk trails through the area.

From the community consultation workshop, there were mixed opinions on providing access to Lake Clifton – although there was support for the provision of walk trails throughout the area.

It is recommended that the walk trails along the Lake Clifton foreshore be retained, with the associated strategy being modified to reference the need for further investigation into the development of the walk trails. This modified strategy identifies that further work is required to be undertaken in relation to this proposal given the sensitive nature of the Lake Clifton foreshore and the tenure of the Lake Clifton foreshore.

#### *Bus Service*

A few submissions referenced problems associated with the bus service that travels through the area, with the issues relating to service times and the associated lack of a return bus service.

Recent investigations into the bus service that runs through the area has revealed that there is a service provided by Transwa that has a pick-up/drop-off point at Lake Clifton Roadhouse and travels through to Mandurah (with a pick-up/drop-off) at the Mandurah Bus Station or the Mandurah Visitors Centre). Passengers can opt to travel through to Perth or can be dropped off in Mandurah. However, although patrons can take an afternoon or evening bus into Mandurah there is no return bus to Lake Clifton available for later in the afternoon/evening. This obviously does not promote usage of the service by Lake Clifton and Herron residents.

It is therefore recommended that the City and Shire should lobby Transwa to improve the bus services, in terms of co-ordinating trips, to cater for the residents of Lake Clifton and Herron given it was identified as a service that the residents are seeking to be provided in the area.

#### *Modifications Proposed to the Structure Plan Map and Report*

As a result of submissions received and a review of the structure plan by Officers, 29 modifications to the structure plan map and/or report are proposed. A copy of the Structure Plan map with the mapping modifications is contained in **Appendix 10**. The proposed modifications are outlined in the Schedule of Modifications in **Appendix 11**.

#### *Conclusion*

The Lake Clifton-Herron Structure Plan has been prepared by the City of Mandurah and the Shire of Waroona as a guiding framework to development, from a planning and community development perspective, of the Lake Clifton-Herron area. It is recommended that Council adopt the Lake Clifton – Herron Structure Plan as a Town Planning Policy.

### OFFICER RECOMMENDATION

- A. That Council resolve, pursuant to Clause 2.4 of Town Planning Scheme No. 7, to adopt Planning and Development Policy No.2 'Lake Clifton–Herron Structure Plan' with the changes contained in the Schedule of Modifications in Appendix 11 and with the following key strategies:
- a. That the City of Mandurah and the Shire of Waroona adopt the Draft Structure Plan as a Local Planning Policy and refer the Local Planning Policy to the Western Australian Planning Commission for consideration/endorsement.
  - b. The City of Mandurah and the Shire of Waroona consider applications submitted to amend the City of Mandurah Town Planning Scheme No. 3 and the Shire of Waroona Town Planning Scheme No 7 to rezone 'Rural' zoned land to 'Rural Residential', as identified on the Structure Plan.
  - c. The City of Mandurah and the Shire of Waroona advise developers that detailed environmental assessments are required for those Lots that comprise 'Conservation Category Wetlands' and/or remnant vegetation identified as significant remnant vegetation in the Structure Plan (as identified from the desktop reviews).
  - d. All future subdivisions incorporating the proposed 100 metre wide wildlife corridor to provide for larger Lots in the vicinity of the wildlife corridor and the exclusion of building envelopes from the wildlife corridor. Open fencing is to be provided to enable wildlife to traverse the corridor with minimum hindrance. No clearing of vegetation is to be permitted without justification provided to the City of Mandurah for assessment. The City of Mandurah shall endeavour to undertake annual site visits to ensure illegal clearing is not occurring.
  - e. Precinct H to have public access to future recreation node on the Lake Clifton Foreshore. This access to be provided as a condition of subdivision and/or development.
  - f. The City of Mandurah and the Shire of Waroona to investigate the development of walk trails in the Lake Clifton foreshore and support the development of walk trails through the reserves abutting Peel-Harvey Estuary and Lake Clifton.
  - g. The City of Mandurah and the Shire of Waroona develop a brochure detailing walk trails throughout the study area and make them available at the City and Shire offices and local Visitor Centres.
  - h. The City of Mandurah and the Shire of Waroona develop a joint information package strategy with the aim of improving provision of information to local residents within the study area of services, local resources and issues that affect their property (i.e tree removal requirements, Heavenly Hectares programs, building setbacks, effluent disposal requirements, Ross River Virus issues and the management of mosquitoes, groundwater usage issues etc). It is recommended that the City and Shire liaise with the Lake Clifton Progress & Sporting Association to assist in the preparation and distribution of the information package.
  - i. The City of Mandurah and the Shire of Waroona prepare a Tourist Development Policy that outlines the areas of permitted tourist accommodation and the assessment criteria that require compliance, including:
    - Water efficient usage on site
    - Effluent disposal to be contained on site and alternative sewer treatment devices such as ATUs be utilised to avoid leaching of effluent into the ground water system
    - Land clearing to be avoided where possible
    - No tourist development on Vasse Soils

- A visual impact statement to be prepared by developers to detail any possible impact on the visual amenity of the locality
- No tourist development within 150 metres of the Lake Clifton foreshore.
- j. The Environmental Protection Authority Guidance Statement No 28 'Protection of the Lake Clifton Catchment' be incorporated into the Shire of Waroona Town Planning Scheme No 7.
- k. The Old Lake Clifton Townsite be left undeveloped and the land incorporated into the Yalgorup National Park to ensure the protection of the stated vegetation community. This matter is to be undertaken by the Department of Conservation and Land Management, the Shire of Waroona and the Department of Land Information.
- l. The City of Mandurah and Shire of Waroona, where appropriate, incorporate the given public open space portions of Lots 305, 479, 437, 1496 and 57 into the appropriate reserve system as per the Peel Region Scheme, Town Planning Scheme or as recommended in the 2004-2009 Management Plan for Island Point to Kooljerrenup.
- m. The City of Mandurah and Shire of Waroona encourage land owners in parkland areas to undertake planting of Tuart trees outside of the area of the building envelope to maintain the local tuart population and visual aesthetics of the study area.
- n. Developers undertake an indigenous cultural heritage study before lodgement of subdivision or rezoning applications to determine whether there are any significant Aboriginal Heritage issues as per the Aboriginal Heritage Act.
- o. The City of Mandurah and the Shire of Waroona lobby Transwa to improve the bus service, in terms of co-ordinating trip trips, to cater for the residents of Lake Clifton and Herron.
- p. The City of Mandurah and the Shire of Waroona lobby CALM to implement the recreational pursuit proposals contained in the *Yalgorup National Park Management Plan 1995 - 2005*.
- q. The City of Mandurah and the Shire of Waroona promote the establishment of a "Friends Of" Group in the Lake Clifton-Herron area.
- B. The Officer Comments in the Schedule of Submission in Appendix 9 be adopted as Council's consideration of the submissions.
- C. Notify the public, pursuant to Clause 2.4 of the Scheme, of the adopted Policy.
- D. Council acknowledges the working relationship between the Shire of Waroona and the City of Mandurah in relation to the Lake Clifton-Herron Structure Plan and encourages similar partnerships to occur in the future where opportunities arise.

**APPENDICES 9 to 11****COUNCIL DECISION**

OCM06/031

MOVED: Cr. Fitzpatrick

SECONDED: Cr. Heath

- A. That Council resolve, pursuant to Clause 2.4 of Town Planning Scheme No. 7, to adopt Planning and Development Policy No.2 'Lake Clifton–Herron Structure Plan' with the changes contained in the Schedule of Modifications in Appendix 11 and with the following key strategies:
- a. That the City of Mandurah and the Shire of Waroona adopt the Draft Structure Plan as a Local Planning Policy and refer the Local Planning Policy to the Western Australian Planning Commission for consideration/endorsement.
  - b. The City of Mandurah and the Shire of Waroona consider applications submitted to amend the City of Mandurah Town Planning Scheme No. 3 and the Shire of Waroona Town Planning Scheme No 7 to rezone 'Rural' zoned land to 'Rural Residential', as identified on the Structure Plan.
  - c. The City of Mandurah and the Shire of Waroona advise developers that detailed environmental assessments are required for those Lots that comprise 'Conservation Category Wetlands' and/or remnant vegetation identified as significant remnant vegetation in the Structure Plan (as identified from the desktop reviews).
  - d. All future subdivisions incorporating the proposed 100 metre wide wildlife corridor to provide for larger Lots in the vicinity of the wildlife corridor and the exclusion of building envelopes from the wildlife corridor. Open fencing is to be provided to enable wildlife to traverse the corridor with minimum hindrance. No clearing of vegetation is to be permitted without justification provided to the City of Mandurah for assessment. The City of Mandurah shall endeavour to undertake annual site visits to ensure illegal clearing is not occurring.
  - e. Precinct H to have public access to future recreation node on the Lake Clifton Foreshore. This access to be provided as a condition of subdivision and/or development.
  - f. The City of Mandurah and the Shire of Waroona to investigate the development of walk trails in the Lake Clifton foreshore and support the development of walk trails through the reserves abutting Peel-Harvey Estuary and Lake Clifton.
  - g. The City of Mandurah and the Shire of Waroona develop a brochure detailing walk trails throughout the study area and make them available at the City and Shire offices and local Visitor Centres.
  - h. The City of Mandurah and the Shire of Waroona develop a joint information package strategy with the aim of improving provision of information to local residents within the study area of services, local resources and issues that affect their property (i.e tree removal requirements, Heavenly Hectares programs, building setbacks, effluent disposal requirements, Ross River Virus issues and the management of mosquitoes, groundwater usage issues etc). It is recommended that the City and Shire liaise with the Lake Clifton Progress & Sporting Association to assist in the preparation and distribution of the information package.
  - i. The City of Mandurah and the Shire of Waroona prepare a Tourist Development Policy that outlines the areas of permitted tourist accommodation and the assessment criteria that require compliance, including:



- **Water efficient usage on site**
- **Effluent disposal to be contained on site and alternative sewer treatment devices such as ATUs be utilised to avoid leaching of effluent into the ground water system**
- **Land clearing to be avoided where possible**
- **No tourist development on Vasse Soils**
- **A visual impact statement to be prepared by developers to detail any possible impact on the visual amenity of the locality**
- **No tourist development within 150 metres of the Lake Clifton foreshore.**
- j. **The Environmental Protection Authority Guidance Statement No 28 'Protection of the Lake Clifton Catchment' be incorporated into the Shire of Waroona Town Planning Scheme No 7.**
- k. **The Old Lake Clifton Townsite be left undeveloped and the land incorporated into the Yalgorup National Park to ensure the protection of the stated vegetation community. This matter is to be undertaken by the Department of Conservation and Land Management, the Shire of Waroona and the Department of Land Information.**
- l. **The City of Mandurah and Shire of Waroona, where appropriate, incorporate the given public open space portions of Lots 305, 479, 437, 1496 and 57 into the appropriate reserve system as per the Peel Region Scheme, Town Planning Scheme or as recommended in the 2004-2009 Management Plan for Island Point to Kooljerrenup.**
- m. **The City of Mandurah and Shire of Waroona encourage land owners in parkland areas to undertake planting of Tuart trees outside of the area of the building envelope to maintain the local tuart population and visual aesthetics of the study area.**
- n. **Developers undertake an indigenous cultural heritage study before lodgement of subdivision or rezoning applications to determine whether there are any significant Aboriginal Heritage issues as per the Aboriginal Heritage Act.**
- o. **The City of Mandurah and the Shire of Waroona lobby Transwa to improve the bus service, in terms of co-ordinating trip trips, to cater for the residents of Lake Clifton and Herron.**
- p. **The City of Mandurah and the Shire of Waroona lobby CALM to implement the recreational pursuit proposals contained in the *Yalgorup National Park Management Plan 1995 - 2005*.**
- q. **The City of Mandurah and the Shire of Waroona promote the establishment of a "Friends Of" Group in the Lake Clifton-Herron area.**
- B. **The Officer Comments in the Schedule of Submission in Appendix 9 be adopted as Council's consideration of the submissions.**
- C. **Notify the public, pursuant to Clause 2.4 of the Scheme, of the adopted Policy.**
- D. **Council acknowledges the working relationship between the Shire of Waroona and the City of Mandurah in relation to the Lake Clifton-Herron Structure Plan and encourages similar partnerships to occur in the future where opportunities arise.**
- E. **That Council request the Environmental Protection Authority to review Bulletin 788 "Criteria of Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton" having regard for new research into the impact of land use on Lake Clifton.**

**CARRIED 7-0**

Note:

*The Officer Recommendation was changed to allow for an additional Clause (E) to be added to cover a request to the EPA in relation to new research for land use proposals within the Catchment of Lake Clifton.*

**Cr Dew declared a Financial Interest in the following Item 9.5.4 as a closely associated person is an employee of the Developer, and left the Meeting and the Chambers the time being 10.23am and the Deputy Shire President Cr Germain assumed the Chair.**

9.5.4 LOT 501 MITCHELL ROAD AND PANORAMA DRIVE, PRESTON BEACH – PROPOSED TOURIST RESORT – AMENDED PLAN

Officer/Officer's Interest:	Matthew Turner – Manager Planning & Development Services / Nil
Proponent:	Kingpoint Holdings Pty Ltd
Landowner:	Kingpoint Holdings Pty Ltd
Date of Report: 21 February 2005	File No: TP880
Previous Reference:	Item 8.1.1 October 2005 SCM
Statutory/Policy Implications:	Council has the ability to considered amended plans for a development approval. The amended plans dated received 16 February 2006 are compliant with Town Planning Scheme No. 7.
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

***The proponent has forwarded amended plans dated/received 16 February 2006 for the Resort on the site of the present Preston Beach Caravan Park at Lot 501 Mitchell Road. The submitted plans and information are contained in Appendix 12.***

***The proposal is generally consistent with the plans approved in October 2005. The most significant changes are:***

- ***The reduction from 133 units to 130 units.***
- ***The replacement of some of the chalet units with 28 two storey townhouse units along the western edge of the site.***
- ***Altered parking layout and overflow parking arrangements.***

***A number of the conditions of the October approval have been incorporated into the amended plan, including the minimum 2 metre setbacks, full size tennis court and boat parking with internal access. A full list of the alterations is contained in the submitted information in Appendix 12.***

### Background

At its meeting held on 31 October 2005 Council considered an application for 133 chalet style units on the site and resolved to approve the development, subject to 25 conditions.

### Community Consultation

The modifications contained on the amended plans dated/received 16 February 2006 are considered to be minor and consistent with Council's approval of October 2005. On this basis no further consultation is considered necessary. The most substantial change is the inclusion of the 28 townhouse units, however they are located on the western portion of the site adjacent to the Regional Open Space, and well setback from any roadways or adjoining properties.

### Officer's Comments

The amended plans are a considerable improvement on those submitted for approval in October 2005. Vehicle and pedestrian access around the site have been resolved. The Reception/Café/Pool area has been detailed and represents a more satisfactory arrangement. The tree survey required as a condition of approval has been undertaken resulting in some changes made to the location of the units. Many of the conditions of approval have now been addressed in the amended plans.

The most significant change is the replacement of some chalet units with a new product, the townhouse units on the western boundary. It is considered these will provide a wider choice and will not have any negative impacts on the surrounding locality.

The number of units on the site has dropped to 130, a response to some of the conditions imposed and the proponents desire to keep a level of open space around the units.

It is recommended that the amended plans be approved subject to the same conditions as applied in the 31 October 2005 approval.

### APPENDIX 12

#### **COUNCIL DECISION**

**OCM06/032**

**MOVED: Cr O'Reilly Carter**

**SECONDED: Cr Walmsley**

**That Council resolve with respect to the amended plans dated/received 16 February 2006 for a Tourist Resort at Lot 501 Mitchell Road and Panorama Drive Preston Beach, to approve the amended plans subject to the same conditions imposed on the approval dated 31 October 2005.**

**CARRIED 6-0**

**Cr Dew returned to the Meeting at 10.30am.**

**ADJOURNMENT**

The Chairperson adjourned the meeting at this point for morning tea the time being 10.30am

**RECONVENED**

All those present at the start of the Meeting were present in the room after the adjournment and the Meeting reconvened at 10.40am.

9.5.5 **BROCKMAN ROAD, WAROONA – RENAMING OF ROAD**

Officer/Officer's Interest:	Mike Critch – Town Planner / Nil	
Proponent:	Geographic Names Committee - DLI	
Landowner:	N/A	
Date of Report:	22 February 2006	File No: 132/4
Previous Reference:	N/A	
Statutory/Policy Implications:	See Heading in Report	
Strategic Implications:	Nil	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

**Proposal**

***The proposal is to formally rename the smaller northern portion of Brockman Road to Brockman Road North. It has been named as such since 1988 and is considered the best choice.***

***The other option is to rename the road to a completely new name off the Reserve List.***

**Background**

The subject road runs north/south parallel, with Somers Road and Fawcett Roads west of Hamel. Thoroughfare has been restricted by activities from the Alcoa Wagerup Refinery Residue Disposal Area, Hamel. The road is dissected by the Residue Disposal Area leaving Brockman Road in two isolated portions.

The northern portion of Brockman Road has been referred to by residents and the Shire as Brockman Road North since 1988 and the road is signed as Brockman Road North. However, the Department of Land Information have no record of the road name being officially changed.

A location plan for the proposed road renaming is contained in **Appendix 13**.

**Statutory/Policy Implications**

The Geographic Names Committee of the Department of Land Information makes the final determination of road names following Council's recommendation.

Planning & Development Policy 24.0 ‘Geographic Names’ deals with the naming of new roads. The Policy provides the following criteria for the choice of road names:

- a) *Any name which derives from a pioneer of the locality, a previous owner of the land, a traditional name for the property, or a physical feature within, adjacent to, or nearby land;*
- c) *Names that have traditionally been applied by residents of the area to the road*
- d) *Any name on the reserved list and which has a connection to the locality in which the road is located.*

Community Consultation

Not required.

Officer's Comments

With the closure of a portion of the road in Wagerup, Brockman Road is now in two portions making it confusing for motorists and emergency service vehicles as well as making street numbering impractical. The northern portion of the road has been known as Brockman Road North for nearly twenty years.

Given that the Department of Land Information’s Geographic Names Committee are responsible for deciding the name of roads and have suggested the renaming, it would be recommended to Council to approve the renaming of the northern portion of Brockman Road to ‘Brockman Road North’.

**APPENDICES 13 & 14**

**COUNCIL DECISION**  
**OCM06/033**  
**MOVED: Cr Heath**  
**SECONDED: Cr Walmsley**

**That Council resolve to recommend to the Geographic Names Committee that the name of “Brockman Road North” be applied to the portion of the road as shown in Appendix 14.**

**CARRIED 7-0**

9.5.6 UNMADE ROAD RESERVE- TO LOCATION 633 BULLER ROAD, WAROONA – PROPOSED ROAD NAME

Officer/Officer's Interest:	Mike Critch – Town Planner / Nil
Proponent:	N/A
Landowner:	Shire of Waroona
Date of Report: 21 February 2006	File No: 132/4
Previous Reference:	N/A
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

### Proposal

***The Shire has been approached by the landowner to finalise the name of the new road to access the Sand Quarry on Location 688. It is proposed to name the road reserve using a name from the Shire Reserve List.***

***It is proposed that the name "Richards Road" be applied. "Richards" has been on the list of Reserved Road Names for the Shire since 1993. The name is in honour of pioneering brothers Charlie, Henry and David, who were one of the original landowners in the district and created ventures west of the Waroona Townsite. Henry and David established a brickworks and the brothers once supplied meat to the Lake Clifton settlement as the railway ran through their property.***

***The Geographic Names Committee of the Department of Land Information has confirmed that there is no objection in principle with the use of "Richards Road".***

### Background

Application for an Extractive Industries – Sand Quarry on Loc 688 Buller Road, Waroona was approved by Council in 2005. An unmade road reserve adjacent to Lot 1455 Buller Road Waroona was planned to provide access the Sand Quarry from Buller Road. Construction of the road commenced on 9 January 2006 on behalf of the Shire and the owner of Location 688.

A location plan is contained in **Appendix 15**.

### Statutory/Policy Implications

The Geographic Names Committee of the Department of Land Information makes the final determination of road names following Council's recommendation.

Planning & Development Policy 24.0 'Geographic Names' deals with the naming of new roads. The Policy provides the following criteria for the choice of road names:

- a) *Any name which derives from a pioneer of the locality, a previous owner of the land, a traditional name for the property, or a physical feature within, adjacent to, or nearby land;*
- e) *Names that have traditionally been applied by residents of the area to the road*
- f) *Any name on the reserved list and which has a connection to the locality in which the road is located.*

### Community Consultation

No consultation was required for this proposal.

### Officer's Comments

The name "Richards" is on the Reserve Register of road names for the Shire and is deemed appropriate for the subject road given the location of the road and the history of the Richards family in that part of the district. It is therefore recommended that Council support the use of it in relation to the road reserve at Location 688 Buller Road, Waroona.

**APPENDIX 15**

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM06/034</b>  <b>MOVED: Cr Fitzpatrick</b>  <b>SECONDED: Cr Germain</b></p> <p>That Council resolve to recommend to the Geographic Names Committee that the name of “Richards Road” be applied to the road reserve accessing Location 688 Buller Road, Waroona.</p> <p style="text-align: right;"><b><u>CARRIED 7-0</u></b></p>
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9.5.7 LOT 203 WILLOWDALE ROAD, WAROONA (ALCOA WAGERUP REFINERY) – PROPOSED TRANSPORTABLE OFFICES

Officer/Officer's Interest:	Mike Critch – Town Planner
Proponent:	Alcoa
Landowner:	Alcoa of Australia
Date of Report:	21 February 2006   File No:TP912
Previous Reference:	N/A
Statutory/Policy Implications:	Alcoa Wagerup Refinery is zoned ‘Special Industry’ under Town Planning Scheme No. 7. There are no specific conditions or development standards in the Scheme which apply to transportable offices or development in Special Industry areas.  Council's Town Planning Scheme No. 7 does not contain a clause permitting Council to issue an approval to a development ort use which has already been constructed. Accordingly, Council is unable to grant development approval to the larger 24m x 12m transportable office.
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

***An application was received by Council on the 10 January 2006 for a transportable office complex at Lot 203 Willowdale Road, Waroona, the Alcoa Wagerup Refinery. A Site Plan is attached at Appendix 16. The complex consists of one (1) large 24m x 12m transportable and a smaller 9.6m x 3m office transportable.***

***The submitted plans are shown in Appendix 17.***

***The two proposed transportable office buildings are to accommodate Alcoa Wagerup Refinery Operation Centre 4. The office buildings are second-hand transportables proposed to be located on site in close proximity to a fitting shop, light fabrication and welding areas.***

***A site inspection revealed that the large transportable office had already been placed on site and hardwired prior to Planning approval.***

#### Background

Nil

#### Community Consultation

No community consultation was required for matters relating to this application.

#### Officer's Comments

##### *24m x 12m Office Transportable*

Approval to the application would have been forthcoming if the transportable had not been placed on site prior to the issue of the approval. There are no issues which might prevent approval from being issued apart from that the office had already been hardwired and placed on site.

Council is unable to issue retrospective approval for the larger office. Accordingly it is recommended that the applicants be advised that:

- Council does not have the power to issue retrospective approval;
- Council does acknowledge the office transportables existence;

Council will take no further action on the matter.

##### *9.6m x 3m Office Transportable*

The smaller office is compliant with all aspects of the local planning Scheme provisions and can be granted with planning approval. It is therefore recommended to Council that the smaller transportable be granted planning approval.

#### APPENDICES 16 & 17

#### **COUNCIL DECISION**

**OCM06/035**

**MOVED: Cr O'Reilly Carter**

**SECONDED: Cr Germain**

**That Council resolve, with respect to the application to locate the two transportable office buildings at Alcoa Wagerup Refinery, Lot 203 Willowdale Road, Waroona to:**

- A. Approve the proposed smaller 9.6 x 3.0 transportable office building under Town Planning Scheme No. 7 given the following conditions:
 
  - 1. A building licence must be obtained prior to locating and hardwiring the structure on site.****
- B. To advise the applicant with respect to the application for the 24m x 12m office complex transportable that Council:
 
  - 1. does not have the power to issue retrospective Planning Approval to an existing development;**
  - 2. does acknowledge the existence of the office transportable; and**
  - 3. will take no further action on the matter.****

**CARRIED 7-0**



9.5.8 LOT 1 PRINCE ROAD, WAROONA – PROPOSED WAYSIDE STALL

Officer/Officer's Interest:	Mike Critch – Town Planner
Proponent:	Bernard Worthington
Landowner:	Drakesbrook Wines Pty Ltd
Date of Report: 21 February 2006	File No:TP916
Previous Reference:	N/A
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

***An application for the Cellar component of a proposed dwelling was received by Council on the 17 January 2006 for Lot 1 Prince Road, Waroona. The site currently accommodates the Drakesbrook Wines vineyard and it is intended that the Cellar will facilitate cellar sales for the wine business. The Cellar will be located underneath a future residence which is not the subject of the application and can be classified under the Shire Town Planning Scheme No. 7 as a 'Wayside Stall'. A Location and Site Plan are attached at Appendix 18.***

Background

Nil

Statutory/Policy Implications

The current zoning for the site is Rural 5 – Darling Range Zone under Town Planning Scheme No. 7. The proposed Cellar matches the intent and definition of a 'Wayside Stall' which is defined as followed under the Scheme as:

*"Any building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located."*

A 'Wayside Stall' is an 'AA' use under the Rural 5- Darling Range Zone provisions. Planning and Development Services Policy 3.0 – 'Delegation of Authority' requires 'Wayside Stall' applications to be approved by Council.

Town Planning Scheme No. 7 identifies that Council's objective for the Darling Range Rural Zone is to encourage the retention of present Rural Pursuits, and develop suitable recreational and holiday facilities. The Scheme permits Rural Pursuits consistent with achieving this objective.

Community Consultation

Consultation with neighbouring property owners was not required for this application under Policy No. 1 – Community consultation because it was not considered to have any potential adverse impacts.

Officer's Comments

The proposed Wayside Stall is consistent with the sites current vineyard activity and meets all other requirements under the Shire's Town Planning Scheme No. 7.

It is considered that the subject site is suitable for a Cellar. There will not be any adverse effects on surrounding landowners because the proposed location for the Cellar is in excess of 500 metres from the nearest dwelling and the additional traffic movements on Prince Road will not pass any dwelling and therefore should not impact on surrounding Lots. It is considered that the use is consistent with the objectives for the zone and will be a commercial venture that will support the tourist industry in proximity to Waroona Dam.

On the basis of the above comments it is recommended that the application be approved subject to conditions.

### **APPENDIX 18**

#### **COUNCIL DECISION**

**OCM06/036**

**MOVED: Cr Fitzpatrick**

**SECONDED: Cr Heath**

**That Council resolve with respect to the application dated 17 January 2006 for a Wayside Stall on Lot 1 Prince Road, Waroona to approve the application subject to the following conditions:**

- 1. Parking for at least 6 vehicles to be provided on site.**
- 2. Any proposed signage being the subject of a separate Planning Application**

#### **Advice to Applicant:**

- a. A Building Licence is required for the Cellar prior to works commencing.**

**CARRIED 7-0**

#### **9.5.9 LOT 327 (No. 17) BOUVARD PLACE, PRESTON BEACH – PROPOSED HOME OCCUPATION – BED AND BREAKFAST**

Officer/Officer's Interest:	Mike Critch – Town Planner
Proponent:	Bruce Yardley
Landowner:	As above
Date of Report: 21 February 2006	File No:TP913
Previous Reference:	N/A
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

#### **Proposal**

***Application for a Home Occupation - Bed and Breakfast was received by Council on 13 January 2006 at Lot 327 (No. 17) Bouvard Place, Preston Beach. The subject site contains two existing Bed and Breakfast units located at the rear of the house which include individual bathrooms. The two units have balconies which face the Golf Course with ocean views. The total floor space of the Home Occupation occupies an area of 33.6m<sup>2</sup>.***

***A copy of a Site Plan and Location Plan for the Home Occupation - Bed and Breakfast accommodation are contained at Appendix 19.***

Background

Nil

Statutory/Policy Implications

The Lot 327 Bouvard Place is zoned 'Urban 9 – Preston Beach' under Town Planning Scheme No. 7. The proposed Home Occupation is classified an 'AA' use under the Scheme and Council may at its discretion permit such a use. The proposal is deemed to comply with the intentions of the zoning for 'Urban 9 – Preston Beach' under the Scheme, which states:

*"Councils objective is to ensure that the Preston Beach Townsite develops for residential, holiday accommodation and recreational uses in a manner consistent with the protection of the environment and landscape of the area."*

Planning and Development Policy 11.1 'Home Occupation' establishes the parameters of operating a Bed and Breakfast, where business or activity is carried on within a dwelling house. Home Occupations, pursuant to Section 11.1 (c) of the Policy, should not occupy an area greater than 20m<sup>2</sup>.

Community Consultation

The proposal was deemed an 'AA' use with non-compliance since the total floor space area exceeds the allowable 20m<sup>2</sup>. Pursuant to Planning & Development Policy 1.0 'Community Consultation', written notice was issued to owners and occupiers of neighbouring properties. The comment period was 21 days and during this time 2 submissions were received by Council. There was only one objection to the proposal.

A Schedule of Submissions is contained at **Appendix 20**.

Officer's Comments

Bed and Breakfast accommodation has operated on site in the past, despite Council not having issued a licence to operate a Home Occupation. The proposed Home Occupation is not expected to have any unforeseen affects on the amenity of the area and the house is sufficiently capable of facilitating Bed and Breakfast accommodation.

One car parking bay will be provided per unit at the front of the house and guests will access the units along the southern side of the house via a designated path, separating access to the units from Mr Yardley's private living space.

The objection received by Council on 7 February 2006 was based on the grounds that Preston Beach was a residential area, and that the activities associated with the Home Occupation – Bed and Breakfast would be unsuitable given the extra noise levels of cars entering and leaving the car park. The Home Occupation is consistent with Councils objectives to provide low scale, low impact holiday accommodation at Preston Beach. The scale and nature of the proposal suggests traffic volumes on the street are expected to be minor and are not considered to have an impact.

Planning approval is therefore recommended for the proposed Home Occupation – Bed and Breakfast since the scale and function of the proposal is consistent with Scheme intentions. Council's objective for Preston Beach should be to ensure the area develops for residential, holiday accommodation and recreational uses in a way that maintains landscape and environment.

### **APPENDICES 19 & 20**

#### **COUNCIL DECISION**

**OCM06/037**

**MOVED: Cr Heath**

**SECONDED: Cr Germain**

**That Council resolve with respect to the application for Home Occupation – Bed and Breakfast at Lot 327 (No. 17) Bouvard Place, Preston Beach, to approve the application subject to the following conditions:**

- 1. The Home Occupation does not display a sign exceeding 0.2m<sup>2</sup>**
- 2. Guests to the site in relation to the Home Occupation activity are to park onsite and are limited to the designated paved area.**
- 3. The undertaking of the Home Occupation does not entail employment of any person not a member of the occupier's household.**
- 4. Environmental Health approval by the Shire of Waroona must be sought prior to the operation of the Home Occupation – Bed and Breakfast.**

**CARRIED 7-0**

#### 9.5.10 LOT 233 (NO. 16) LYONS ROAD, WAROONA - PROPOSED COLORBOND SHED

Officer/Officer's Interest:	Mike Critch – Town Planner
Proponent:	Damon George Nottle
Landowner:	As above
Date of Report: 21 February 2006	File No: TP911
Previous Reference:	N/A
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

#### Proposal

**A Planning Application was lodged with Council on 5 January 2006 seeking approval to construct a shed located outside the building envelope on Lot 233 Lyons Road, Waroona. A Site Plan and Location Plan are attached to this report at Appendix 21.**

**The shed is proposed to be located 5 metres from the rear boundary and 7.5 from the side boundary with an area of 108m<sup>2</sup> and a pitch height of 5.1 metres. The cladding for the proposed Colorbond shed will be painted with red oxide zinc chromate.**

### Background

Nil

### Statutory/Policy Implications

The subject site is zoned 'Urban 5 – Special Residential' under Town Planning Scheme No.7.

The subject site lies in Moyanup Heights and is subject to a Building Design control Policy under Council's Town Planning Scheme No. 7 Clause 2.4. The Policy is aimed at 'maintain the bushland setting and to promote a high standard of building development'. Clause 8.0.2 stipulates that "*all buildings are to be constructed within the building envelope for each Lot as defined in the adopted Subdivision Guide Plan*".

Council, pursuant to Clause 4.9.2 of the Scheme, may consider permitting an alternative building envelope configuration or setback to be defined on a Lot if the Council is satisfied that the new configuration or setback will not have any detrimental impact to the protection of the environment or amenity of the area.

Town Planning Scheme No. 7, Part 6.11 – 'Outbuildings' require outbuildings to comply with specific provisions in the Urban 5 – 'Special Residential' zone. The maximum allowable area for outbuildings in Moyanup Heights is to be no more than 100m<sup>2</sup> and have a maximum height of no more than 4.2 metres above the natural ground level.

### Community Consultation

Consultation of adjoining owners was required in respect of the garage proposal to be developed outside of the building envelope, to be oversized and over height. Potentially affected adjoining neighbours were notified in writing on 13 January 2006 and given 21 days in which to lodge a submission.

One submission was received objecting to the location of the garage. A schedule of the submission is contained in **Appendix 22**.

### Officer's Comments

Objection from neighbours was associated with the proximity of their property in relation to the proposed shed and the fact that the shed would be partially located outside the building envelope by 5 meters. It is perceived this may have a negative effect on the value of their property. The 5 metre setback is deemed appropriate if landscaping is used to screen the garage from neighbouring properties. A 5 metre setback is a common setback in Moyanup Heights and is considered to be adequate.

The floor area of the shed is 8m<sup>2</sup> above the permitted 100m<sup>2</sup>, however there were no objections from neighbours regarding the floor area of the shed. Since the height of the shed is deemed not to comply with the Scheme at a height of 5.1m above natural ground level, either the pitch height of the shed or the height of ground levels must be altered to make the garage height comply with the 4.2m specified in the Scheme. The owner has suggested digging into the ground where it is proposed to reduce the overall height of the shed to 4.2m above natural ground level. This will therefore have no greater impact on the neighbouring properties.

An inspection of the property was undertaken on 10 February 2006 to assess the proposed location of the garage in relation to existing buildings and neighbouring properties. Inspection of the property revealed that the owner has extensively cleared vegetation anticipating the proposed shed being approved.

It is recommended to Council that the application be approved subject to conditions that minimise the visual impact on neighbouring properties. The impact of the shed can be minimised through the planting of screening vegetation behind the shed where the applicant has cleared the native vegetation. The height of the shed is unacceptable in accordance with the Scheme, however the applicant may reduce the structural height of the shed or excavate the site 0.9m to make the shed height comply with the allowable 4.2m height above natural ground level.

#### **APPENDICES 21 & 22**

#### **COUNCIL DECISION**

**OCM06/038**

**MOVED: Cr Witney**

**SECONDED: Cr O'Reilly Carter**

**That Council resolve with respect to the application for a Garage on Lot 233 (No. 16) Lyons Road, Waroona, to approve the application subject to the following conditions:**

- 1. The areas adjacent to the shed as shown in red on the approved plans to be screened by dense native vegetation in a landscaping strip with a minimum width of 4 metres.**
- 2. A landscaping plan detailing the size, location and type of planting to be submitted to the satisfaction of the Manager Planning and Development Services prior to the issue of a Building Licence.**
- 3. All stormwater runoff from impervious surfaces is to be disposed of on site to the satisfaction of Manager of Planning and Development Services.**
- 4. Shed height not to exceed 4.2 metres above the natural ground level.**

**CARRIED 7-0**

#### 9.5.11 ILUKA WAROONA SAND MINE – LEASE OF RESERVE 16307

Officer/Officer's Interest:	Matthew Turner - Manager Planning & Development Services / Nil
Proponent:	Department of Industry and Resources
Landowner:	Shire of Waroona
Date of Report: 21 February 2006	File No: 123/3
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

### Proposal

***In a letter from the Department of Industry and Resources(DOIR) dated 6 December 2005, the Department and Minister for State Development have formally requested the Shire's comments on the proposal by Iluka Resources to mine Reserve 16307 on the corner of Peel Road and Hill Street, Waroona.***

### Background

Reserve 16307 on the corner of Peel Road and Hill Street is vested with the Shire of Waroona for the purpose of Recreation. It has been used for a speedway in the past. The Reserve is within the area proposed to be mined by Iluka for the Waroona Sand Mine.

In November the Shire responded to the Environmental Protection Agency on the Iluka Public Environmental Review. The comments indicated the Shire's support for the Mine but concerns with respect to noise, dust, traffic and future land use.

### Community Consultation

No consultation was required or considered necessary on this matter.

### Officer's Comments

Under the Mining Act 1978, the Minister for State Development is required to consult with the relevant Local Authority prior to granting consent to mine on a Reserve vested with that Local Authority.

The DOIR is seeking Council's comments on the proposal to mine the Reserve. The Shire's comments are to be limited to matters that affect the use of the Reserve for mining.

It is recommended that the Shire indicate its support for the mining, subject to the following:

- A commitment from Iluka to rehabilitate the Reserve in accordance with the outcome of the Waroona North Structure Plan. To date Iluka have not given a firm commitment to rehabilitate other than to a farmland or parkland cleared standard. The Structure Plan may recommend a higher level of vegetation regeneration or that it be suitable for urban development.
- The Shire is very keen to see Reserve mined out of the sand resource and its release for alternative land-uses. To achieve this Iluka must keep its commitment for a four year mining program. A slow-down or cease of mining once the pit has been opened would have significant on-going impacts by way of visual amenity and inability to develop alternative land-uses.

### OFFICER RECOMMENDATION

That Council resolve to advise the Department of Industry and Resources and the Minister for State Development with respect to the proposal by Iluka to mine Reserve 16307 that it supports the proposal subject to the following:

1. A commitment from Iluka to rehabilitate the Reserve in accordance with the outcome of the Waroona North Structure Plan. To date Iluka have not given a firm commitment to rehabilitate other than to a farmland or parkland cleared standard. The Structure Plan may recommend a higher level of vegetation regeneration or that it be suitable for urban development.
2. The Shire is very keen to see Reserve mined out of the sand resource and its release for alternative land-uses. To achieve this Iluka must keep its commitment for a four year mining program. A slow-down or cease of mining once the pit has been opened would have significant on-going impacts by way of visual amenity and inability to develop alternative land-uses.

### **COUNCIL DECISION**

**OCM06/039**

**MOVED: Cr Heath**

**SECONDED: Cr Fitzpatrick**

**That Council resolve to advise the Department of Industry and Resources and the Minister for State Development with respect to the proposal by Iluka to mine Reserve 16307 and the relevant portions of the road reserves of Peel Road, Hill Street, Bradford Street and George Road East, that it supports the proposal subject to the following:**

- 1. A commitment from Iluka to rehabilitate the Reserve in accordance with the outcome of the Waroona North Structure Plan. To date Iluka have not given a firm commitment to rehabilitate other than to a farmland or parkland cleared standard. The Structure Plan may recommend a higher level of vegetation regeneration or that it be suitable for urban development.**
- 2. The Shire is very keen to see Reserve 16307 mined out of the sand resource and its release for alternative land-uses. To achieve this Iluka must keep its commitment for a four year mining program. A slow-down or cease of mining once the pit has been opened would have significant on-going impacts by way of visual amenity and inability to develop alternative land-uses.**
- 3. The roads to be mined to be reconstructed following mining to the same standard as pre-mining.**
- 4. The Shire to be given first option to construct any new or realigned roadways.**
- 5. The Shire is disappointed that Iluka has chosen not commit significantly to the Waroona community to date and invites Iluka to meet with the CEO to discuss funding opportunities.**

**CARRIED 7-0**

### Note:

*The Officer Recommendation was changed after further requests from Iluka to include consideration of Road Reserves.*



9.5.12 DRAKESBROOK PLACE EXPENDITURE

Officer/Officer's Interest:	Matthew Turner - Manager Planning & Development Services / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:	21 February 2006	File No: 97/1
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Absolute Majority</b>	

Proposal

***It is requested that the 2005/06 budget be amended to increase the expenditure on the Town Square (Account No.177040) be increased by \$35,000 to \$414,075. The extra expenditure to be offset from General Revenue, in particular the increased development application fees during this financial year.***

Background

Nil

Community Consultation

No consultation was required or considered necessary on this matter.

Officer's Comments

Extra expenditure on the Town Square is required to complete a number of items this financial year, including trees and shrubs, seating, and fencing. Expenditure to date has included items which were not originally budgeted for, being approximately \$10,000 worth of by outside Shire staff, tree lighting, the official opening event and extra fees for the administration by the architect.

Development application fees received in 2005/2006 have exceeded the budget of \$12,000. To 16 February 2006, \$26,000 has been received in Planning Fees, with a further \$25,000 expected in the coming month for the Alinta Gas Co-generation Plant at Wagerup.

**COUNCIL DECISION**

**OCM06/040**

**MOVED: Cr Fitzpatrick**

**SECONDED: Cr Witney**

**That Council resolve to amend the 2005/06 budget to increase the expenditure on the Town Square (Account No.177040) by \$35,000 from \$379,075 to \$414,075. The extra expenditure to be offset from General Revenue, in particular the increased development application fees during this financial year.**

**CARRIED BY ABSOLUTE MAJORITY 6-1**

9.5.13 LOT 232 (NO. 18) LYONS ROAD, WAROONA - PROPOSED COLOURBOND GARAGE

Officer/Officer's Interest:	Mike Critch – Town Planner
Proponent:	Preston Brett
Landowner:	Preston Brett
Date of Report: 21 February 2006	File No: TP887
Previous Reference:	N/A
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

***A Planning Application was lodged with Council on 7 October 2005 seeking approval to construct a Colorbond garage outside the building envelope on Lot 232 Lyons Road, Waroona. The garage is proposed to have dimensions of 12 metres long and 6 metres wide with a vertical height of 3.6 metres and finished off in charcoal Colorbond.***

***A Site Plan and Location Plan relating to this application are attached at Appendix 23.***

***The original proposal was for the garage to have setbacks of 3 metres from both side and rear boundaries. Following receipt of an objection from a neighbour, the applicant has subsequently lodged an amended plan with the shed now being located 5 metres from the rear boundary and 3 metres from the side boundary.***

Background

Nil

Statutory/Policy Implications

The subject site is zoned 'Urban 5 – Special Residential' under Town Planning Scheme No.7.

The subject site lies in Moyanup Heights and is subject to a Building Design control Policy under Council's Town Planning Scheme No. 7 Clause 2.4. The Policy is aimed at 'maintain the bushland setting and to promote a high standard of building development'.

Section 8.0.2 of the Policy stipulates that all buildings are to be constructed within the building envelope for each Lot as defined in the adopted Subdivision Guide Plan. Council, pursuant to Clause 4.9.2 of the Scheme, may consider permitting an alternative building envelope configuration or setback to be defined on a Lot if the Council are satisfied that the new configuration or setback will not have any detrimental impact to the protection of the environment or amenity of the area.

The current subdivision guide plan for Moyanup Heights shows the extent of building envelope for Lot 232 Lyons Road. The building envelope specifies that buildings are to be constructed 10 metres from both front and rear boundaries, and 5 metres from the side boundaries.

### Community Consultation

Pursuant to the Moyanup Heights (Urban 5 – Special Residential Zone) Policy, consultation of adjoining owners was required since the proposal is considered to be inconsistent with Policy requirements. Potentially affected adjoining neighbours were notified in writing on 28 November 2005 and given 21 days in which to lodge a submission.

One submission was received objecting to the location of the garage. A schedule of the submission is contained at **Appendix 24**. The main concern of the affected neighbour was that the proposed shed is to be located completely outside the building envelope and that it should be positioned and sized to be contained within the building envelope.

### Officer's Comments

The original submitted plans showed the garage to be completely outside the building envelope, at setbacks of 3 metres from the side and rear boundaries. After the submission period the applicant was advised that there was concern from a neighbour regarding the garage being outside the specified building envelope.

The owner was invited to amend the original proposal to bring the garage closer to the building envelope. As a result, the revised plans show the garage with setbacks of 3 metres from the side and 5 metres from the rear boundaries. Several properties around Moyanup Heights display minimum 5m setbacks which are deemed acceptable distances from neighbouring properties.

An inspection of the property was undertaken on 20 February 2006 to assess the proposed location of the garage. The garage is constrained not only by setback requirements, but also 1.8m minimum separation distances from leach drains which are located in close proximity to the proposed shed. The inspection revealed that leach drains were too close to the proposed shed location, however the applicant has advised that the leach drains will be moved to allow Planning Approval.

The inspection also revealed that the residence had already cleared some of the vegetation on the Lot to accommodate the new structure as specified on the applicant's site plan prior to Planning Approval being granted. A landscape plan demonstrating adequate screen coverage for the shed will be recommended to Council as a condition for planning approval as to minimise the impact of the shed on neighbouring properties.

**APPENDICES 23 & 24****COUNCIL DECISION**

OCM06/041

MOVED: Cr O'Reilly Carter

SECONDED: Cr Walmsley

That Council resolve with respect to the application for a garage on Lot 232 Lyons Road, Waroona, to approve the application subject to the following conditions:

1. Setbacks to be no less than 5 metres from the rear boundary and 3 metres from the side boundary.
2. All proposed buildings and structures to be located at least 1.8 metres from septic system leach drains.
3. Screening vegetation to be planted in areas detailed in the attached approved plans and maintained to the satisfaction of Manager Planning & Development Services.
4. A Landscaping plan detailing size, location and type of planting to be provided to the satisfaction of Manager Planning & Development Services.

Advice to applicant:

- a) A Building Licence must first be obtained prior to any works to commence on site.

**CARRIED 7-0**

Cr Dew declared a Financial Interest in the following Item 9.5.4 as a closely associated person is an employee of the Developer, and left the Meeting and the Chambers the time being 11.19am and the Deputy Shire President Cr Germain assumed the Chair.

9.5.14 LOT 501 MITCHELL ROAD AND PANORAMA DRIVE, PRESTON BEACH – PROPOSED SIGNAGE FOR TOURIST RESORT

Officer/Officer's Interest:	Matthew Turner – Manager Planning & Development Services / Nil
Proponent:	Rapley Wilkinson Pty Ltd
Landowner:	Kingpoint Holdings Pty Ltd
Date of Report:	22 February 2005   File No: TP926
Previous Reference:	Item 8.1.1 October 2005 SCM
Statutory/Policy Implications:	Refer to Heading in Report.
Strategic Implications:	Nil.
Financial Implications:	Nil.
<b>Voting Requirements</b>	<b>Simple Majority</b>

**Proposal**

***Plans and information have been submitted for signage associated with the resort proposed for Lot 501 Mitchell Road and Panorama Drive, Preston Beach. A single sign is proposed advertising the sale of the units. The sign is 6 metres long by 3 metres wide and has a height of 3 metres. The sign will be on Mitchell Road, adjacent to the existing tennis courts. The submitted plan and information are contained in Appendix 25.***

### Background

At its meeting held on 31 October 2005 Council considered an application for 133 Chalet style units on the site and resolved to approve the development, subject to 25 conditions.

### Statutory/Policy Implications

Under Clause 7.2 'Control of Advertisements' of Town Planning Scheme No. 7, planning consent is required for all signage except that exempted under Schedule 5 of the Scheme. The proposed sign is not the subject of an exemption under Schedule and therefore approval is required.

Planning and Development Policy No.6 'Advertising Signage' applies to the application. Under the Policy, Development signs shall:

- "a. only be erected where the area of residential land being subdivided exceeds 5 hectares;*
- b. only be erected in the ratio of 1 square metre of area per hectare up to a maximum of 50 square metres with no individual sign exceeding 20 square metres; and*
- c. be removed from the site within two years or when 80 per cent of the lots in the subdivision have been sold, whichever is the sooner."*

The subject site is only 3.4 hectares and 18m<sup>2</sup> sign is larger than the permitted 1m<sup>2</sup> per hectare.

### Community Consultation

No consultation was considered necessary on this matter because there are no dwellings in close proximity to the proposed location for the sign.

### Officer's Comments

Notwithstanding the non-compliance with the Policy with respect to the size of the sign, it is not considered to be unreasonable. The location on Mitchell Road is not close to any dwellings and there are not considered to be any adverse visual impacts from the sign. A condition of approval is recommended that the sign is to be removed within 2 years or when 80% of the Lots/Units have been sold.

### APPENDIX 25

#### **COUNCIL DECISION**

**OCM06/042**

**MOVED: Cr Walmsley**

**SECONDED: Cr O'Reilly Carter**

**That Council resolve with respect to the application dated 16 January 2006, for a Development Sign on Lot 501 Mitchell Road and Panorama Drive, Preston Beach to approve the application subject to the following condition:**

- 1. The sign is to be removed from the site within two years or when 80 per cent of the Units/Lots in the development have been sold, whichever is the sooner.**

**CARRIED 6-0**

**Cr Dew returned to the Chambers and the Meeting and resumed the Chair the time being 11.20am.**

**9.5.15 LOT 295 PATERSON ROAD., WAROONA – PROPOSED SUBDIVISION (WAPC REF: 129733)**

Officer/Officer's Interest:	Mike Critch -Town Planner/ Nil
Proponent:	Stephen Brown
Landowner:	Andrea Reddie
Date of Report: 22 February 2006	File No.: SD129733
Previous Reference:	Nil
Statutory/Policy Implications:	The subject site is zoned 'Rural 2 –Irrigated Agriculture' under <i>Town Planning Scheme No.7</i> . The Scheme does not specify any specific criteria for subdivision relating to rural land. Council policy seeks to permit land uses consistent with achieving the objective to preserve the rural character of the Districts farming lands and to ensure they contribute materially to the District's economy.
Strategic Implications:	See Heading in Report
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

***The W.A. Planning Commission has referred an application for the proposed subdivision of Lot 295 Paterson Road into two Lots. The purpose of the subdivision is to create two rural-residential Lots in a Rural Zone from a single Lot approximately 4.5 hectares in size. The subdivision plan depicts one Lot of 2.5 hectares fronting Berry Road containing an existing house, shed and associated development. The second Lot is 2 hectares in size fronting onto Paterson Road with the intended application for the "purchaser to build a family home". A Site Plan is attached at Appendix 26.***

Background

Nil

Strategic Implications

The *Local Planning Strategy (Draft)* indicates the land use category for the site is 'Rural Smallholdings' which provides for Lots offering agricultural, lifestyle and tourism opportunities. This is considered the most appropriate classification for the subdivision site as Lot sizes are not large enough to facilitate significant agriculture. The allowable minimum lot size for Rural Smallholdings is 2 hectares. The proposed subdivision is consistent with the minimum Lot size requirements defined in the *Local Planning Strategy (Draft)*. The Shire is committed to the sustainable management of the expected land use change in rural areas and is conscious of the need to achieve a balance between the pressures of development and the maintenance of existing farming practices and priority agricultural areas.

The site is affected by *Local Planning Strategy (Draft)* special land use controls due to the proximity of Special Control Area 3 by the Waroona Townsite waste water treatment plant buffer. A separation distance of 500m is necessary to minimise the impact of odour emissions on surrounding land uses and developments in particular dwellings. One of the proposed Lots is entirely within the buffer area shown on the maps in **Appendix 27**.

*SPP Policy No. 11: Agricultural and Rural Land Use Planning and W.A.P.C Policy DC3.4 Rural Land Use Planning Policy.*

Pursuant to the Town Planning and Development Act (1928) under section 5AA, Statement of Planning Policy No. 11, maps the entire irrigation system including the subject land as an Agricultural Priority Management Area. Figure 1 demonstrates the subject site exists within the Strategic Agricultural Resource Policy Area however, should be excluded from this classification in accordance to the *Local Planning Strategy (Draft)*.

Exclusion of the area from the Strategic Agricultural Resource Policy Area reflects the fact that Lots are less than 10 hectares in size (the prevailing Lot size is 2 hectares). Development Control Policy D.C.3.4 requires all subdivision to accord with an approved Local Rural Strategy, or approved Local Planning Strategy. The *Local Planning Strategy (Draft)* for Waroona indicates the aforementioned Lot is not of sufficient size to be used for agriculture of 'state or regional significance'. Small Lot subdivisions to the west of the Waroona Townsite (bounded by McNeil, Coronation, Fawcett and Peel Road) are currently being used for lifestyle purposes and correspond with the *Local Planning Strategy (Draft)*.

#### Community Consultation

No consultation was required or considered necessary on this matter.

#### Officer's Comments

The *Local Planning Strategy (Draft)* provides the rationale for the change to Rural Smallholdings and this is considered to be the most appropriate use of the land, given the current size of surrounding lots and proximity to the Waroona Townsite. However in this instance, over 50% of the site lies within the Water Corporation's waste water treatment plant's 500m buffer area. The waste water treatment plant buffer area occupies most of the southern portion of the proposed subdivision.

Subdivision of land within the 500m buffer area has occurred in the past, however approval was granted under the condition that proposed building envelopes be located outside the buffer area. The Sheridan Place subdivision guide plan shows building envelopes are located outside the buffer, and that dwelling development is not permitted within the buffer area.

The conflict between proposed buildings and the buffer area could be resolved by ensuring any new building envelopes are located outside the buffer area. This would be achieved by splitting the Lots so they have a common boundary up the middle from north-south. Building envelopes could therefore be located outside the buffer area and the subdivision would be deemed appropriate.

However as it is, the current application is unsuitable given that the Water Corporation recommend that dwelling development not be permitted within the buffer. It is therefore recommended that Council not support the application on these grounds.

**APPENDICES 26 & 27****COUNCIL DECISION**

OCM06/043

**MOVED: Cr Germain****SECONDED: Cr Walmsley**

That Council with respect to the application to subdivide Lot 1 Weller Road, Waroona (WAPC Ref: 124777) not support the proposal for the following reason:

1. The proposed future Lot on Paterson Road is entirely within the Waroona Waste Water Treatment facility's 500m buffer area in which Water Corporation recommends no dwellings be constructed.

**CARRIED 6-1**

9.5.16 **LOT 21 DRAKE ROAD, WAROONA – APPLICATION FOR PLANNING CONSENT FOR WORKSHOP/ASSEMBLY BUILDING**

Officer/Officer's Interest:	Mike Critch – Town Planner / Nil	
Proponent:	R & T Carna	
Landowner:	R & T Carna	
Date of Report:	21 February 2006	File No.: TP914
Previous Reference:		
Statutory/Policy Implications:	See Heading in Report	
Strategic Implications:	Nil	
Financial Implications:	Nil	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

**Proposal**

***Council received a Planning Application on 13 January 2006 to construct a large Workshop and Assembly Building at Lot 21 Drake Road, Waroona. The new structure is proposed to extend along the northern side of the existing workshop areas. The size of the new Workshop is around 70m in length by 50m wide and at a maximum height of 11m.***

**Background**

Lot 21 Drake Road is the site of Carna Earthmoving Pty Ltd. The site is currently being utilised for earthmoving machine operations. A facility consisting of an office, large workshop and storage sheds, a wash down area and two hardstands for parking and machinery storage was approved by Council in May 2003.

A location plan and elevation detail for the site is contained as **Appendix 28**.

**Statutory & Policy Implications**

The subject site is zoned 'Rural 2 – Irrigated Agriculture' under Town Planning Scheme No. 7. The use falls under the definition of 'Transport Depot' which in accordance with the Scheme is:



*“land and buildings used for the open storage or garaging of motor vehicles used or intended to be used for carrying goods or persons for hire reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.”*

Depots are considered an ‘AA’ under Scheme provisions for the ‘Rural 2 – Irrigated Agriculture’ zone and can be permitted at the discretion of Council.

In accordance with the provisions of Statement of Planning Policy 2.1 – ‘The Peel-Harvey Coastal Plain Catchment’ the comment by the Department of Environmental Protection was requested prior to the consideration of the proposed Workshop/Assembly Building. The Department of Environment responded on 20 February 2006 without any comments or objections.

#### Community Consultation

Pursuant to Planning and Development Policy 1.0 ‘Community Consultation’, written notice was issued to owners and occupiers of neighbouring properties. The comment period was 21 days and during this time no submissions were received by Council.

#### Officer's Comments

Given the extent of the existing layout on site, it is considered that the inclusion of a new Workshop and Assembly Building is reasonable and will not likely have unforeseen impacts on the function and amenity of neighbouring properties and the nearby Waroona townsite. It will be recommended that the applicant devise a landscaping plan which will provide a screen for the depot, particularly along Coronation Road and Fawcett Road. Enforcing specific landscaping requirements for the proposal should reduce the overall impact of the shed on the amenity of surrounding properties. Colours and materials will be required to match existing structures and will be a condition of the Planning Approval.

Surface runoff and nutrient loading should be a serious consideration for the proponents given the close proximity to irrigation channels and the irrigated agricultural areas. It is recommended that the proponent considers the management measures so that the surface runoff has minimal impact on existing aquifers and the environment. The new Workshop and Assembly Building can be accommodated on the site without impacting on neighbouring properties and traffic movements.

On this basis it is recommended that the application be approved.

**APPENDIX 28****COUNCIL DECISION**

OCM06/044

MOVED: Cr Walmsley

SECONDED: Cr Heath

That Council resolve, with respect to the application received 12 January 2006, for a Workshop/Assembly Building on Lot 21 Fawcett Road, Waroona to approve the application subject to the following conditions:

1. Prior to the installation of exterior lighting, lighting plans shall be provided to the satisfaction of Council, and works shall then proceed in accordance with those approved plans.
2. All stormwater runoff from impervious surfaces to be disposed of on site to the satisfaction of Manager Planning & Development Services.
3. Prior to the occupancy of the approved use, the site shall be landscaped in a manner consistent with a landscaping plan detailing size, location and type of planting to be provided and maintained to the satisfaction of Manager Planning & Development Services.
4. Details of colours and materials to be submitted to Manager of Planning & Development Services prior to the issue of a Building Licence.
5. The site will be managed in such as way that it does not unacceptably affect the amenity of the locality by way of noise, dust, odour, light spill or other nuisances.

Advice to applicant

- a. A Building Licence must be obtained prior to any works commencing on site.

**CARRIED 7-0****9.6 MANAGER FINANCE & ADMINISTRATION/DEPUTY CEO****9.6.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2005 TO 31 JANUARY 2006**

Officer/Officer's Interest:	Chris Smith - Finance Officer / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report: 21 February 2006	File No:	1/1
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
<b>Voting Requirements</b>	<b>Simple Majority</b>	

**APPENDIX 29****COUNCIL DECISION**

OCM06/045

MOVED: Cr Fitzpatrick

SECONDED: Cr Germain

That the Monthly Statement of Financial Activity for the period 1 July 2005 to 31 January 2006 (Appendix 29) be received and noted.

**CARRIED 7-0**

9.6.2 ACCOUNTS FOR PAYMENT

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

**APPENDIX 30**

<b><u>COUNCIL DECISION</u></b>			
<b>OCM06/046</b>			
<b>MOVED: Cr Germain</b>			
<b>SECONDED: Cr Witney</b>			
<b>That Vouchers numbered:</b>			
<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>AMOUNT \$</u></b>	<b><u>TOTAL \$</u></b>
<b>Municipal Trust</b>	<b>3772 - 3904</b>	<b>414,659.83</b>	<b>414,659.83</b>
	<b>10824 - 10826</b>	<b>1,812.62</b>	<b>1,812.62</b>
<b>Electronic Transfers</b>	<b>EFT3314 - 3466</b>	<b>320,017.64</b>	<b>320,017.64</b>
<b>Direct Wages</b>	<b>05.01.06</b>	<b>47,777.60</b>	
	<b>20.01.06</b>	<b>49,862.60</b>	
	<b>03.02.06</b>	<b>52,422.27</b>	
	<b>21.02.06</b>	<b>51,526.60</b>	
			<b>201,589.07</b>
		<b>TOTAL:</b>	<b><u>\$938,079.16</u></b>
<b>and attached at Appendix 30 be endorsed.</b>			
<b><u>CARRIED 7-0</u></b>			

9.6.3 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN - JANUARY 1, 2005 TO DECEMBER 31, 2005

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 1 February 2006	File No.:193/1
Previous Reference:	Feb. 05 Item 9.6.3 OCM05/009
Statutory/Policy Implications:	The Compliance Audit Return is an annual requirement of the Local Government Audit Regulations 1996.
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simply Majority</b>

**Proposal**

N/A

**Background**

The Compliance Audit is a self-assessment tool that allows Council to monitor how the organisation is functioning in relation to meeting a range of its statutory obligations under the Local Government Act and its Regulations.

**Community Consultation**

Nil

**Officer Comments**

A copy of the completed Return is **provided under separate cover**. The Compliance Audit revealed one (1) item that requires comments explaining the reasons for non-compliance or where full compliance was not achieved.

This item is of a minor nature only (see page 52 of the Audit document).

**COUNCIL DECISION****OCM06/047****MOVED: Cr Witney****SECONDED: Cr Heath**

**That the Compliance Audit Return for the Shire of Waroona for the period January 1, 2005 to December 31, 2005 be adopted by the Council.**

**CARRIED 7-0**9.6.4 **RE-APPOINTMENT OF AUDITOR**

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Laurie Tilbrook – Deputy Chief Executive Officer
Landowner:	N/A
Date of Report: 16 February 2006	File No: 15/1
Previous Reference:	N/A
Statutory/Policy Implications:	It is a requirement pursuant to the Local Government Act 1995 and the Local Government Audit regulations for the Council to appoint an Auditor, assist the auditor in the conduct of his business and to consider reports received from the auditor.
Strategic Implications:	N/A
Financial Implications:	Fee for the audit will be \$5,500 (ex GST) + CPI for the triennium which is based on the cost of 2004/05 audit.
<b>Voting Requirements</b>	<b>Absolute Majority</b>

**Proposal**

***The Council is to appoint its Auditor for a 3 year period expiring 30 June 2008.***

Background

The Councils current Auditor AMD Chartered Accountants (Mr Tim Partridge - Partner) have provided excellent service in the past and have a thorough understanding of the Council’s policies and procedures. The Company also audits several other South West Councils and has guaranteed consistency of staff.

Community Consultation

No consultation was required or considered necessary on this matter.

Officer's Comments

In submitting this proposal AMD have provided a costing which, I believe reflects the rapport that has been established with the company.

This is confirmed by a quote from the Auditors submission which states “having to spend more time on the on-going legislation changes has been offset by the proactive assistance given to us by the Finance team and the efficiency in which the end of year audit process is completed.”

The costing will be based on the 2004/05 Audit fee of \$5,500 (ex GST) + CPI for each of the triennium periods.

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM06/048</b>  <b>MOVED: Cr Walmsley</b>  <b>SECONDED: Cr Germain</b></p> <p><b>That it be a recommendation to the Council that the Council resolve to appoint Mr Tim Partridge of AMD Chartered Accountants (Bunbury) to conduct the Councils Audit function for the 2005/06 to 2007/08 triennium at a fee of \$5,500 (ex GST) + CPI annually.</b></p> <p style="text-align: right;"><b><u>CARRIED BY ABSOLUTE MAJORITY 7-0</u></b></p>
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9.6.5 AMENDMENT TO THE 2005/06 ADOPTED BUDGET

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Laurie Tilbrook – Deputy Chief Executive Officer
Landowner:	N/A
Date of Report: 16 February 2006	File No: 1/7
Previous Reference:	N/A
Statutory/Policy Implications:	An Absolute Majority decision of the Council is required to approve of unbudgeted expenditure.
Strategic Implications:	N/A
Financial Implications:	As detailed in “Officers Comments”: (1) \$5,000 proposed for the land and building asset revaluation will be a reallocation of existing approved funds. (2) \$5,000 required to conduct roads infrastructure revaluation will be unbudgeted expenditure. (3) \$40,000 to complete 2005/06 capital project “Drakesbrook Place” is unbudgeted expenditure however is likely to be offset by additional income associated with planning fees.
<b>Voting Requirements</b>	<b>Absolute Majority</b>

Proposal

***The Council is requested to consider three amendments to the 2005/06 adopted budget.***

Background

Nil

Community Consultation

No consultation was required or considered necessary on this matter.

Officer's Comments

1. Asset Revaluation

The 2005/06 adopted budget proposed expenditure of \$2500 for the conduct of a revaluation of the Councils land and building assets.

Since adoption of the budget it has become apparent that there is also a need for an insurance valuation for Council Assets.

As there is significant advantages and cost savings in having both valuations carried out at the same time and by the same company the matter has been put on hold pending a reallocation of funds.

Total cost of both valuations has been estimated at \$7500 therefore requiring a reallocation of \$5000.

In discussions with the Manager Environmental Health & Building Services it is proposed to reallocate funding originally proposed for maintenance on the Old Drakesbrook School building.

2. Revaluation of Road Infrastructure Asset

As a result of the 2004/05 Annual Audit it has been identified in the subsequent Management Report that the reasonableness of road valuations may be questionable.

The Auditors have thus recommended that the Council's Road Infrastructure Consultant (Cardno BSD) be requested to carry out a full review of a sample of Council's roads (the most significant 8 or 10) to ensure that the actual replacement costs are as accurate as possible.

In addition the Auditors have recommended that the review be carried out in 2005/06 therefore the expenditure will need to be authorised by the Council.

Please note that normally in such circumstances the matter would be a budget item for the following year, however to have the project carried out immediately is supported by Council staff.

The valuation requires actual physical inspection of the roads and costs can be reduced by the Council supplying one staff member and a utility of which a commitment has been given.

3. Waroona Town Square Development

The Manager for Planning & Development Services has advised that extra expenditure on the Town Square project is required to complete a number of items, including tree planting, seating and fencing.

Expenditure to date has included items which were not originally anticipated, being approximately \$10,000 of works by outside staff, extra paving for front of Town Hall, tree lighting and Architect fees.

**COUNCIL DECISION**  
**OCM06/049**  
**MOVED: Cr Heath**  
**SECONDED: Cr O'Reilly Carter**

**That it be a recommendation to the Council that the 2005/06 adopted budget be amended in accordance with the following proposal.**

- 1. Reallocation of \$5,000 from operating account 3102 to operating account 0502 to enable revaluation of land and building assets.**
- 2. Authorise unbudgeted expenditure of \$5,000 pursuant to operating account 4212.**

**CARRIED BY ABSOLUTE MAJORITY 7-0**

9.6.6 ALLOCATION OF INSURANCE PROCEEDS TO RESERVE ACCOUNT

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Laurie Tilbrook – Deputy Chief Executive Officer
Landowner:	N/A
Date of Report:	16 February 2006   File No: 1/8
Previous Reference:	N/A
Statutory/Policy Implications:	Reserve accounts are maintained for future expenditure requirements and are presented as “restricted cash” in Council accounts.
Strategic Implications:	N/A
Financial Implications:	N/A
<b>Voting Requirements</b>	<b>Absolute Majority</b>

Proposal

**That Council approve an allocation of \$49,000 to the Building Maintenance Reserve Account.**

Background

An amount of \$49,000 (\$50,000, less \$1,000 excess) has been received as an insurance payment for the loss of the Old Drakesbrook School.

Community Consultation

No consultation was required or considered necessary on this matter.

Officer's Comments

It is proposed that the insurance payment be allocated to the Building Maintenance Reserve Account.

This account is used to fund general building maintenance on Council owned assets with exception of the Recreation & Aquatic Centre which due to its high level of maintenance associated with plant and equipment replacement, has its own revenue account.

FINANCE COMMITTEE RECOMMENDATION

That an amount of \$49,000 be allocated from the Councils Municipal Fund to the "Building Maintenance Reserve account" for the purpose of funding future building maintenance of Council owned assets.

Note:

Subject to the outcome of the Report from the Community Development Officer (See Item 9.2.1) an alternative Recommendation is provided herewith. This information was unavailable to the Finance Committee at its meeting held 20 February 2006.

**COUNCIL DECISION****OCM06/050****MOVED: Cr O'Reilly Carter****SECONDED: Cr Germain**

**That Insurance proceeds of Forty Nine thousand dollars (\$49,000) received as a result of the loss of the Old Drakesbrook School be allocated as follows:**

- **Thirty four thousand dollars (\$34,000) to the Council's Building Maintenance Reserve Account for the future funding of maintenance of Council owned assets.**
- **Fifteen thousand dollars (\$15,000) to Municipal Account 3104 for the purpose of constructing a Memorial on the site of the Old Drakesbrook School.**

**CARRIED BY ABSOLUTE MAJORITY 7-0**



9.6.7 CONTRIBUTION TO CENTENARY CELEBRATIONS

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Waroona Cricket Club
Landowner:	N/A
Date of Report: 16 February 2006	File No: 157/1
Previous Reference:	N/A
Statutory/Policy Implications:	The present Council Policy (3.5) in relation to donations provides authority to the CEO to approve amounts up to \$150 per local organisation per year.  Such allocations usually relate to prize, trophy and award sponsorship
Strategic Implications:	N/A
Financial Implications:	The Council provides a small amount of funding in each budget for such purposes which is allocated on merit. These are sufficient funds in the 2005/06 adopted budget to meet this recommendation.
<b>Voting Requirements</b>	<b>Simple Majority</b>

Proposal

***Correspondence has been received from the Waroona Cricket Club requesting financial assistance with the conduct of their Centenary Celebration function.***

Background

Nil

Community Consultation

No consultation was required or considered necessary on this matter.

Officer's Comments

It is not uncommon for the Council to provide assistance to community groups for such events especially those with such significant as a 100 year celebration.

There have been several examples in the past where this has been the case with the most recent being associated with Pam Corker House.

Assistance has been in the form of a cash donation, reduction in venue hire fees or a combination of both.

**COUNCIL DECISION**

**OCM06/051**

**MOVED: Cr Fitzpatrick**

**SECONDED: Cr Germain**

**That it be a recommendation to the Council that the Council approves a cash donation of \$500 to assist the Waroona Cricket Club 2006 Centenary Celebration functions.**

**CARRIED 7-0**

## 9.7 **CHIEF EXECUTIVE OFFICER**

### 9.7.1 **PEEL REGION INFRASTRUCTURE PLAN**

Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	PEDU (Peel Economic Development Unit)	
Landowner:	N/A	
Date of Report:	21 February 2006	File No:
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Contribution of \$2,000 not included in current budget.	
<b>Voting Requirements</b>	<b>Simple Majority to refer funds to the 2006/07 budget.</b>	

#### Proposal

***To consider a contribution of \$2,000 to PEDU to initiate a study to develop a Peel Region Infrastructure Plan. The overall project estimate is \$50,000.***

#### Background

In October 2005 PEDU, of which the Shire of Waroona is a member Council, proposed to develop a Peel Region Infrastructure Plan. PEDU was successful in obtaining a *State Government Regional Development Scheme* Grant of \$25,000 to conduct the study required to produce the Plan and has requested member Council's consider funding the balance of \$25,000 required. The following contributions are sought:

Peel Development Commission	\$5,000
City of Mandurah	\$10,000
Shire of Murray	\$5,000
Shire of Serpentine Jarrahdale	\$2,000
Shire of Waroona	\$2,000
Shire of Boddington	\$1,000

A copy of the Terms of Reference for the Study are attached at **Appendix 31**.

#### Officer's Comments

I am currently representing Council on the reference group involved in the commissioning of this study and recommend that Council endorse the concept. The resulting study will assist this Shire as well as others in the Peel region, in its continuing quest to ensure that adequate infrastructure is in place to address future population growth. The document will also be an excellent basis to seek government funding for initiatives identified within it – eg industrial land, community centres etc.

There are no funds available in the current budget for the requested contribution however, PEDU would accept Council's agreement to the concept with funds forthcoming in the 2006/2007 budget.

Community Consultation

Some community consultation will be included in the collection of information required to complete the study.

**APPENDIX 31**

<p><b><u>COUNCIL DECISION</u></b>  <b>OCM06/052</b>  <b>MOVED: Cr Fitzpatrick</b>  <b>SECONDED: Cr Heath</b></p> <p><b>That Council refers the amount of \$2,000 to the 2006/2007 budget as a contribution to the Peel Economic Development Unit towards the funding of a study to develop a Peel Region Infrastructure Plan.</b></p> <p style="text-align: right;"><b><u>CARRIED 7-0</u></b></p>
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9.7.2 PROPOSED COUNCIL POLICY - PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD

Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report:	21 February 2006   File No: 111/1
Previous Reference:	Nil
Statutory/Policy Implications:	S.5.50 of the Local Government Act 1995 requires Council to have a policy on this matter and local public notice to be given when the policy is adopted.
Strategic Implications:	Nil
Financial Implications:	Minor advertising costs
<b>Voting Requirements</b>	<b>Absolute Majority to adopt a Policy</b>

Proposal

***To adopt a Council Policy in relation to payments to employees in addition to Contract or Award.***

Background

The Local Government ACT requires all Council's to adopt a Policy that details the circumstances in which a Council would make an ex gratia payment to a staff member on the termination of their employment. The draft Policy - **Appendix 32** - has been developed for Council's consideration. Information was obtained from neighbouring Councils to assist in developing this Policy.

Officer's Comments

The draft Policy is recommended for adoption.

Community Consultation

Local public notice is to be given following adoption of this Policy.

**APPENDIX 32****COUNCIL DECISION**

OCM06/053

MOVED: Cr Fitzpatrick

SECONDED: Cr Witney

That Council adopt the draft Policy – “Payments to Employees in addition to Contract or Award” as attached at Appendix 32.

**CARRIED BY ABSOLUTE MAJORITY 7-0****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****11.1.1 PUBLIC STATEMENT – MRS YVONNE DAVIES (ITEM 4.2 [2]) – POSSIBLE DOG EXERCISE AREAS – DRAKESBROOK WEIR****COUNCIL DECISION**

OCM06/054

MOVED: Cr Fitzpatrick

SECONDED: Cr O'Reilly Carter

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.

**CARRIED 7-0****11.2 OFFICERS**

Nil

**12. CLOSURE OF MEETING**

There being no further business the Chairperson closed the Meeting the time being 12.13pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 28 MARCH 2006 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

NOEL H DEW  
PRESIDING MEMBER

28 MARCH 2006  
DATE