



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 10 JANUARY 2006

TABLE OF CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENTS.....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED.....	3
3.	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	3
4.1	PUBLIC QUESTION TIME.....	3
4.2	PUBLIC STATEMENTS	4
5.	DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS.....	4
6.	APPLICATIONS FOR LEAVE OF ABSENCE	4
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS	4
7.1	ALCOA - (SEE PAGE 7)	4
8.	CONFIRMATION OF MINUTES.....	4
8.1	SPECIAL COUNCIL MEETING – 13.12.05	4
9.	REPORTS OF OFFICERS AND COMMITTEES.....	4
9.1	OFFICER IN CHARGE – RECREATION & AQUATIC CENTRE.....	4
9.2	COMMUNITY DEVELOPMENT OFFICER	4
9.2.1	COMMUNITY ART PROJECT.....	4
9.3	MANAGER WORKS & SERVICES	6
9.4	MANAGER ENVIRONMENTAL HEALTH & BUILDING SERVICES.....	6
7.1	ALCOA.....	7
9.7.4	ILLEGAL CLEARING OF SHIRE LAND – BOUVARD PLACE, PRESTON BEACH	9
9.5	MANAGER PLANNING AND DEVELOPMENT SERVICES	13
9.5.1	AMENDMENT TO PLANNING AND DEVELOPMENT POLICY NO.16 - GEOGRAPHIC NAMES	13
9.5.2	LOTS 231 AND 234 HESSE STREET WAROONA - TEN GROUPED DWELLINGS - REQUEST FOR RECONSIDERATION OF CONDITION OF APPROVAL	14
9.5.3	LOT 283 (NO. 67) PANORAMA DRIVE PRESTON BEACH – APPLICATION FOR PLANNING CONSENT FOR A RETAINING WALL AND SHED.....	17
9.5.4	REQUEST FOR NEW ROAD TO LOT 467 INVARELL ROAD WAROONA.....	19
9.5.5	LOT 25 (No. 11) HOLMES ROAD, LAKE CLIFTON – PROPOSED AQUACULTURE & PUBLIC AMUSEMENT (FROG FARM).....	21
9.5.6	LOT 58 (No. 4) TEAKWOOD CLOSE, LAKE CLIFTON – PROPOSED COTTAGE INDUSTRY (TIMBER PREPARATION).....	24
9.6	MANAGER FINANCE & ADMINISTRATION/DEPUTY CEO	26
9.6.1	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2005 TO 30 NOVEMBER 2005	26
9.6.2	QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2005	27
9.6.3	ACCOUNTS FOR PAYMENT	29
9.6.4	RATES – WRITE OFF	30
9.6.5	PRESTON BEACH GOLF CLUB – LEASE RENEWAL.....	31
9.7	CHIEF EXECUTIVE OFFICER	32
9.7.1	APPOINTMENT OF CONSULTANTS TO REVIEW WAROONA RECREATION & AQUATIC CENTRE...32	
9.7.2	UPGRADE OF DRAKESBROOK WEIR TOILETS.....	34
9.7.3	PRESTON BEACH COMMUNITY CENTRE	35
9.7.4	ILLEGAL CLEARING OF SHIRE LAND – BOUVARD PLACE, PRESTON BEACH	37
10.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING	37
11.	NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION.....	37
11.1	ELECTED MEMBERS	37
11.1.2	PRESTON BEACH DEVELOPMENT – LOT 501 MITCHELL STREET	37
11.2	OFFICERS	37
11.2.1	SHIRE SUSTAINABILITY FUND – ALCOA	37
11.2.2	PREMIER'S AUSTRALIA DAY AWARDS.....	38
12.	CLOSURE OF MEETING	38



1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the meeting open at 9.04am and welcomed Members and Staff to the first meeting for 2006 and trusted everyone had an enjoyable Festive Season.

Cr Dew welcomed Mr Mike Critch as a new member of Staff – Town Planner - and wished him well for his stay with the Shire of Waroona.

Members of the Public were welcomed 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 from 9.06am		West Ward
Cr M Davis		Town Ward
Cr B Heath		Town Ward
Cr T Witney		Town Ward
Cr P Fitzpatrick		East Ward
Cr Zita O'Reilly Carter		Coastal Ward
Mr I Curley		Chief Executive Officer
Mr L Tilbrook		Deputy Chief Executive Officer
Mr S Cleaver	Manager Environmental Health & Building Services	
Mr M Critch		Town Planner
Mrs Maree Ellis – 9.04am to 10.06am		Community Development Officer
Mrs RH O'Mara		Executive Support Officer - Minute Taker

APOLOGIES

Mr M Turner - Annual Leave Manager Planning & Development Services

There were three (3) Members of Public present.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

Mr Andre Vogel presented a Statement to Council in relation to Item 9.5.4 regarding the illegal clearing of Shire Land at Bouvard Place, Preston Beach.- **Appendix A.**

5. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS**7.1 ALCOA - (SEE PAGE 7)****8. CONFIRMATION OF MINUTES****8.1 SPECIAL COUNCIL MEETING – 13.12.05****COUNCIL DECISION**

OCM06/001

MOVED: Cr Witney

SECONDED: Cr Heath

That the Minutes of the Special Council Meeting held 13 December 2005 be confirmed as being a true and correct record of proceedings.

CARRIED 8-0

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

Nil

9.2 COMMUNITY DEVELOPMENT OFFICER**9.2.1 COMMUNITY ART PROJECT**

Officer/Officer's Interest:	Maree Ellis Community Development Officer / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 3.1.2006	File No: 126/11
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Amendment to current budget required to undertake the project. The Alcoa Community Foundation has provided funding of \$52,380 which is not budgeted for.
Voting Requirements	Absolute Majority to amend the Budget

Proposal

That the Waroona Shire Council accept the amount of \$52,380 for a Community Art Project in accordance with the principal of best value project for the available funds.

Background

Opportunities for funding to create a significant piece of artwork for Drakesbrook Place were being explored by the Community Development Officer after discussion with the Town Centre Steering Committee. A representative from Alcoa approached the Community Development Officer in early August seeking information on any Community Development projects in the Shire that required funding as the Alcoa Community Foundation were interested in investing some funds. A number of projects were listed and the idea of a Community Art project was of most interest to the Foundation.

The concept of a Metal Art project came about early in 2005 during a visit to the Waroona District High School MOASH Building (now known as Moorditj Mya) by a representative from CANWA (Community Arts Network). Metal Art is a medium that has been used successfully in other communities to great effect. Moorditj Mya is a Community Cultural Centre on the grounds of the Waroona District High School in Millar St designed to encourage greater acceptance of cultural diversity through education and art. The idea is to begin the art project at the school and continue the theme through to the new Town Square known as Drakesbrook Place. This would create a common theme and give the children a sense of identity and ownership with the cultural heart of the town. It will also provide a link from one area of town to the other; both being significant areas for recreation, art and culture.

Officer's Comments

This is a unique opportunity which will enhance the area and gives community members the opportunity to be involved through engagement and participation. The project will also demonstrate and recognise the importance of art and culture in the community.

It is recommended that this project be launched at the opening of Drakesbrook Place in late February 2006. The project timeline for funding purposes runs from January 2006 to December 2006. A sub committee of the Waroona Town Centre Steering group will be formed to oversee the process. Council will be kept informed regarding concept and design and will make the decision regarding the final design.

Community Consultation

The Town Centre Steering Committee has previously discussed the need for a significant piece of artwork to compliment Drakesbrook Place.

The whole process will be based around community consultation and visioning, with a leading community artist to be appointed to work on the project.

OFFICER RECOMMENDATION

That Council resolves:

- A. To proceed with the Waroona Town Square Community Art Project based on the Proposal contained in Appendix 1.
- B. Amend the 2005/2006 Adopted Budget to include the Community Art Project up to the amount of Fifty two thousand three hundred and eighty dollars (\$52,380) debited to Account No. 3342.
- C. Delegate authority to the Chief Executive Officer to appoint a leading community artist with the relevant qualifications necessary for the project.

APPENDIX 1**COUNCIL DECISION****OCM06/002****MOVED: Cr Fitzpatrick****SECONDED: Cr Davis****That Council resolves:**

- A. To proceed with the Waroona Town Square Community Art Project based on the Proposal contained in Appendix 1.**
- B. Amend the 2005/2006 Adopted Budget to include the Community Art Project up to the amount of Fifty two thousand three hundred and eighty dollars (\$52,380) debited to Account No. 3342.**
- C. Delegate authority to the Chief Executive Officer to appoint a leading community artist with the relevant qualifications necessary for the project.**
- D. Advertising for a Leading Community artist to be done within the Peel Region.**

CARRIED BY ABSOLUTE MAJORITY 8-0Note:

The Officer Recommendation was changed to indicate that all advertising for a leading community artist be carried out within the Peel Region.

9.3 MANAGER WORKS & SERVICES

Nil

9.4 MANAGER ENVIRONMENTAL HEALTH & BUILDING SERVICES

Nil

It was at this point the Chairperson welcomed the Deputation from Alcoa the time being 9.30am.

7.1 **ALCOA**
(File 7/2)

The Chairperson welcomed the Deputation from Alcoa consisting of Mesdames Kylie Ashenbrenner – Policy Adviser, Corporate Affairs; Jodie Read (Community Relations Officer – Alcoa Wagerup), and Anne Russell-Brown – National Community Partnership Sponsorship Manager – Alcoa, to present to Council an update on the Shire Sustainability Fund, and Wagerup 3 Expansion.

Ms Russell-Brown advised Council of her role as National Community Partnership Sponsorship Manager and in her position will be involved with future discussions relating to the Shire Sustainability Fund.

Sustainability Fund

Ms Ashenbrenner gave a brief overview of how it is proposed the Sustainability Fund would be set up and implemented:

- The fund is generally for larger community development type projects that make a net positive contribution to the economic, social and environmental sustainability of the region
- Substantial amount of funding annually to independent Foundation
 - *Builds capital and earns interest*
- Decision-making and governance includes external stakeholders
 - Takes this outside an in-house Alcoa decision-making process
- Funding linked with refinery production
 - Base amount of funding agreed, sets an amount based on current spending levels (*This amount would be determined on the production levels eg if production doubles funding will double*)
 - *Ex gratia payment to remain separate to the Funding amount*
- Refinery sponsorship and donation budget for smaller items
- Geographic area - Shire of Waroona and Harvey and focus on towns between (and including) Waroona and Harvey
 - *Agreement to split funding between the 2 Shire to ensure equality*

The project team outcomes:

- Geographic area
- Community representation – skill set and influence (selection criteria)
 - Selection public and open process
 - Alcoa and Shire representatives identified
 - Advertising/application/EOI by first Fund Committee (Alcoa and Shire Reps)
 - Member selection by first Fund Committee (Alcoa and Shire Reps)
 - Shires and Alcoa make the announcement of Fund Committee membership
- Fund Allocation
 - Retain a capital base amount – build up as quickly as possible
 - Set minimum/maximum spend levels on an annual basis
 - Guarantee allocation of funds in each Shire area to ensure that Waroona Shire and Harvey Shire support the new Fund.

Council expressed its desire to have and manage its own separate Sustainability Fund and understood that if Alcoa was given a rate base that no change in the funding agreement would occur with the exception that the ex gratia payment of \$100,000 would be relinquished.

Ms Jodie Read provided to Council a Briefing Note on the latest developments of the Wagerup Refinery Unit Three Expansion (**Appendix B**). Ms Read also provided Council with a copy of the Report and recommendations of the Environmental Protection Authority dated January 2006 Bulletin 1215.

The Chairperson thanked the Alcoa Deputation and they left the Chambers the time being 10.06am.

Ms Maree Ellis left the meeting and the Chambers the time being 10.06am

ADJOURNMENT

The Chairperson adjourned the meeting at this point for morning tea the time being 10.06am

RECONVENED

All those present at the adjournment of the Meeting were present in the room when the meeting reconvened with the exception of Cr Witney. The Meeting reconvened at 10.22am

COUNCIL DECISION

OCM06/003

MOVED: Cr Germain

SECONDED: Cr Walmsley

That the order of business be changed to deal with Item 9.7.4 as 2 members of the public were present specifically for this item.

CARRIED 7-0

Cr Witney returned to the Chambers and the Meeting the time being 10.23am

9.7.4 ILLEGAL CLEARING OF SHIRE LAND – BOUVARD PLACE, PRESTON BEACH

Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil -- Matthew Turner - Manager Planning & Development Services / Nil	
Proponent:	N/A	
Landowner:	Shire of Waroona	
Date of Report:	4 January 2006	File No: A1371
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

It is proposed to determine the manner and extent of rehabilitation of a dune on Shire land at the rear of Lots 323 to 325 Bouvard Place, Preston Beach that was illegally cleared by two landowners backing onto the site.

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 to 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 land, whilst Lot 324 contains a two-storey dwelling. A location plan is contained in **Appendix 15**.

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 2005. 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 **Appendix 16**. This rehabilitation was to include some 'Peppermint trees' that were on the site prior to clearing. Planting cannot 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 is 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.

By way of letter on 25 November 2005, the complainant (owner of Lot 323) offered to purchase a portion of the Shire land behind their property which had been cleared. The CEO replied in a letter dated 16 December 2005 that *"I advise that Council is unable to sell you that land. The Local Government Act prevents Council from selling public land without offering the land publicly for sale by tender or at auction. Sale of the land is also not feasible as it forms part of a larger unsubdivided land holding and sale of any portion of that land would require subdividing."*

The complainant made a further request to purchase the land in a letter dated 23 December 2005.

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. This survey is contained in **Appendix 19**.

Community Consultation

No consultation was required or considered necessary on this matter, however the Shire of Waroona Foreshore Planning and Management Committee was consulted and their recommendations are outlined above.

Officer's Comments

The matter is presented to Council for its determination on a number of matters, being whether it takes legal action against those who undertook the clearing, the method and extent of rectification to be undertaken and by whom, and whether it wishes to proceed further with the sale of a portion of the Golf Course land.

In this instance it is recommended that Council not commence legal action against the landowners for the illegal clearing at the present time and subject to the rehabilitation being successfully undertaken. The key consideration is considered to be that the site is rehabilitated.

It is recommended that the rehabilitation of the dune be undertaken in accordance with the recommendations of the Shire's Foreshore Planning and Management Committee which are outlined above. They have experience in such dune rehabilitation and this method of planting ensures the greatest chance of success. A plan is contained in **Appendix 18** which details where the rehabilitation is to occur.

With respect to the rebuilding of the dune, which is a high priority for the complainant, on balance it is not considered feasible. Whilst it is clear that the dune has been flattened to a certain extent and despite the survey provided by the complainant, it is proving difficult to establish the exact height of the dune. The Manager Planning & Development Services undertook a survey of the site on 3 January 2006 to establish the post-earthworks levels. That survey is contained at **Appendix 17**.

The complainant's Point "F" shown as the peak, is right on the edge of the clearing and the height of the dune has not been altered at that point. It does not appear to be where the complainant or others with knowledge of the dune have stated the peak was. Further, the limited number of spot levels does not allow any detailed understanding of the contours prior to the earthworks. Given this limited information and inconsistency, there are no reliable levels that can be used to re-establish the dune. Getting the sand that has been pushed over back to re-establish the dune would likely cause more damage to the vegetation surrounding the clearing, and given that the height prior to the disturbance is not known, there is seen little value in bringing in sand from elsewhere to build the dune.

Originally the intention was to require the owners of Lots 324 and 325 to undertake all of the rehabilitation at their cost. However the complainant has offered to do the rehabilitation behind their property at their cost. This is a generous offer and it is considered it should be accepted. Regardless of who undertakes the work, it must be undertaken in accordance with Council's resolution to the satisfaction of the Manager Planning & Development Services.

The final matter to be considered is whether the Shire wishes to proceed to sell a portion of the land behind Lot 323 to that landowner. The complainant believes they can protect the land from future damage if they own the site. It is recommended that the landowner be advised that Council is not prepared to sell the land, which is subject to the Preston Beach Golf Club Lease. The Shire would be required to sell by Public Auction or similar and there is not considered to be any public benefit to such a sale of a community asset. It would set a precedent for other landowners to approach the Shire to purchase a portion of the Golf Course land which was established as Public Open Space for the whole community to enjoy.

APPENDICES 15, 16, 17, 18, & 19

OFFICER RECOMMENDATION (1)

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

- 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 maintained as at January 2006.
- 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.

COUNCIL DECISION**OCM06/004****MOVED: Cr Davis****SECONDED: Cr Walmsley****(1)**

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

- 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.**

(2)

That Council resolve with respect to the offer by the owner of Lot 323 Bouvard Place, Preston Beach to purchase a portion of the Shire land behind Lot 323 not to proceed with the sale of such land.

CARRIED 8-0

Note:

The Officer Recommendation (1) (B4) was changed to indicate that the site levels are to be re-established to the levels indicated in Appendix 19.

2 Members of the Public left the Chambers at this point the time being 11.06am.

9.5 MANAGER PLANNING AND DEVELOPMENT SERVICES**9.5.1 AMENDMENT TO PLANNING AND DEVELOPMENT POLICY NO.16 - GEOGRAPHIC NAMES**

Officer/Officer's Interest:	Andrew Pawluk - Contract Planner / Nil	
Proponent:	Nil	
Landowner:	Nil	
Date of Report:	16 December, 2005	File No: 132/4
Previous Reference:	OCM September 2005 9.5.5 OCM October 2005 9.5.4	
Statutory/Policy Implications:	Nil.	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Absolute Majority	

Proposal

To include a provision in the existing Policy for Council to consider themed road names as suggested by owners/developers for new residential or rural residential subdivisions.

The proposed Policy is provided in Appendix 2.

Background

Council at its Meeting of October 2005 considered a request from the owner of the Brooklyn Rise Residential Estate to accept some suggested road names for new roads within the proposed Estate.

In its deliberation of the request Council resolved to introduce a new provision into the Policy to allow Council to consider themed road names for new residential or rural residential estates. Accordingly the recommended modification to the Policy was advertised for public comment.

Community Consultation

The modified Policy was advertised for public comment for 21 days from 8 November 2005 to 29 November 2005. Advertisements were placed in the 8th and 15th of November editions of the Harvey Reporter. The draft Policy was advertised pursuant to Clause 2.4 of the Scheme.

One submission was received during the advertising period and is provided in the Schedule of Submissions in **Appendix 3**. The submission supported the Policy amendment but raised another matter.

Officer's Comments

The submission supports the introduction of the provision to allow Council to consider 'themes' for road names in new estates. On this basis and given there are no other objections it is recommended that the modified Policy be adopted as advertised without alteration.

APPENDICES 2 & 3**COUNCIL DECISION****OCM06/005****MOVED: Cr Davis****SECONDED: Cr Witney****That Council resolve to:**

- 1) **Adopt the Schedule of Submissions as contained in Appendix 3 as the basis of Council's consideration and recommendation with respect to the submissions.**
- 2) **Adopt the Planning and Development Policy No.16 – 'Geographic Names' as contained in Appendix 2.**
- 3) **Notify the public, pursuant to Clause 2.4 of the Scheme, of the modified Policy.**

CARRIED BY ABSOLUTE MAJORITY 8-0

9.5.2 **LOTS 231 AND 234 HESSE STREET WAROONA - TEN GROUPED DWELLINGS - REQUEST FOR RECONSIDERATION OF CONDITION OF APPROVAL**

Officer/Officer's Interest:	Andrew Pawluk - Contract Planner / Nil	
Proponent:	Ukey developments	
Landowner:	Ukey Developments	
Date of Report:	16 December, 2005	File No: TP777
Previous Reference:	OCM August 2004 10.5.6	
Statutory/Policy Implications:	Nil.	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

The owner of Lots 231 and 234 Hesse Street, Waroona has requested that Council delete Condition 1 of its approval issued by Council at its Meeting of August 2004 for ten (10) grouped dwellings. The Condition requires the amalgamation of Lots 231 and 234.

The owner advises that he requires the removal of the Condition 1 as he is proposing to develop the site in two stages and that he is unable to secure finance to fund Stage 1 (Units 1 to 4) if the two Lots are to be amalgamated.

The latest site plan is provided at Appendix 4.

Background

Condition 1 of Council's approval reads:

"Lots 231 and 234 are to be amalgamated into a single Lot on a Certificate of Title; or the owner entering into a Legal Agreement with the Shire prepared by the Shire's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months of the issue of a Building Licence, prior to the issue of a Building Licence for this development."

The owner had been working with the Manager of Planning and Development Services towards securing a Legal Agreement until he was advised that finance would not be granted if the Lots were to be amalgamated.

Ukey Developments intend to develop four (4) units on Lot 231 as Stage 1, and then develop the remaining six (6) units (Units 5 to 10) on Lot 234 as Stage 2.

Community Consultation

Not required.

Officer's Comments

Under the original assessment, as the application had been submitted for 10 grouped dwellings over both Lots 231 and 234, the Lot yield had also been calculated over both Lots and accordingly the requirement to amalgamate the two Lots was imposed.

An assessment of the yield potential for both Lots individually is provided in the Table below:

Dwelling Yield Potential @ R30 (Minimum Average Site Area Required Per Lot is 300m ²)		
	Lot 231	Lot 234
Lot Area	1867m ²	1821m ²
Potential	6.22 dwellings	6.07 dwellings
Proposed	4 dwellings	6 dwellings

Based on individual assessment, each Lot has sufficient area to accommodate the number of dwellings as permitted by the R30 requirements of the Residential Design Codes. Therefore, the amalgamation is not required for the purposes of attaining sufficient Lot area for the development of the units as proposed on each parent Lot.

Other issues relating to the removal of the requirement for amalgamation are discussed below.

Access from Lot 234 to Utilise Visitor Bays on Lot 231.

Stage 1 will accommodate the visitor car bays for both Lots 231 and 234 as per the approved plans. Condition 3 was imposed requiring a walkway to be provided to link the visitors car bays on Lot 231 with Lot 234. As the Lots will now not be amalgamated it is prudent to ensure that access to the walkway and the visitors bays on Lot 231 and the proposed dwellings on Lot 234, is protected.

It is recommended that a condition be imposed on the future Strata Title approval which indicates that the visitor bays and the walkway on Lot 231 are made available for use by the owners and visitors to the dwellings proposed on Lot 234.

Scenario of Sale of Lot 234

It is prudent to consider the consequences if the current owner was to sell Lot 234 separately as an undeveloped Lot.

Given that Stage 1 will be constructed first, there is no issue if Lot 234 happens to be sold off by the current owner as Lot 231 (Stage 1) will be oversupplied with parking. Lot 234 would be required, if a fresh application is submitted by a new owner, to be self sufficient in its provision of tenant and visitor car parking bays.

Conclusion

Each parent Lot can accommodate the number of proposed units in accordance with the 'Minimum Site Area' of the Residential Design Codes and therefore can be developed independently. Accordingly there is no need for amalgamation and Condition 1 may be deleted.

To ensure that the owners and visitors to Lot 234 have access to the visitor parking bays on Lot 231 it is recommended that Council resolve to advise the applicant that it intends to impose a condition on the Strata approval protecting such right.

APPENDIX 4

COUNCIL DECISION

OCM06/006

MOVED: Cr Germain

SECONDED: Cr Heath

That Council resolve to:

- 1) Delete Condition 1 from its approval for 10 group dwellings on Lots 231 and 234 dated 24 August 2004.**
- 2) Advise the owner the development of dwellings on Lots 231 and 234 remains subject to all other conditions of Council's approval dated 24 August 2004**
- 3) Advise the owner that Council will seek to impose a condition on the Strata approval requiring the walkway and visitors car parking bays on Lot 231 be available for use by the tenants and visitors to the dwellings proposed on Lot 234.**

CARRIED 8-0

9.5.3 LOT 283 (NO. 67) PANORAMA DRIVE PRESTON BEACH – APPLICATION FOR PLANNING CONSENT FOR A RETAINING WALL AND SHED

Officer/Officer's Interest:	Mike Critch - Town Planner / Nil	
Proponent:	Outdoor City	
Landowner:	Jeff & Jackie Batemen	
Date of Report:	16 December, 2005	File No: TP896
Previous Reference:	Nil	
Statutory/Policy Implications:	See heading in Report	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

A Planning application was lodged with Council on 8 November 2005 seeking approval to construct a retaining wall and shed at the rear of Lot 283 to enable a Shed of 7.6m by 7.6m to be constructed 1 metre from both the rear (south-western) and the side (south-eastern) Lot boundaries. A copy of the submitted plan is contained in Appendix 5.

An inspection of the property was undertaken on 13 December 2005 to assess the proposed location and scale of the retaining wall and shed. The inspection revealed that the retaining wall had already been constructed prior to planning approval. A location plan is contained in Appendix 6.

Statutory & Policy Implications

Lot 283 Panorama Drive is zoned 'Urban 9 – Preston Beach' under Town Planning Scheme No. 7. The proposed shed is compliant with provisions of the Scheme and R-Codes. The retaining wall is subject to setback provisions of the R-Codes to minimise the impact on adjoining properties. Performance Criteria in Sections 3.6.1 and 3.6.2 of the R-Codes specifies the requirements for retaining walls along common boundaries. The retaining wall is deemed not to comply, requiring planning approval and assessment under the performance criteria of the R-Codes.

Council's Town Planning Scheme No. 7 does not contain a clause permitting Council to issue an approval to a development which has already been constructed. Accordingly Council is unable to grant development approval to the retaining wall.

Approval to the location of the shed however, may be granted.

Community Consultation

Consultation of adjoining owners was required in respect to the proposal to construct the retaining wall and the placement of the shed. Potentially affected adjoining neighbours were notified in writing on 21 November 2005 and given a period of 21 days in which to lodge a submission.

No submissions were received.

Officer's Comments*Retaining Wall*

No objections were received from the neighbours regarding the proposed retaining wall. The applicant provided site details and specifications for the retaining wall which appear to be certified by a licensed engineer. The details have been assessed by the Council's Environmental Health Officer/Building Surveyor and meet the Building Code of Australia design requirements. A site inspection revealed that the retaining wall was above 500mm (namely 1800mm) however, the positioning and appearance of the wall was unlikely to have an impact on the neighbouring properties.

Approval to the application would have been forthcoming if the retaining wall had not been constructed prior to the issue of the approval. There are no issues which might prevent approval from being issued apart from that the retaining wall had already been constructed.

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

- Council does not have the power to issue retrospective approval;
- Council does acknowledge the retaining walls existence;
- Council will take no further action on the matter.

Shed

The shed is compliant with all aspects of the Residential Design Codes and/or Scheme provisions. The Scheme provides that up to 100m² of outbuildings are permitted in the Preston Beach zone. There will not be a reflection problem associated with the shed. A condition on the approval will limit the use of the shed to domestic purposes.

APPENDICES 5 & 6**COUNCIL DECISION****OCM06/007****MOVED: Cr Heath****SECONDED: Cr O'Reilly Carter****That Council resolve:**

- A. To approve the proposed shed on Lot. 283 (No. 67) Panorama Drive, Preston Beach under Town Planning Scheme No. 7 given the following conditions:**
- 1. The outbuilding being used for domestic purposes only;**
 - 2. The outbuilding being setback 1 metre from the adjoining boundaries;**
 - 3. All stormwater being contained on site.**
- B. To advise the applicant with respect to the application to construct a retaining wall on Lot 283 Panorama Drive, Preston Beach, the following:**
- 1. Council does not have the power to issue retrospective Planning Approval to an existing development;**
 - 2. Council does acknowledge the existence of the retaining wall; and**
 - 3. Council will take no further action on the matter.**

CARRIED 8-0

Cr Davis left the Chambers the time being 11.13am
Cr Davis returned to the Chambers the time being 11.14am

9.5.4 REQUEST FOR NEW ROAD TO LOT 467 INVARELL ROAD WAROONA

Officer/Officer's Interest:	Andrew Pawluk - Contract Planner / Nil	
Proponent:	Carol McDonald	
Landowner:	Gregory R McDonald	
Date of Report:	15 December, 2005	File No: 132/3
Previous Reference:	N/A	
Statutory/Policy Implications:	Comply with requirements of Section 56 the Land Administration Act for dedication of a road. The track must be removed from State Forest before the new road reserve can be put in place.	
Strategic Implications:	Nil	
Financial Implications:	Once the road is dedicated, the Shire will be responsible for its ongoing maintenance.	
Voting Requirements	Simple Majority	

Proposal

The owner of Lot 467 Invarell Road has sought Council's support to the creation of a new Road Reserve to provide legal road frontage to Lot 467. The owner has provided a written request to form up to a rural road standard, an existing track from Paganini Road (Option 1) which is currently used to access Lot 467 on its northern boundary. Following initial discussions with the Shire's Planning Officers the proponent has suggested a second option for a new road over another existing track also utilised to gain access to Lot 467, from Invarell Road (Option 2).

An aerial photo showing the alignment of the two options is provided in Appendix 7. The dedication of either of the tracks is sought by the owner in order to formalise legal access to the property.

The proponent has provided the following justification in support of the dedication of either track to a public road:

- ***The Option 1 track is an existing fire control track which is mainly flat and would result in virtually no damage during upgrade or through water run off etc.***
- ***We are prepared to upgrade the either track using locally sourced gravel so as to minimise the risk of dieback spread.***
- ***We would also be prepared to do some rehabilitation in the forest adjacent to the track(s), particularly Option 1 which has been worked over quite severely for timber and gravel which has left the area quite sparse and unattractive.***
- ***Option 2 follows an existing track, is a shorter distance and would result in minimal damage to adjoining state forest during upgrade.***

Background

Lot 467 is landlocked. It has no road frontage or legal access.

The owners advise that for the past 14 years they have been using the subject tracks with (verbal) authorisation from the Department of Conservation and Land Management (CALM).

Community Consultation

Not required.

Officer's Comments

Council is not obliged to provide legal road access to landlocked Lots, however, it should be supportive towards facilitating the provision of legal access to promote maximum usage of the Lot.

The owners have suggested dedicating the existing tracks in order to minimise the need to clear vegetation and trees.

Option 1

The track is approximately 600 metres long. While the proponents have indicated their preparedness to upgrade the track, the responsibility for ongoing maintenance will rest with Council. The dedication of the suggested track is not favoured for the following reasons:

- At 600 metres, the alignment of the track is long and circuitous.
- The existing track is difficult to manoeuvre in a medium/large car and would require considerable upgrading (straightening of tight corners) and the removal of trees and vegetation to meet basic rural standards.
- Given the length and circuitous nature of the track, surveying costs would be considerably high in comparison to Option 2.
- The proposed road will not provide access to any other property apart from Lot 467. There are alternative shorter routes that can provide access to Lot 467.

Option 2

Also proposes to upgrade an existing track, this time from Invarell Road. Option 2 is shown in **Appendix 7**. The track is much shorter than Option 1 and provides a preferred option for the following reasons:

- Option 2 provides a far cheaper option for ongoing maintenance than Option 1.
- The creation of a road reserve directly from Invarell Road provides less of a barrier to the State Forest than Option 1.
- Option 2 provides a shorter, simpler and less obtrusive option to provide access to Lot 467.
- The Shire's Manager of Works and Services has indicated support to Option 2.

Conclusion

It is recommended that Option 2 be supported and recommended to CALM as the preferred route for the creation of a new road. The final alignment should be determined by CALM in association with the land owner and Council's Manager of Works and Services.

APPENDIX 7**COUNCIL DECISION**

OCM06/008

MOVED: Cr Fitzpatrick

SECONDED: Cr Germain

That Council resolve to:

1. To request, pursuant to Clause 56 of the Land Administration Act 1997, that the Minister for Lands dedicate a new road reserve between Invarell Road and Lot 467, generally located in a position as shown as Option 2 on the attached plan (Appendix 7), on an alignment to be agreed by the Department of Conservation and Land Management, the owner of Lot 467 and the Shire of Waroona.
2. Forward a request to the Department of Conservation and Land Management to initiate the process to remove the land required for the proposed road reserve from State Forest, to allow the dedication to proceed.
3. Advise the owner of Lot 467 Invarell Road of resolutions 1 and 2 above, and that they will be responsible for:
 - a. any costs associated with the dedication not borne by the Department of Conservation and Land Management; and
 - b. the cost of physical works of clearing and installation of the road carriageway to a standard required by Council.

CARRIED 8-09.5.5 LOT 25 (No. 11) HOLMES ROAD, LAKE CLIFTON – PROPOSED AQUACULTURE & PUBLIC AMUSEMENT (FROG FARM)

Officer/Officer's Interest:	Mike Critch – Town Planner	
Proponent:	Deirdre L Whiting	
Landowner:	Deirdre L Whiting	
Date of Report:	29 December 2005	File No.:TP900
Previous Reference:	Nil	
Statutory/Policy Implications:	See Heading in Report	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

*In November 2005 Council received an application for Planning Consent for a Frog and Flora and Fauna Rehabilitation Farm at the Lot 25 (No.11) Holmes Road, Lake Clifton. A location plan of the site is enclosed with this report in Appendix 8. The Frog Farm is aimed at re-generating the Western Green Tree Frog (*Litoria Moorei*) species currently on the endangered species list through a breeding program and is the first CALM licenced dedicated Frog Farm in Western Australia.*

A secondary function of the frog farm is educating the community on the importance of frogs in the environment as well as benefits of ecologically friendly gardens. The farm is expected to host Schools, organisations and the general public on tours around the frog enclosure and nature tours for able and disabled. The public will be able to view the enclosure and other facilities at a small entry fee.

The development will consist of a frog enclosure, a shaded area and a limestone carpark, which has already been established by the owners. A location plan and site plan are contained in Appendix 8 to demonstrate the scale and nature of the proposal.

Statutory Implications

The zoning classification for the site is 'Rural 3B – Coastal Highway'. The research of frogs in their habitats and re-generation of frog numbers is considered to be an Aquacultural use. The 'Aquaculture' aspect of the proposal is classified as an (AA) use in the Scheme zoning provisions, ultimately allowing this particular land use to obtain Planning consent.

The purpose of the Frog Farm is to facilitate the amusement or entertainment of the public making it a 'Public Amusement' use under Town Planning Scheme No. 7. 'Public Amusement' is a use not permitted in the 'Rural 3B – Coastal Highway' zone and is defined in the Scheme as "*land and buildings used for the amusement or entertainment of the public, with or without charge*".

According to the provisions of Tables 1 and 2 of the Scheme, the objectives for 'Rural 3B – Coastal Highway' zone is to "*ensure the continuation of appropriate rural activities which are consistent with protection of the coastal environment, the ecology of the Yalgorup National Park, the landscape of the environs of Old Coast Road and the traffic management requirements of that road*".

Council may at its discretion and in accordance with the requirements of its Policy, permit additional uses appropriate to the objective and to the location of the zone including establishment of commercial uses in accordance with the provisions of the zoning tables in Lots in the zone, in accordance to Section 4.4 of the Scheme, and subject to "*satisfactory advice from the Department of Conservation and Land Management and the Environmental Protection Authority, that the proposed use will not impact detrimentally on Yalgorup National Park.*"

The proposal also requires Planning Approval under the Peel Region Scheme as the site abuts Regional Open Space.

Officer's Comments

It is open to Council to approve the breeding of the frogs from the site which is deemed to be 'Aquaculture', an 'AA' use. However having visitors to the site is 'Public Amusement', not a permitted use. The 'Public Amusement' use in this instance is considered to be appropriate given similar activities such as Restaurants and Wineries operating in the surrounding area. The Frog Farm should bring an acceptable amount of visitors from students, tourists and passers by utilising Old Coast Road, having a positive impact on the local economy and will be an engaging feature of the Lake Clifton area. However the development application cannot be dealt with under the current zoning.

It is recommended that Town Planning Scheme No. 7 is amended to include an "Additional Use" for the subject site to accommodate 'Public Amusement' activity. It is recommended that the additional use be considered by the Council for the site, since the scale and nature of the proposal will not have any foreseen impacts on the environment, the ecology and landscape of Yalgorup National Park and neighbouring Regional Open Space and traffic management requirements of Old Coast Road. Neighbouring properties are also unlikely to be impacted since the site abuts Regional Open Space and a Lot containing a single dwelling to the north-west. The distance between the dwelling and the location of the Frog Farm is more than 200m.

APPENDIX 8

COUNCIL DECISION

OCM06/009

MOVED: Cr Walmsley

SECONDED: Cr Davis

- A. That Council resolve with respect to its approval of the Planning Application, dated 21 November 2005, for a Frog Farm on Lot 25 Holmes Road, Lake Clifton, to:**

Defer consideration of the planning application for the Public Amusement until an amendment to the Scheme incorporating the additional use has been finalised.

- B. That Council resolve, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), to initiate Amendment No. 20 to Town Planning Scheme No. 7 as follows:**

- 1. In the Scheme Text inserting the following in the appropriate location in 'Schedule IV – Additional Uses':**

(a) Locality of Zone	(b) Additional Uses
Lot 25 (No. 11) Holmes Road, Lake Clifton	(a) Public Amusement

- 2. On the Scheme Map indicating an additional use on Lot 25 (No.11) Holmes Road, Lake Clifton as depicted on the Scheme Amendment Map.**

- C. That Council advise the proponent of 'A' & 'B' above**
- D. That following advice from the Environmental Protection Agency, Council proceed to advertise the Amendment No. 20 in accordance with the provisions of the Town Planning Regulations 1967 (as amended).**

CARRIED 8-0

9.5.6 LOT 58 (No. 4) TEAKWOOD CLOSE, LAKE CLIFTON – PROPOSED COTTAGE INDUSTRY (TIMBER PREPARATION)

Officer/Officer's Interest:	Mike Critch – Town Planner/ Nil
Proponent:	Michael and Sandra Berwick
Landowner:	Michael and Sandra Berwick
Date of Report: 5 January 2006	TP886
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The proposal is for a variety of cottage industry and minor agriculture uses to be undertaken at Lot 58 (No. 4) Teakwood Close, Lake Clifton. A location plan is contained in Appendix 9. The stated purpose on the application is “Preparing cuttlebone for sale, preparing timber for sale and growing vegetables and avocados”. However the proponents have since advised that the cuttlebone business will not be continued and the growing of vegetables is a permitted use and does not require planning approval.

The applicant seeks permission to commence activities in part of a large shed and other edifices, operating a woodworking machine and bandsaw between the hours of 9am and 4:30pm. Activities are split up onto a timber for sale area (12m²), an area for a bandsaw and thicknesser and dust extraction equipment (15m²), a garaport for airdrying the timber (12m²) and a 20 ft. sea container accommodating 6m² of timber for sale storage. A copy of the site plan is contained in Appendix 10.

While the proponents specify that the maximum area of the ‘Cottage Industry’ will occupy a total of 48m², a site visit revealed there was a considerable amount of floor space being used for timber preparation likely to exceed the 55m² permissible for the land use.

Background

The applicant had already commenced timber and cuttlefish preparation prior to seeking any planning approval, operating mulching and woodworking equipment as well as a diesel operated generator. Once the Council became aware of the activities the applicant then applied for a permit to carry on a Cottage Industry for the purposes of preparing cuttlebone for sale and preparing timber for sale.

Statutory & Policy Implications

The subject site is zoned ‘Rural 6 - Rural Residential’ under *Town Planning Scheme No.7*. The objectives in Section 4.15 of the Scheme permit such uses as rural residential and hobby farms while making provision for retaining the rural landscape and amenity consistent with the orderly and proper planning of such areas. Cottage industry is an (AA) use in the ‘Rural 6 – Rural Residential’ zone, meaning the Council may at its discretion permit this use.

Cottage Industry, as defined by the Scheme text, is an industry which “*produces arts and crafts goods*” which cannot be carried out under the provisions relating to a ‘home occupation’ and that:

- *Does not cause injury to or prejudicially affect the amenity of the neighbourhood including injury, including prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash dust, grit, oil, liquid wastes or waste products.*
- *Does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.*
- *Is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m².*

Community Consultation

The neighbouring owners and occupiers to the site most likely to be affected by the granting of planning consent were notified in writing and were given a period of 21 days to make a submission. Two submissions objecting to the proposal were received. A schedule of the submissions is contained in **Appendix 11**. One respondent was concerned about noise levels and the hours of business specified by the applicant. The second objection also related to the noise levels produced by the woodworking machinery as well as a large diesel generator used to power machinery on site. The second respondent was also concerned about the scale and nature of the proposal, voicing concern towards the operating hours.

Officer's Comments

Objections were mainly on the basis of noise output from the machinery and that the noise levels and operating times were affecting the amenity of the area. These impacts may be able to be resolved through noise attenuation practices and limiting the hours of operation for the diesel generator. The applicant has gone to some effort to minimise the noise impacts caused by the machinery by erecting a limestone wall and limiting activities when neighbours are home.

The diesel generator providing electrical power to woodworking machinery itself is not permitted for “Cottage Industry” uses, as electricity needed is three phase. *Town Planning Scheme No. 7* states that Cottage Industry “*does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located*”. Cottage industries must be of a scale and nature so that it is possible to operate machinery using standard electrical mains.

Cottage Industry is an industry which is meant to produce arts and crafts goods and have little impact to the amenity of neighbourhoods. The outputs from this “Cottage Industry” is prepared timber, cut into various shapes and sizes however, this is neither art nor craft related. Since activities proposed by the applicant do not fit the definition of ‘Cottage Industry’, it is considered that the use is not a ‘Cottage Industry’, but more accurately descriptive of a ‘Light Industry’, a use not permitted in the ‘Rural 6 – Rural Residential’ zone.

Since woodworking equipment relies on an additional power source, this would indicate that the scale and nature of the industry is much more significant than a small scale and relatively low-impact ‘Cottage Industry’. On this basis the application is recommended for refusal.

APPENDICES 9, 10 & 11**COUNCIL DECISION**

OCM06/010

MOVED: Cr Witney

SECONDED: Cr Heath

That Council, with respect to the application for a permit for Cottage Industry (*Preparation of timber for sale*) at Lot 58 (No.4) Teakwood Close, Lake Clifton, refuse the application for the following reasons:

1. The use is not consistent with the definition of a Cottage Industry because it does not involve the making of Arts and Crafts.
2. Activities relating to the application require the use of power greater than normally required in the zone.

CARRIED 8-0

Mr Cleaver left the Chambers the time being 11.39am

Mr Cleaver returned to the Chambers the time being 11.40am

9.6 MANAGER FINANCE & ADMINISTRATION/DEPUTY CEO**9.6.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2005 TO 30 NOVEMBER 2005**

Officer/Officer's Interest:	Chris Smith - Finance Officer / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report: 4 January 2006	File No:	1/1
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
Voting Requirements	Simple Majority	

APPENDIX 12**COUNCIL DECISION**

OCM06/011

MOVED: Cr Germain

SECONDED: Cr Fitzpatrick

That the Monthly Statement of Financial Activity for the period 1 July 2005 to 30 November 2005 (Appendix 12) be received and noted.

CARRIED 8-0

9.6.2 QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2005

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Laurie Tilbrook – Deputy Chief Executive Officer
Landowner:	Shire of Waroona
Date of Report: 3 January 2006	File No.: 1/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

The following information is provided as a result of analysis of the 2005/2006 Adopted Budget as at 31 December 2005.

No areas of major concern in relation to budget expenditure have been identified.

There are however significant areas of under expenditure associated with capital projects. These projects will be analysed during the latter six (6) months of the Financial Year to determine if there is a need for deferments, fund transfers, etc..

1. Operating Statement – Explanation of VariancesTown Planning

Expenditure of \$6,496 (Account No. 2192) associated with recruitment and appointment of Town Planning Officer.

Town Square Project

Receipt of Grant (\$52,380) from Alcoa following successful funding submission by Community Development Officer.

Expenditure of these funds on a Community Arts project associated with the Towns Square Development will require Council approval.

Recreation

Advertising costs are expected to be in excess of Budget due to staff replacement and consultancy appointment advertising.

Community Amenities

Receipt of funding (\$46,184) from Water Corporation.

Expenditure of these funds to construct Public Toilets at Drakesbrook Weir will require Council approval.

Consideration of additional funding for this project will be necessary prior to approval.

Arts & Crafts Centre

Urgent replacement of hot water system unbudgeted expenditure - \$1,319

Governance

Valuation of Council owned land and buildings.

Unfortunately quotes to conduct the valuation are in excess of budget by approximately \$5,000. This is due to the importance of conducting both an insurance and asset valuation concurrently.

It is likely this project will be deferred until later in the Financial Year pending a source of available funding.

2. Statement of Financial Position

Cash position at 31 December 2005

Municipal -	\$1,452,264
Reserve -	\$377,550

Note:

Reserve transactions are not normally conducted until the year end.

Investments

National Australia Bank	\$500,000 due 23.01.06 (Municipal)
National Australia Bank	\$506,768 due 05.03.06 (Municipal)
National Australia Bank	\$508,980 due 24.05.06 (Various Reserves)

Capital Expenditure

There are a number of capital projects/activities which at six (6) months are partly or yet to be commenced.

These will require further assessment at 31 March 2006 to determine any likely effect on the 2005/2006 Budget or implications for the forthcoming 2006/2007 Budget.

Details are as follows:

PROJECT	BUDGET &	ACTUAL \$ 31.12.05	STATUS
Office partitioning	8,500	1,560	Ordered
Install Exchange Server	5,200	5,200	Complete
Construct Carpark – Health Centre	15,594	Nil	Not commenced
Preston Beach Carpark	66,350	58,328	Almost complete
Hamel Eco Precinct	110,000	23,404	Incomplete
Dual use Path Construction	27,500	9,145	Incomplete
Drakesbrook Place – Town Square	379,075	166,508	Incomplete
CBD Component – Town Square	48,000	9,440	Incomplete
Underground Power – Town Square	525,000	4,725	Incomplete
Road Construction Program	561,743	58,523	Incomplete
Purchase Plant (Tractor)	75,000	Nil	Not commenced

Other

Capital projects not included in original 2005/2006 Adopted Budget but subsequently approved by Absolute Majority of the Council:

1. Installation of fencing – Buller Road Refuse Site - \$13,050 – OCM05/115
2. Waterous Road Industrial Estate – connecting services - \$22,805 – includes transfer from Reserve Account – SCM05/173

<p><u>COUNCIL DECISION</u> OCM06/012 MOVED: Cr Heath SECONDED: Cr Witney</p> <p>That the Quarterly Financial Report for the period ending 31 December 2005 be received.</p> <p style="text-align: right;"><u>CARRIED 8-0</u></p>
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9.6.3 ACCOUNTS FOR PAYMENT

Officer/Officer's Interest:	Chris Smith - Finance Officer	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:	4 January 2006	File No: 1/3
Previous Reference:	N/A	
Statutory/Policy Implications:	N/A	
Strategic Implications:	N/A	
Financial Implications:	N/A	
Voting Requirements	Simple Majority	

APPENDIX 13

<p><u>COUNCIL DECISION</u> OCM06/013 MOVED: Cr Walmsley SECONDED: Cr Fitzpatrick</p> <p>That Vouchers numbered: -</p>			
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal Trust	3627-3771 10823	349,455.37 115.00	349,455.37 115.00
Electronic Transfers	EFT3148-3313	254,686.81	254,686.81
Direct Wages	28.11.05 14.12.05 22.12.05	47,044.40 48,080.80 52,995.94	
		TOTAL:	148,121.14 <u>\$752,378.32</u>
and attached at Appendix 13 be endorsed.			<u>CARRIED 8-0</u>

9.6.4 RATES – WRITE OFF

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 4 January 2006	File No.:86/1
Previous Reference:	Nil
Statutory/Policy Implications:	An Absolute Majority decision of the Council is required to approve the Write Off
Strategic Implications:	Nil
Financial Implications:	The amount of \$1,649 is a loss of revenue. This amount is offset by the issue of Interim Rates and will be absorbed into overall rating in subsequent financial years.
Voting Requirements	Absolute Majority

Proposal

The Council is requested to approve a Rate Write Off of \$1,649.22 in relation to Rate Assessment A2906 owned by Western Power.

Background

The property at Lot 218 Armstrong Hills Drive, Lake Clifton was originally rated in the name of Morillah Pty. Ltd. (R. Armstrong) at the time of subdivision. However it has been subsequently revealed that as a condition of subdivision the Lot was in fact a pad mount owned by Western Power which was to be non-rateable.

A Title Search has revealed that only one parcel of land exists and that the above information is correct.

As a result it is necessary in accordance with 6.12(1)(c) of the Local Government Act 1995 for the Council to approve correction of the error by way of write off.

Community Consultation

N/A

Officer's Comments

Nil

COUNCIL DECISION

OCM06/014

MOVED: Cr Fitzpatrick

SECONDED: Cr Germain

That the Council approve a Write Off of Rates totalling \$1,649.22 in respect to Assessment A2906 for the 2005/2006 Financial Year.

CARRIED BY ABSOLUTE MAJORITY 8-0

Cr Heath declared a proximity interest in the following Item 9.6.5 as he owns property bordering the Preston Beach Golf Club and left the Chambers the time being 11.45am

9.6.5 PRESTON BEACH GOLF CLUB – LEASE RENEWAL

Officer/Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil	
Proponent:	Preston Beach Golf Club	
Landowner:	Shire of Waroona	
Date of Report:	4 January 2006	File No.:66/2
Previous Reference:	Nil	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Simple Majority	

Proposal

The Lease Agreement between the Council and the Preston Beach Golf Club (Inc.) for use of freehold land Lot 360 (Wellington Location 1321) is proposed for renewal.

Background

The format of the draft Lease Agreement has been prepared similar to that of the Waroona Golf Club Lease Agreement wherever possible. This includes a proposal to renew the Lease for twenty (20) years at an annual (commencement) rental of Two Hundred and Fifty Dollars (\$250) – (half that of Waroona Golf Club).

In addition the requirement to prepare a Forward Management Plan (Clause 3.1) is also consistent with that of the Waroona Golf Club.

Of particular note however is Clause 2.18 which provides for an excise of land to construct the proposed new Community facility.

A copy of the proposed Lease Agreement is attached at **Appendix 14**.

Community Consultation

Nil

Officer's Comments

Following distribution of the Lease Agreement the Deputy CEO has met with both the Club President and the Committee to discuss various issues that required further explanation.

Subsequent to these meetings advice has been received from the Club President that the Committee has agreed to endorse the Lease Agreement in its presented format.

APPENDIX 14**COUNCIL DECISION**

OCM06/015

MOVED: Cr Germain

SECONDED: Cr Witney

1. That the draft Lease Agreement renewal between the Council and the Preston Beach Golf Club (Inc) be approved subject to:
 - a. The term of the Lease be twenty (20) years (01.07.2005 to 30.06.2025);
 - b. The rental to be Two hundred and fifty dollars (\$250) per annum to be renewed (but not necessarily increased) every two (2) years;
 - c. The requirement to prepare a formal Management Plan within six (6) months of signing of the Lease Agreement;
 - d. The inclusion of Clause 2.18 to allow excise of a portion of land to construct future Community facilities.
2. Authority be granted for the signing and sealing of the Lease Agreement.

CARRIED 7-0

Cr Heath returned to the Meeting and the Chambers the time being 11.47am

9.7 CHIEF EXECUTIVE OFFICER**9.7.1 APPOINTMENT OF CONSULTANTS TO REVIEW WAROONA RECREATION & AQUATIC CENTRE**

Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 22 December 2005	File No: 173/1 & 126/2
Previous Reference:	Special Council Meeting 13 December 2005
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Recommendation to alter the 2005/06 budget and utilise Reserve Funds
Voting Requirements	Absolute Majority to amend the Budget

Proposal

To consider appointing a suitable consultant to undertake a review of the operations of the Waroona Recreation and Aquatic Centre (WRAC).

Background

This matter was previously referred to a Special Council meeting on 13 December 2005. Although the vote showed a majority of Councillors in favour of the motion, it was lost as it did not achieve the required absolute majority. The matter is presented to this meeting for reconsideration.

Following the recent resignation of a Duty Manager at the WRAC the Recreation Advisory Committee and the Council has expressed an interest in undertaking a review of the overall operations of the WRAC prior to filling the position. The key areas of the review will address - *management and staff practices; operation of the kiosk; review of information technology system; forward planning, sponsorship & fees structure for the Centre and current usage of the Centre and how the service can be better offered to the public.*

The review is intended to establish the strengths and weaknesses of the Centre and provide Council with a Management Structure Plan that will meet the current and future needs of the Centre and community.

A Report was provided under separate cover to the December Special meeting detailing an analysis of the submissions by potential Consultants.

Officer's Comments

It is recommended that Council proceed with the review.

Community Consultation

To be undertaken as part of the review.

COUNCIL DECISION

OCM06/016

MOVED: Cr Walmsley

SECONDED: Cr Davis

That Council:

- a. **accepts the quotation from YMCA Perth at the quoted price of Six thousand two hundred and seventy three dollars (\$6,273) exclusive of GST, to undertake a review of operations of the Waroona Recreation and Aquatic Centre.**
- b. **amend the 2005/2006 Budget by allocating Six thousand two hundred and seventy three dollars (\$6,273) from the Sporting Reserve account to fund the review of operations of the Waroona Recreation and Aquatic Centre.**

CARRIED BY ABSOLUTE MAJORITY 6-2

9.7.2 UPGRADE OF DRAKESBROOK WEIR TOILETS

Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Proponent:	Water Corporation
Landowner:	Shire of Waroona
Date of Report: 19.12.2005	File No: 49/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil – amendment to current budget required to undertake the project. Funding of \$46184.70 to be provided by Water Corporation.
Voting Requirements	Absolute Majority to amend the Budget

Proposal

That the Manager of Environment Health & Building Services (MEHBS), in consultation with Water Corporation, be authorised to authorise the upgrade of the Drakesbrook Weir toilet block up to the amount of \$46,184.70 contributed by Water Corporation. The design and finish of the project to be as specified by plans to the satisfaction of the MEHBS in accordance with the principal of best value project for the available funds.

Background

Water Corporation previously agreed to provide the Shire with the amount of \$46,184.70 to construct a new toilet block at the Drakesbrook Weir during the Samson Brook water supply upgrade. This agreement was reached in 2003/04, however, funding has been delayed by Water Corporation and the costs have now escalated. A new block would be in the vicinity of \$80,000.

The MEHBS is confident that the funds provided by Water Corp could be satisfactorily utilised to renovate the current building, as it has been assessed as structurally sound and a practical structure for renovation.

Officer's Comments

It is recommended that this project proceed immediately to lessen the likelihood of further cost increases.

Community Consultation

Consultation has previously been undertaken with the Waroona Lions Club over overall upgrade plans for the Weir which included a new toilet block close to the existing facilities. The Club has agreed to the refurbishment of the existing facility.

COUNCIL DECISION

OCM06/017

MOVED: Cr Fitzpatrick

SECONDED: Cr Germain

That Council:

- a) amend the 2005/2006 Budget to include the renovation of the Drakesbrook Weir toilet block up to an amount of \$46,184.70 with matching income of \$46,184.70 being provided by the Water Corporation.
- b) authorises the Manager of Environment Health & Building Services (MEHBS), in consultation with Water Corporation, to manage the upgrade of the Drakesbrook Weir toilet block, with the design and finish of the project to be as specified by plans to the satisfaction of the MEHBS in accordance with the principal of best value project for the available funds.

CARRIED BY ABSOLUTE MAJORITY 8-09.7.3 **PRESTON BEACH COMMUNITY CENTRE**

Officer/Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Proponent:	Preston Beach Progress Association Inc
Landowner:	Shire of Waroona
Date of Report: 15.12.2005	File No: 44/11
Previous Reference:	Item 10.5.3 Nov 04 OCM04/175
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Included in the Shire's Financial Activity Plan in 2007-2008
Voting Requirements	Simple Majority

Proposal

The Preston Beach Progress Association request Council to form a committee to progress the construction of the proposed Preston Beach Community Centre, suggesting representation from the Shire, Preston Beach Progress Association, Preston Beach Golf Club and members of the community.

Background

In 2004 Council commissioned the *Preston Beach Community Facilities Master Plan Study* which was accepted in November 2004 and support in principle given to construct the Centre and consideration of a timeframe for construction of 2007/08, subject to receiving grant funding, and that Council would continue to negotiate with the developers of Preston Beach North for the developers to commit to a financial contribution towards the project. Council's motion also included – that the Council wait to assess the shortfall of grant funding, other funds secured and reserve account allocations before rationalising any assets.

At the present time the Preston Beach North development has not proceeded to the point of Council being able to secure any firm financial commitment to the project or expected timeframe for the development to proceed, hence matching grant funding cannot be secured.

Further reading on this matter can be obtained from the November 2004 Council Meeting Minutes.

Council's Financial Activity Plan 2005-2009 includes the possibility of constructing a community centre at Preston Beach in 2007-2008 with a project cost of \$880,000 – subject to the following income to support the project:

\$430,000	contribution from external sources (property developer)
\$370,000	grants funding possibly from Federal Regional Partnership grants and State Department of Sport and Recreation
\$80,000	Council funds

Clearly, without the contributions from the external sources and grant funding the project cannot proceed without Council identifying other significant sources of income. If Council was to consider significantly increasing its funding contribution to the project this would need to be considered by reviewing other future budgetary priorities.

In view of the delay in the development of Preston Beach North it is likely Council will need to review its Financial Activity Plan during the next review cycle and re-assess the timeframe of the project.

Shire staff are cognisant of government funding round schedules and will submit the appropriate applications when required, however at this point there would seem little purpose in Council involvement on a committee to progress the project.

Community Consultation

Community consultation has been undertaken to develop the *Preston Beach Community Facilities Master Plan Study*. No further consultation is considered necessary at this stage.

Officer's Comments

In deciding whether or not to instigate the formation of another committee, Council needs be mindful of what purpose the committee will serve and what can be achieved prior to funding commitments being secured, given that public consultation and plans for the facility have already been completed. As well, Council needs to consider the considerable number of committees Councillors and Staff are already representative on.

COUNCIL DECISION

OCM06/018

MOVED: Cr Witney

SECONDED: Cr O'Reilly Carter

- a. That Council advise the Preston Beach Progress Association of its decision not to form a Shire based committee to commence the building of the proposed multi-purpose community facility for Preston Beach until such time as funding has been secured and the Council has formally committed to the project and established a time-frame for construction.
- b. The Committee also be advised that Council does not oppose the Preston Beach Progress Association forming its own committee to progress matters relating to the project which may include fund raising and engaging further community support for the project.

CARRIED 8-0

9.7.4 ILLEGAL CLEARING OF SHIRE LAND – BOUVARD PLACE, PRESTON BEACH

See Page 9 for this Item.

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

Nil

Mr Curley left the Chambers the time being 12.11pm

Mr Curley returned to the Chambers the time being 12.13pm

11.1 ELECTED MEMBERS

11.1.2 PRESTON BEACH DEVELOPMENT – LOT 501 MITCHELL STREET
(File TP880)

Prior to discussions on Item 11.1.2 Cr Dew declared a Financial Interest as a closely associated person is an employee of the Developer, and left the Meeting and the Chambers the time being 12.27pm and the Deputy Shire President Cr Germain assumed the Chair.

The CEO outlined details of an email received from the Developers of the current caravan park, requesting Council's comment on the possibility of locating the tennis court, proposed for inside the development area, to be located on Shire land adjacent to the development where the proposed playground equipment is to be located. The Council, unanimously, advised the CEO they would be unlikely to approve the proposal to locate the tennis court on the Shire's land.

Cr Dew returned to the Chambers and resumed the Chair the time being 12.34pm.

11.2 OFFICERS

11.2.1 SHIRE SUSTAINABILITY FUND – ALCOA
(File 7/2)

COUNCIL DECISION

OCM06/019

MOVED: Cr Fitzpatrick

SECONDED: Cr Davis

That Council respond to Alcoa's concept for a Shire Sustainability Fund advising it is in agreement with the concept of the fund, subject to the following conditions:

- 1. That a sustainability fund be established singularly for the use and purposes within the Shire of Waroona;**
- 2. A minimum funding of Four hundred thousand dollars (\$400,000) per annum be provided and indexed in-line with Wagerup 3 production levels;**

3. The current annual One hundred thousand dollars (\$100,000) per annum ex gratia payment to remain and be provided outside of the established Fund;
4. There be no alteration to the amount provided, or structure of the Fund, should Alcoa be required to pay rates due to a variation to the State Agreement;
5. Council advises of its preparedness to relinquish the annual One hundred thousand dollars (\$100,000) per annum ex gratia payment (detailed in Clause 3), should Alcoa's rates be increased by variation to the State Agreement (detailed in Clause 4), beyond the current ex gratia \$100,000 per annum.

CARRIED 8-0

11.2.2 PREMIER'S AUSTRALIA DAY AWARDS

(File No. 12/1)

COUNCIL DECISION

OCM06/020

MOVED: Cr Germain

SECONDED: Cr Walmsley

That the meeting be closed to members of the public at this point the time being 1.03pm to allow Council to consider nominations for the Premier's Australia Day Active Citizenship Awards.

CARRIED 8-0

COUNCIL DECISION

OCM06/021

MOVED: Cr Germain

SECONDED: Cr Fitzpatrick

That Council accept the nomination of Dr Geok Ong for the 2006 Premier's Australia Day Active Citizenship Award for a person of 25 years or older.

CARRIED 8-0

COUNCIL DECISION

OCM06/022

MOVED: Cr Walmsley

SECONDED: Cr Davis

That the Meeting proceed in public the time being 1.08pm

CARRIED 8-0

12. CLOSURE OF MEETING

There being no further business the Chairperson closed the Meeting the time being 1.09pm

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

**NOEL HJ DEW
PRESIDING MEMBER**

**28 FEBRUARY 2006
DATE**