



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 24 APRIL 2007

Held at the Lake Clifton/Herron Community Centre

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the meeting open at 10.05am and welcomed Councillors, Staff, and Members of the Public to Council's first meeting at the Lake Clifton/Herron Community Centre and thanked the Lake Clifton Community in making us welcome.

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

APOLOGIES

Cr P Fitzpatrick	East Ward
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There were 6 Members of the Public present.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil

4.2 PUBLIC STATEMENTS

Nil

5. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Dew declared a Financial Interest in Item 9.3.9
Cr Walmsley declared a Proximity Interest in Item 9.5.2

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mrs Kate Robinson a long time resident of Lake Clifton addressed Council on her concerns with the trees dying on Old Bunbury Road and she also stated that her observation is that 50% of the Sheoaks and Banksias are also dying.

Mrs Robinson also expressed concern over the low rainfall affecting the level of the Lake system.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING – 27.03.07****COUNCIL DECISION**

OCM07/056

MOVED: Cr Witney

SECONDED: Cr Germain

That the Minutes of the Ordinary Council Meeting held 27 March 2007, be confirmed as being a true and correct record of proceedings.

CARRIED 6-0

9. REPORTS OF OFFICERS AND COMMITTEES**9.1 MANAGER WORKS & SERVICES**

Nil

9.2 DIRECTOR COMMUNITY SERVICES

9.2.1 TENDER – MEMORIAL HALL AMENITIES UPGRADE

Reporting Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil	
Responsible Officer / Officer's Interest:	Steve Cleaver - Director Community Services / Nil	
Proponent:	Shire of Waroona	
Landowner:	Shire of Waroona	
Date of Report: 19 April 2007		File No: 44/5
Previous Reference:	OCM07/005	
Statutory/Policy Implications:	Local Government (Functions and General) Regulations 1996	
Strategic Implications:	Upgrading of Shires built environment	
Financial Implications:	In Budget	
Voting Requirements	Simple majority	

Proposal

To accept a tender from CPD group of \$259,796 for refurbishment of the town hall amenities building.

Background

At the Ordinary Council meeting of 9 January 2007 Council resolved:

“That Council resolves, with respect to the \$1 Million received from the State Government through the Pinjarra-Brunswick Sustainability Strategy, to implement the following components of the Waroona Town Centre Redevelopment in the 2006/2007 financial year and to vary the Shire’s Budget accordingly:

- A. *That the Memorial Hall Amenities upgrade proceeds to tender based on the Scope of Works and Plan contained in Appendix 3 and that a variation from the adopted Budget is approved for Account 123940 by increasing the expenditure from \$75,000 to \$302,000.*
- B. *That the implementation of Underground Power – Stage 2, including the reconnection of Lots 61 & 500 South Western Highway, be commenced and that a variation from the adopted Budget is approved for Account 177240 by increasing the expenditure from \$825,600 to \$931,600 (including the Stage 1 underground power project).*
- C. *That the implementation of the Drakesbrook Place Vehicular and Pedestrian Access works be commenced and that a variation from the adopted Budget is approved for Account 177040 by increasing the expenditure from \$70,000 to \$91,000.”*

Community Consultation

Junior football club, Agriculture Society, Senior Football Club

Officer's Comments

The tender brief was circulated to all users with no objections being received. Minor amendments were included as requested by the junior football Club.

The tender was the advertised state-wide and at the close of tender two tenders were received.

Tenderer	Price ex gst
Don Gavin Homes	\$315 514.54
Cpd Group Pty Ltd	\$259,796.00

Cpd Group is known to the Shire having completed the Drakesbrook Weir refurbishment and the office internal refurbishment in 2006. In addition, as the price offered by the CPD group is the lowest it is recommended that they are the successful applicant.

It is further recommended that the project be project managed by JDI group Pty Ltd who have quoted \$21779.6 to oversee the project. It is preferable that Gareth Lindeggar from the JDI continue managing the project as he has undertaken designs, brief preparation, tender preparation and site meetings. Use of a project manager will result in a higher quality of work and finish. The project will be under the budgeted amount of \$302,000.

Discussions with Mr Lindeggar on Thursday 19 April 2007 revealed that the team that will undertake this project will be different from the tradesmen that have completed the other two Shire projects.

COUNCIL DECISION

OCM07/57

MOVED: Cr Davis

SECONDED: Cr Walmsley

- 1. That the CPD Group be awarded the tender for refurbishment of the Town Hall amenities building at a cost of \$259796.00 ex GST.**
- 2. That JDI group project manage the refurbishment at a cost of \$21779.6 ex GST.**

CARRIED 6-0

9.3 DIRECTOR STRATEGIC DEVELOPMENT

9.3.1 LOT 702 HESSE STREET, WAROONA – PROPOSED SURVEY STRATA (WAPC REF: 181-07)

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning & Development Services / Nil
Proponent:	PJ Neale Surveys
Landowner:	Dale & Dorothy James
Date of Report: 16 th April 2007	File No: ST181-07
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

A referral of application for survey strata (subdivision) was received by Council in February 2007. The proposal seeks to create seven (7) Lots at Lot 702 Hesse Street, Waroona. The proposed survey strata includes common property to create internal access for two (2) of the proposed lots.

Lots range in size between 254m² and 344m² averaging and common property occupies an area of 165m².

A location plan and a copy of the proposed subdivision are contained in Appendix I.

Background

The subject site is currently zoned 'Urban 4 – Residential' under Town Planning Scheme No. 7. The objectives for the zone are to ensure that the residential areas of the Waroona Townsite develop in a manner which will provide adequately for the variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resourced and a high level of urban amenity.

Under the R-Codes, the minimum lot size for R30 Coded land is 270m² and the average 300m². The proposal seeks to establish two (2) Lots (Lot 6 & 7) which are 254m² and 269m² in area, less than the minimum of 270m² requirements. While this may not be a significant issue in itself, the proposed shapes of Lots 6 & 7 are highly irregular and may constrain residential development in light of requirements of the R-Codes.

The proposal was discussed with an officer at the Department of Planning and Infrastructure (WAPC) on 2nd April 2007 who agreed that the shapes of both lots, in particular Lot 7, were very peculiar and restrictive.

Community Consultation

No consultation was deemed necessary for the proposal nor was any undertaken.

Statutory Implications

Section 4.8.2 of the Scheme outlines Council's position towards special applications of the R-Codes. Council may exercise its discretion to permit grouped dwellings in the zone by taking into account the effect of such development on existing housing, the effect of traffic on the street system and the amenity of the area generally.

Council's policies aim to protect by appropriate zoning, land considered to be adequate and suitable for Waroona's anticipated residential needs. Part 4.8.2(a) of the Scheme states that where a site can be connected to a reticulated sewerage and drainage system, development of attached and grouped dwellings may be approved to the standards of the R30 Residential Design Code (R-Codes). The site is on deep sewerage and can be connected to the Shire drainage system.

In exercising its powers to permit variation of the standards of the R-Codes applicable to a development, Council will ensure that the streetscape is not detrimentally affected and the privacy of adjoining dwellings is not adversely affected. Adequate private open space and landscaping should also be provided at a suitable standard. Such matters are to be taken into account in considering a proposal based on its merits.

Officer's Comments

The Survey Strata relates to a Development Application (TP1037) for seven (7) grouped dwellings received by Council on the 23rd February 2007. The applicant of this proposal has demonstrated that it is possible to accommodate dwellings on each strata lot, however there are discrepancies in size between the proposed grouped dwellings and the Survey Strata application. The outcomes of Council's decision will have an impact on the nature of the proposed grouped dwelling.

While it may be possible to accommodate a dwelling on Lots 6 & 7, the shapes are highly peculiar and will limit future development in accordance with the R-Codes. While there is some provision for Council to approve variations to the minimum site area for Grouped Dwellings under the Codes, this should only be applied where the parent lot presents unusual characteristics in shape and size which would otherwise prevent regular shaped survey strata lots.

Lot 702 is a regular rectilinear shaped lot with two street frontages along both Hesse Street and Iseppi Street. Surrounding built form is relatively low density in nature with predominantly one storey, single dwellings in the vicinity. The proposed unusual shapes of Lot 6 & 7 and variation to the minimum site area required do not overcome special or unusual limitations to the parent lot, nor seeks to achieve any specific objectives of Town Planning Scheme No. 7. There are no comprehensible reasons for having lots of irregular shape other than to maximise the development potential of Lot 702.

A more practical scenario would be to reduce the proposed number of Lots to six (6), and create more uniform, rectilinear shaped lots. This will also allow all six (6) Lots to successfully meet the requirements of the R-Codes for R30 developments in the future. This situation was discussed with the DPI officer where it was agreed to be the best outcome given Council objectives and surrounding urban fabric.

It is therefore recommended that Council refuse the Survey Strata proposal on the basis that a proposal of this nature would encourage undesirable irregular shaped Lots and defy the objectives of Town Planning Scheme No. 7. It would also be erroneous to begin an unwanted precedent of undersized lots without sound justification.

APPENDIX 1

COUNCIL DECISION

OCM07/058

MOVED: Cr Davis

SECONDED: Cr Germain

That Council resolve with respect to the application to subdivide Lot 702 Hesse Street, Waroona (WAPC Ref: 181-07) to advise the Western Australian Planning Commission that it does not support the application for the following reasons:

- 1. The proposal is contradictory to Town Planning Scheme No. 7 in that the proposal will encourage development of housing of different type and form as land in the vicinity. In exercising its discretion to permit grouped housing Council will have regard to the effect of such development on existing housing and the amenity of the area generally.**
- 2. Given the R30 coding classification of the site, the shape and layout of the proposed lots (namely 6 & 7) makes residential development under the R-Codes of Western Australia prohibitive.**
- 3. Given the R30 coding classification of the site, lots 6 & 7 fail to meet the minimum site area required under the R-Codes of Western Australia.**

CARRIED 6-0

9.3.2 **LOT 1 THATCHER STREET – SUBDIVISION - CASH-IN-LIEU PAYMENT FOR PUBLIC OPEN SPACE**

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services / Nil
Proponent:	Rasim Karafil
Landowner:	Trioplex Holdings
Date of Report: 13 th April 2007	File No: ST909-06
Previous Reference:	OCM 06/162
Statutory/Policy Implications:	Council Policy 2.45 Cash-in-Lieu Payments
Strategic Implications:	Nil
Financial Implications:	\$30,000 cash-in-lieu contribution received.
Voting Requirements	Simple Majority

Proposal

To return to the Subdivider of Lot 1 Thatcher Street, Waroona (WAPC Ref: 909-06) an amount of 50% of the required cash-in-lieu contribution for public open space in accordance with Council Policy 2.45.

A copy of a Site Plan and Survey Strata is contained as Appendix 2.

Background

At the Ordinary Council Meeting on 22 August 2006, Council resolved to adopt Policy 2.45 to create a mechanism for Council to consider giving subdivision incentives to subdividers where the Western Australian Planning Commission allows a cash-in-lieu contribution for public open space to be provided.

Community Consultation

Community consultation was not required nor was any undertaken.

Officer's Comments

The Survey Strata is to create five (5) Lots within the Waroona townsite, which accords with the Policy parameter of five (5) Lots or less and an amount of \$30,000 has been received by Council from the subdivider as the cash-in-lieu contribution for public open space. The open space area has been determined by the Western Australian Planning Commission as being 208.8m². A report was received from Valuation Partners (WA) Pty Ltd, a licensed valuer company that valued the 208.8m² area of open space at \$30,000 as per market value.

On the basis that the proposal accords with Council's new Policy on Open Space, it is recommended that an amount of \$15,000 (50%) be paid to the subdivider as a subdivision incentive.

APPENDIX 2**COUNCIL DECISION****OCM07/059****MOVED: Cr O'Reilly Carter****SECONDED: Cr Walmsley**

That Council resolves to return to the subdivider of Lot 1 Thatcher Street, Waroona an amount of \$15,000 as a subdivision incentive in accordance with Council Policy 2.45.

VOTE 3-3

The Shire President used his Casting Vote in favour of the Decision

CARRIED 4-3

9.3.3 LOT 118 (NO. 21) JACKSON STREET, WAROONA – PROPOSED RELOCATED DWELLING

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services / Nil
Proponent:	Peter Ferrari
Landowner:	Peter Ferrari
Date of Report: 16 th April 2007	File No: TP1053
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

An application for a relocated dwelling at Lot 118 (No. 21) Jackson Street, Waroona was received by Council on 5th April 2007. The proponent seeks approval to relocate the residence from across the street (Lot 20 Jackson Street) and restore it to a good condition.

A site plan and details of the proposed residence is contained as Appendix 3.

Statutory/Policy Implications

The subject site is zoned 'Urban 4 – Residential' under Town Planning Scheme No.7.

Relocated dwelling applications are subject to Planning and Development Policy No. 9 – 'Relocated Dwellings'. The objective of Planning Policy No. 9 for relocated dwellings is to ensure the style, materials, condition and design of the dwelling is in keeping with the character of the rural areas within which the dwelling is to be sited and to prevent their location in the townsites.

Council will not approve relocated dwellings within the boundaries of any gazetted townsite.

Council will be aware that Clause 2.4.3 of Town Planning Scheme No. 7 specifically states that a Town Planning Scheme Policy does not bind the Council in respect of any application, so in the event that Council wishes to approve a relocated dwelling within a townsite, the mechanism exists to do so.

Community Consultation

No community consultation is required, nor has any been undertaken.

Officer's Comments

Prior to the house being relocated the existing asbestos roof will be replaced with corrugated sheeting. The asbestos on the outside walls will be reclad with weather-board and once relocated the house will be fitted with insulation on the walls and ceilings. The proposal also includes front and rear verandas and a carport.

The relocated dwelling is to be located in the Waroona townsite and therefore contradicts new changes to Planning Policy 9.0. Council has previously refused relocated dwellings in the townsite since the changes to Planning Policy 9.0. For this reason it is recommended that the proposal be refused on the basis that it is located in a gazetted townsite.

Council is advised that the application for a relocated house (the first application after Planning Policy 9.0 was adopted) that was refused at the February Council meeting has been appealed to the State Administrative Tribunal and is set down for hearing in early June. Council may wish to defer considering this application until this appeal has been determined.

APPENDIX 3

COUNCIL DECISION

OCM07/060

MOVED: Cr Germain

SECONDED: Cr Witney

Council's Planning Consent to the proposed development, described on the application dated 5th April 2007 and the accompanying plans for a relocated dwelling located at Lot 118 (No. 21) Jackson Street, Waroona is recommended to be refused for the following reasons:

- 1. The subject site for the proposed relocated dwelling lies in the Gazetted Townsite of Waroona and therefore contradicts Planning and Development Services Policy 9.0 – 'Relocated Dwellings'; and**
- 2. Approval of the dwelling would create an undesirable precedent for relocated dwellings in the townsites.**

CARRIED 6-0

Cr Walmsley left the room the time being 10.44am

COUNCIL DECISION

OCM07/061

MOVED: Cr Davis

SECONDED: Cr Witney

That the order of business be changed to deal with Item 9.3.6 as a member of the public was present specifically for this Item.

CARRIED 5-0

Cr Walmsley returned to the room the time being 10.46am

9.3.6 RECONSIDERATION OF SUBDIVISION – LOT 1 WOODLEY HEIGHTS WAROONA

Reporting Officer / Officer's Interest:	Ross Davidson, Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson, Manager Planning and Development Services / Nil
Proponent:	R I T McEwen
Landowner:	Compucutt Pty Ltd
Date of Report: 17 April 2007	File No: SD 130876
Previous Reference:	OCM 07/022
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Absolute Majority

Proposal

Reconsideration of Council's recommendation to the Western Australian Planning Commission (WAPC) not to support the proposed subdivision of Lot 1 Woodley Heights, Waroona.

Background

At the Ordinary Council meeting on 23 May 2006, Council resolved not to support the proposed subdivision of Lot 1 Woodley Heights into three (3) lots with an average size of 4.4ha for the following reasons.

- 1. The proposal is not consistent with the adopted Subdivision Guide Plan for the Woodley Heights Estate.*
- 2. In the absence of a geotechnical report, the Shire is not supportive of the creation of additional lots in close proximity to a known landslip area.*

The WAPC, in determining the application, supported Council's views and refused the application. Subsequently the applicant sought a reconsideration of the decision and submitted a geotechnical report.

When the matter was referred to Council for comment there was concern that the access leg to proposed lot 2 was still very much affecting the unstable area, however the proposed location of the 3 building envelopes was sufficiently far from it and supported by the geotechnical report.

As a consequence a number of site inspections were held with the landowner and representatives of the Shire and the WAPC and the plan amended to reflect those discussions. The amended plan is copied at **Appendix 9** and a copy of the relevant portions of the geotechnical report is at **Appendix 10**.

At the Ordinary Council meeting on 27 February 2007 Council resolved that prior to further reconsidering the proposal the proponent be requested to provide a peer review of the geotechnical report and a Drainage Management Plan. A copy of the peer review and the Drainage Management Plan is at **Appendix 11**.

Community Consultation

No community consultation is required by this application.

Officer's Comments

Examination of Town Planning Scheme No. 7, Schedule II – Rural Residential Codes indicates that while the subdivision of the subject land shall generally be in accordance with the approved Subdivision and Guide Plan, the Commission may approve a variation. The non-compliance of this proposal with the guide plan therefore may not be a significant impediment to subdivision.

At the various site meetings referred to above, the issues relating to the known instability of portion of the subject property were thoroughly worked through. The geotechnical report highlighted the problems and in part offered solutions. Because the unstable area is both confined and the boundaries well established, if the number of lots together with development of dwellings and access to them can be controlled, it will be possible to avoid any undesirable impact on either dwelling or the land.

Council will note that firstly only three (3) lots are proposed, which opens up the possibility of selecting a site for dwellings as far away from the landslip area as possible. Secondly, each lot is to contain a building envelope and the location of these building envelopes has been established by reference to the geotechnical report as part of which test pits were dug within the area of the proposed envelopes. Finally, the access leg to proposed Lot 2 has been realigned to a position upslope and as far away from the slip as possible.

Discussion with the representative of the WAPC at a recent site meeting indicated that the Commission would, with sufficient justification, be likely to support Council conditions to include identified building envelopes, the construction of the accessway to Lot 2 to the specification and satisfaction of Council and revegetation of the upper area of the slip. In connection with the construction of the access leg it should be noted that the Special Provisions for this land specifically require that private access from Woodley Heights to proposed building envelopes must be approved by Council in terms of both location and method of construction.

A condition requiring the identification of building envelopes is recommended and further, it is recommended that these be located in the vicinity of the test pits shown on the plan attached to the geotechnical report. This will ensure that all development is located as far as possible from any areas of instability and where building data for footings and effluent disposal systems has been established through the geotechnical report.

The Drainage Management Plan furnished by the consulting engineers indicates that the method of water disposal for the access leg to proposed Lot 2 will employ a cambered surface that discharges any water into a swale to be constructed on one side of the access leg and that this swale drain will have a number of offshoot drains at regular intervals. This method will capture most of the water and distribute it across the natural ground surface in a controlled manner, replicating natural run-off and slowing the velocity of the collected water from the hard surface of the road.

The applicant has responded to the concerns raised by Council and the WAPC over this proposal and while it would have been desirable to have had a geotechnical report sooner rather than later to address those concerns, it is possible for Council now to give conditional support to the modified proposal.

APPENDICES 9, 10, & 11

COUNCIL DECISION

OCM07/062

MOVED: Cr Walmsley

SECONDED: Cr Davis

That Council advises the Western Australian Planning Commission that it supports the modified subdivision of Lot 1 Woodley Heights Waroona into three lots, subject to the following conditions:

- 1. No lot being less than 4ha in area;**
- 2. Prior to the commencement of site works, a detailed plan identifying building envelopes, *in accordance with the GEO Technical Report submitted by the applicant*, on all lots on the approved plan is to be prepared by the subdivider to the satisfaction of the Shire of Waroona;**
- 3. The proposed battleaxe accessway being constructed and drained at the applicant's cost to the specification of the Shire of Waroona;**
- 4. Arrangements being made by the subdivider for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision to the satisfaction of the Shire of Waroona;**

- | |
|---|
| <p>5. The subdivider preparing and implementing a vegetation management plan for proposed Lot 1 on the approved plan to the specification and satisfaction of the Shire of Waroona;</p> <p>6. The subdivider making arrangements to the satisfaction of the Shire of Waroona to ensure that prospective purchasers of the lots are advised of those provisions of the Shire of Waroona Town Planning Scheme relating to the use and management of the land;</p> <p>7. A new guide plan being prepared, <i>including requirements for alternative treatment units</i>, to reflect the proposed subdivision of Lot 1; and</p> <p>8. The approved Fire Management plan being amended to the satisfaction of the Shire of Waroona to incorporate the additional proposed lots.</p> <p style="text-align: right;"><u>CARRIED BY ABSOLUTE MAJORITY 6-0</u></p> |
|---|

Note:

The Officer Recommendation was accepted with the addition of items noted in italics.

9.3.4 PROPOSED SUBDIVISION OF LOTS 1 AND 2 RECREATION ROAD AND LOT 307 LOGUE STREET, WAROONA

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Proponent:	Greg Rowe and Associates
Landowner:	LA Davidson, DJ & LM Dwyer
Date of Report: 16 April 2007	File No: SD133993
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report
Strategic Implications:	See Heading in Report
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

A proposed subdivision application has been received for Lots 1, 2 and 307 on the corner of Logue Street and Recreation Road, Waroona as shown on the locality plan at Appendix 4.

This subdivision proposes to create 44 lots with an average area of 800m² in accordance with R12.5 of the Western Australian Residential Design Codes (R Codes). Under Town Planning Scheme No. 7 this area is coded R12.5/30. A copy of the proposed subdivision together with the relevant portion of a submission from the applicant is at Appendix 5.

Background

Generally the land bounded by the roads Logue, Hill, McLarty and Recreation is what could be termed a 'greenfield' site for residential subdivision and development. Including the Waroona Caravan Park on the corner of Logue and Hill Streets, this land is zoned Urban 4 – Residential under the Town Planning Scheme and comprises 7 large and 3 small lots, giving a total of 21.5ha potentially available for subdivision. Removing the caravan park would still realise around 16ha.

The subdivision proposal occupies the north western corner of this Greenfield site and will take its access from Recreation Road.

Statutory/Policy Implications

Subdivision approvals are carried out under the Western Australian Planning Commission (WAPC), however in the case of the subject land Town Planning Scheme No. 7, Clause 4.8.2 (a) also operates.

Residential development shall be in conformity with the standards of R 12.5 of the R Codes, but under this sub-clause where a site can be connected to a reticulated sewerage and drainage system development of attached and group dwellings may be approved to the R30 density. This subdivision has been designed to the standard of R12.5 and therefore complies with the Scheme.

Clause 4.8.3 states that prior to considering subdivision of unsubdivided land in the Urban 4 zone, Council may request preparation of an overall structure plan of the land and adjoining areas. The submission application represents a structure plan for the subject land and as part of the documentation, the applicant was requested to provide an indicative plan over the balance of the adjacent land to show how a road network might integrate and also the treatment of Public Open Space – **Appendix 6**.

Strategic Implications

Council is presently considering a possible modification to the coding of Waroona Townsite that conceivably could affect the density of subdivision for the subject land and as a consequence the size and shape of lots. This will involve an Amendment to the Scheme and because that process is extensive, it will take some time. The subject lots, along with the balance of the greenfields site described above, represents the most significant residential site for the southern part of Waroona Townsite. As such it might provide a balance around the central commercial area of the town to counter the residential development to the north.

Community Consultation

No community consultation is required, nor has any been undertaken.

Officer's Comments

The applicant's submission has addressed the significant issues directly associated with the proposal, however these are worth re-iterating as they should form an important part of subdivision conditions. A further submission has been received from the applicant and is at **Appendix 7**.

Water, Sewerage and Drainage

Reticulated water is available and although the land is not served by an existing reticulated sewerage system, nor part of the Water Corporation infill programme, the subdivider has indicated that reticulated sewerage will be connected to the existing system by the subdivider.

Drainage is a little more problematic. Council has a 375mm drainage line in Recreation Road that does not extend to the subject land and if this were to be used the issue of capacity would become relevant. The subdivider has suggested two alternatives.

The existing 375mm Council drain extends south along Recreation Road and eventually flows into the creek which rises to the east of the golf course, extends in a south westerly direction to and under McLarty Road and eventually finishes at Drakes Brook.

As an alternative to using the existing drainage system, the subdivider proposes to secure a drainage easement through Lot 311 (the caravan park) and link directly to the creek, which will produce the same end result as using Council's drain in Recreation Road. In the event that such an easement is unable to be secured, the second alternative is to utilise proposed lot 12 in the south eastern corner of the subdivision as a detention basin. The applicant has advised that negotiations are proceeding with the owners of Lot 311 to engage in a joint venture proposal for the subdivision of at least the western portion of that lot which will obviate the need for any easements. Since the water required to be retained will be from only two subdivisional roads, either of these two alternatives is workable.

Public Open Space

The standard Public Open Space requirement is for 10% of the area proposed to be subdivided to be given up, or for an equivalent cash-in lieu payment for the development of open space to be made by the subdivider. After considering the whole site and how it might be subdivided, along with the creek previously mentioned, it became clear that an opportunity existed to create a useful linear open space reserve along the creek line that would not only protect the creek, but also provide a pedestrian linkage from McLarty Road to the golf course. This is clearly shown on the indicative structure plan submitted by the applicant. The cash-in-lieu contribution for a larger open space development, rather than provision of another 'pocket park', seems a more sensible outcome in this case.

Road Network

The proposed subdivisional road pattern is such that extension in line with the indicative structure plan will be possible. Only three lots, out of a possible ten, are to be subdivided at the moment and it is not possible to predict with any accuracy how the other landowners might seek to subdivide their land holdings. Therefore all that can be done is to make allowance for future traffic permeability. The design submitted by the applicant for this subdivision does provide a number of alternatives and to that extent is satisfactory.

It should be noted however, that the southernmost east-west road at this stage encroaches into the adjoining Lot 308 and would not reach its full designed width until that property is subdivided at some future date. Examination of the proposed width indicates that it would be sufficient to service the six lots that front onto it.

Pedestrian Permeability

Discussions have been held with the applicant to secure either a road to Logue Street, or at the very least a suitable form of pedestrian access to the north that will link through existing open space, proposed open space and existing pedestrian accessways directly to Green Street. Rather than modifying the existing design, the applicant has proposed that a deed of agreement be entered into with Council for the provision of the pedestrian link as part of 'Stage 2'. The dilemma for Council is that if the joint venture over lot 311 does not go ahead there will be some difficulty in providing an access through what will by then be surveyed lots, notwithstanding any deed. In that circumstance there will be no possibility of including the pedestrian link being sought.

Because of the size of the proposed lots it would be possible, if Council sees fit, to agree to reduce the size of four of the lots in order to accommodate an accessway of reasonable width. This would result in at least four lots being under the minimum of 700m² of the R Codes, however it would provide an acceptable planning outcome.

In summary the subdivision proposal is compliant with Clause 4.8.2 of Town Planning Scheme No. 7 and can be given conditional support by Council.

APPENDICES 4, 5, 6, & 7

COUNCIL DECISION

OCM07/063

MOVED: Cr O'Reilly Carter

SECONDED: Cr Walmsley

That Council advises the Western Australian Planning Commission that it supports the subdivision of Lots 1 and 2 Recreation Road and Lot 307 Logue Street, Waroona subject to the following conditions:

- 1. The subdivision guide plan being modified to show a wide pedestrian link from Logue Street south to the southernmost proposed subdivisional road, or the reorientation of lots to front onto a wider pedestrian link;**

- 2. Suitable arrangements being made with the Water Corporation so that provision of a reticulated water supply service will be available to the proposed lots shown on the plan of subdivision submitted for approval by the applicant;**
- 3. Suitable arrangements being made with the Water Corporation so that provision of a reticulated sewerage service will be available to the proposed lots shown on the plan of subdivision submitted for approval by the applicant;**
- 4. All existing septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems are to be decommissioned, removed, filled with clean sand and compacted;**
- 5. Stormwater is to be detained in compensating/detention basin(s) on the land the subject of this approval before discharge into external drainage systems or natural streams or waterways. The compensating/detention basin(s) should incorporate the use of nutrient stripping vegetation and be designed to have nutrient stripping functions and wildlife habitats;**
- 6. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a fully constructed road(s) to the local road system and such road(s) being constructed, and drained at the subdivider's cost;**
- 7. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres;**
- 8. An area of land at least 4,366m² in area, in a position to be agreed with the WAPC , being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown, such land to be ceded free of cost and without any payment of compensation by the Crown;**
- 9. The subdivider constructing a dual use path/cycleway along the Logue Street frontage of the proposed lots and connected to the existing path in Recreation Road to the satisfaction of the Shire of Waroona;**
- 10. The subdivider constructing an urban standard footpath along the internal sub-division roads to the specification and satisfaction of the Shire of Waroona;**
- 11. Kerbing and draining to an urban standard being provided by the subdivider along the Logue Street frontage of the proposed lots to the specification and satisfaction of the Shire of Waroona;**
- 12. The subdivider providing underground street lighting along the Logue Street frontages of the proposed lots and internal sub-division roads to the specification and satisfaction of the Shire of Waroona;**
- 13. *To remove cul-de-sacs to accommodate a link road therefore reducing the areas of proposed lots 12 and 13;***
- 14. Uniform fencing to be provided along the boundaries with Lots 308 and 311 at the subdivider's cost; and**
- 15. *No lot to be smaller than 700m² and an average of 800m² across the entire subdivision to fit the R12.5 code within the Town Planning Scheme.***

Advice to Commission:

Further to condition 7, the Commission is advised that Council is not necessarily seeking land to be given up within the proposed subdivision for the purpose of public open space, but would prefer that a cash-in-lieu contribution be made to enable development of existing and future open space in the immediate vicinity of this subdivision.

CARRIED 4-2

Note:

The Officer recommendation was accepted with the addition of items noted in italics.

ADJOURNMENT

The Chairperson adjourned the meeting at this point for morning tea the time being 11.54am

RECONVENED

All those present at the start of the Meeting were present in the room after the adjournment. The Meeting reconvened at 12 noon.

COUNCIL DECISION

OCM07/064

MOVED: Cr Witney

SECONDED: Cr Germain

That the order of business be changed to deal with Item 9.3.8 as a continuation of discussions as for Item 9.3.4.

CARRIED 6-0

9.3.8 PROPOSED SUBDIVISION – LOT 339 LOGUE STREET, WAROONA

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Proponent:	Peter D Webb and Associates
Landowner:	Golden Hotels Pty Ltd
Date of Report: 18 April 2007	File No: SD134021
Previous Reference:	Nil
Statutory/Policy Implications:	See Heading in Report.
Strategic Implications:	Council has initiated a Scheme Amendment to re-code the Waroona Townsite.
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

An application has been received from the Western Australian Planning Commission for a proposed residential subdivision of Lot 339 Logue Street, Waroona as shown on the locality plan at Appendix 15.

The application proposes to create 46 lots ranging in size between 505m² and 837m², together with a 6.51m² Public Open Space/Drainage Reserve. A copy of the subdivision plan and submission by the applicant is at Appendix 16. A single entry from Logue Street with internal subdivisional roads forms part of the proposal.

Background

Lot 339 is a 4.1982ha site with frontage to both Logue and Hill Streets and is presently zoned 'Urban 4 – Residential' with a Residential Design Codes of Western Australia (R Codes) coding of R12.5/30 under Shire of Waroona Town Planning Scheme No. 7.

The lot is bounded on the western side by the cemetery and on the north by an existing residential subdivision and an area of Public Open Space. Present development of the site consists of a single dwelling and outbuildings.

Community Consultation

No community consultation is required and none has been undertaken.

Statutory/Policy Implications

While subdivision approval rests with the Western Australian Planning Commission (WAPC), within the Urban 4 zone, Clause 4.8.2 of Shire of Waroona Town Planning Scheme No. 4 also operates.

The difficulty with Clause 4.8.2 is that it refers to residential development rather than subdivision and indicates at 4.8.2(a) that within the zone residential development shall be in conformity with the standards of the R12.5 code, however where a site can be connected to a reticulated sewerage and drainage system, development of attached and grouped dwellings may be approved to the standards of the R30 code.

The R Codes are essentially performance standards relating to control of development, not subdivision of land per se, however in practice there is an inextricable link between subdivision and development standards in the case of single houses, which is exactly the situation with this subdivision proposal. The Codes are the primary vehicle for control of residential density but residential subdivision is vital to proper and orderly planning.

While Council should have regard to clause 4.8.2 in dealing with a subdivision proposal, the WAPC is not fettered and can make an independent decision.

At the ordinary council meeting on 27 March 2007, Council resolved to initiate a Scheme Amendment to recode Waroona Townsite and under that resolution the proposed density for the subject land was to be in accordance with R12.5, which will eliminate the present split coding. Clause 4.8.2 will require to be modified to indicate that not only development, but also subdivision, will be in accordance with the R12.5 code.

Officer's Comments

Since the Scheme Amendment is only at the initiation stage and therefore lacks legal power, the proposal should be considered in the context of the existing Scheme clauses.

Under the R12.5 coding, the minimum site area per dwelling is 700m² and the average is 800m² and clearly this proposal meets neither of these two criteria. However under the R30 coding the minimum is 270m² and the average is 300m² with which the subdivision is compliant. It is noted though that the proposal does provide a range of lot sizes which accords with the objective of the Urban 4 zone at clause 4.8.1 where maximum economic use of the urban land resource, by encouraging development of other serviced unsubdivided areas is enunciated. The proponent has indicated that services are to be provided as part of the subdivision.

Although in determining this subdivision application from Council's perspective, clause 4.8.2 is not completely helpful, the view could be taken that since the proposal is not for a strata subdivision (ie grouped dwellings or the like), Council would be consistent in applying a base coding of R12.5 for single dwelling subdivision, which seems to be what clause 4.8.2 is attempting to achieve.

In that circumstance, it would be appropriate for Council to advise the WAPC that it does not support the proposed subdivision.

OFFICER RECOMMENDATION

That Council advises the Western Australian Planning Commission that it does not support the proposed subdivision of Lot 339 Logue Street, Waroona for the following reason:

1. Council is not satisfied that the proposed subdivision complies with the base coding of R12.5 for single house subdivision in accordance with Clause 4.8.2 of Shire of Waroona Town Planning Scheme No. 7.

APPENDICES 15 & 16

COUNCIL DECISION

OCM07/065

MOVED: Cr Davis

SECONDED: Cr O'Reilly Carter

That Council:

1. **advises the Western Australian Planning Commission that it does not support the proposed subdivision of Lot 339 Logue Street, Waroona for the following reasons:**

Council is not satisfied that the proposed subdivision complies with the base coding of R12.5 for single house subdivision in accordance with Clause 4.8.2 of Shire of Waroona Town Planning Scheme No. 7.

2. Should the Western Australian Planning Commission be of a mind to approve the proposed subdivision, Council would seek the following conditions:
 - a. The plan of subdivision being modified to show a road connecting the proposed 16 metre internal east-west road with Hill Street and the area of proposed lots fronting onto Hill Street being increased in size;
 - b. No lot being less than 500m² in area;
 - c. Suitable arrangements being made with the Water Corporation so that provision of a reticulated water supply service will be available to the proposed lots shown on the plan of subdivision submitted for approval by the applicant;
 - d. Suitable arrangements being made with the Water Corporation so that provision of a reticulated sewerage service will be available to the proposed lots shown on the plan of subdivision submitted for approval by the applicant;
 - e. All existing septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems are to be decommissioned, removed, filled with clean sand and compacted;
 - f. Stormwater is to be detained in compensating/detention basin(s) on the area marked POS/Drainage on the plan of subdivision submitted for approval by the applicant. This area is to be shown on the Deposited Plan as such and is to be vested in the Crown free of cost and without payment of compensation by the Crown;
 - g. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a fully constructed road(s) to the local road system and such road(s) being constructed and drained at the subdivider's cost;
 - h. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres;
 - i. An area of land at least 6,251 metres in area, in apposition to be agreed with the Western Australian Planning Commission, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown, such land to be ceded free of cost and without any payment of compensation by the Crown;
 - j. The subdivider constructing a dual use path/cycleway along the southern side of Logue Street to connect with the proposed path for the subdivision of Lot 307 Logue Street;
 - k. The subdivider constructing an urban standard footpath(s) along the internal subdivisional roads to the specification and satisfaction of the Shire of Waroona;
 - l. Kerbing and draining to an urban standard being provided by the subdivider along the Logue and Hill Street frontages of the proposed lots to the specification and satisfaction of the Shire of Waroona;
 - m. The subdivider providing underground street lighting along the Logue Street frontages of the proposed lots and internal subdivisional roads to the specification and satisfaction of the Shire of Waroona;

- n. Prior to the commencement of works, a detailed plan to the specification and satisfaction of the Shire of Waroona demonstrating cul-de-sac head design to show capability for the turning of service vehicles is to be submitted and approved by the Western Australian Planning Commission;
- o. Uniform fencing to be provided along the northern and western boundaries of Lot 339 at the subdivider's cost.

Advice to Commission:

Further to condition 1, the Commission is advised that Council has serious concerns about the number of small lots fronting onto Hill Street. Hill Street at this point is steep and an issue of traffic safety arises as a consequence. It is Council's preferred position that the lots fronting onto Hill Street should be exchanged with the lots along the northern boundary of Lot 339 thereby reducing the number of access points to Hill Street.

CARRIED 6-0

Note:

The Officer Recommendation was changed to include suggested conditions should the WAPC approve the proposed subdivision.

9.3.5 PROPOSED SUBDIVISION – LOTS 11, 12 AND 13 BULLER ROAD, WAROONA

Reporting Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Responsible Officer / Officer's Interest:	Ross Davidson Manager Planning and Development Services / Nil
Proponent:	RIT McEwen
Landowner:	RJ & AJ Caratti
Date of Report: 13 April 2007	File No: SD134032
Previous Reference:	Nil
Statutory/Policy Implications:	Subdivision control is with the Western Australian Planning Commission.
Strategic Implications:	Draft Local Planning Strategy
Financial Implications:	Nil
Voting Requirements	Simple majority

Proposal

An application has been received from the Western Australian Planning Commission (WAPC) proposing to subdivide Lots 11, 12 and 13 Buller Road, Waroona into five (5) lots ranging between 75 and 217ha in area. A copy of the locality plan and proposed subdivision is at Appendix 8.

Background

The subject land is located south of Buller Road and has a frontage to the Harvey River. There is also a surveyed, unconstructed road together with a significant drain through the southern part of Lots 11 and 13. Landwehr Road abuts the eastern boundary of both Lot 11 and Lot 12.

Community Consultation

No community consultation is required and none has been undertaken.

Officer's Comments

The subject land is zoned 'Rural 1 – General Agriculture' under Shire of Waroona Town Planning Scheme No. 7 where no minimum lot size is prescribed by the Town Planning Scheme for this zone.

Under the draft Local Planning Strategy, which is presently being considered by the WAPC, a minimum area of 80ha for lots within the Rural 1 – General Agriculture zone has been recommended by Council. Inspection of the applicant's submitted plan indicates that two of the proposed lots are under the recommended minimum size. Proposed Lot 2 being 75.0490ha and proposed Lot 3 with 77.5723ha, however the subdivision averages 117.0944ha per lot since the smaller lots are compensated by larger lots.

The irregular southern boundary of proposed lot 4 was created by the need to contain the main east-west drain totally within one lot and as a consequence avoid any potential disruption to it through fencing across lot boundaries. There are other smaller drains and though generally proposed boundaries have taken these and associated wetlands into account, it has been more difficult to avoid crossing them with lot boundaries. Inspection of the proposed subdivision plan and aerial photography indicates that the area of drainage and wetlands will not, on the two lots under 80ha, significantly reduce the available land for agricultural purposes.

Because the Local Planning Strategy is still in draft form, it is open to Council to decide this proposal on its own merits and in this instance support is recommended.

APPENDIX 8

COUNCIL DECISION

OCM07/066

MOVED: Cr Germain

SECONDED: Cr Walmsley

That Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lots 11, 12 and 13 Buller Road, Waroona subject to the following conditions:

- 1. No lot to be less than 75ha in area.**

2. Arrangements being made with the Shire of Waroona for the upgrading of Landwehr Road.
3. Uniform fencing along the southern boundary of proposed lot 5 abutting the Harvey River to the specification of the Shire of Waroona.
4. All buildings having the necessary clearance from the new boundaries as required under the relevant legislation.

Advice to Commission:

Further to condition 2, the Commission is advised that the Shire of Waroona only expects the subdivider to make a contribution to the upgrading of Landwehr Road and is not necessarily seeking that the subdivider to carry out an upgrading of the entire road.

CARRIED 5-1

Item 9.3.6 was dealt with following Item 9.3.3 – Page 13

9.3.7 MINING OF LAKE CLIFTON TOWNSITE

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil
Proponent:	Eclipse Resources Pty Ltd
Landowner:	Unallocated Crown Land
Date of Report: 18 April 2007	File No: 88/2 & 163/1
Previous Reference:	Item 10.5.2 November 2004 OCM
Statutory/Policy Implications:	Nil
Strategic Implications:	The site is shown as 'Regional Open Space' in the Shire's adopted Lake Clifton – Herron Structure Plan, recognising the ecological and social values of the site.
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The Shire of Waroona has been invited to comment by the Department of Industry and Resources (DoIR) on a proposal by Eclipse Resources Pty Ltd to mine the Lake Clifton Townsite. It is understood the mining will be for limestone. The submitted mining tenement diagram is attached at Appendix 12.

DoIR have also forwarded a copy of a Flora and Vegetation Assessment undertaken on behalf of the proponent for the site.

Background

The Lake Clifton Townsite is a gazetted townsite on the corner of Old Bunbury Road and the Old Coast Road. A Location Plan is attached at **Appendix 13**. The town site was never constructed and the land has remained Unallocated Crown Land, except for a 1012m² lot which is held by the Shire in freehold.

The land was identified in the Yalgorup National Park Management Plan (1995) as being considered for inclusion in the National Park, though it does include the comment that this could occur post mining. The remanent vegetation on the site was identified as possibly having high conservation value in the Coastal and Lakelands Planning Strategy.

In March 2003, the then Department of Land Administration approached the Shire regarding a proposal to include the Lake Clifton Townsite in the Yalgorup National Park. This was subsequently followed up by the then Department of Conservation and Land Management (CALM) in August 2004, seeking the Council's support for the proposal.

In October 2004 the Shire was made aware that an application had been lodged for mining of the Lake Clifton Townsite. Council considered both matters at its meeting held in November 2004 and resolved as follows:

- “1. To advise CALM that it supports the inclusion of the Lake Clifton Townsite within the Yalgorup National Park and that processes should commence to transfer the Shire Freehold Lot to the appropriate Public Authority, provided that it is at no cost to the Shire.*
- 2. To make a submission to the Department of Industry and Resources on the application for mining in the Lake Clifton townsite to the effect that it is opposed to the application because of the ecological significance of the site.”*

CALM and the Department of Land Administration have not proceeded with the inclusion of the Townsite in the National Park to date.

Council submitted an objection, by way of letter and Reasons for Objection in December 2004. A copy of the letter and reasons is contained in **Appendix 14**. The Shire subsequently received a response to its objection to mining in the Townsite from the Mining Warden stating that the Council's objection was not made in the submission period and that Council would be consulted before the Minister made a decision on the matter.

The matter was considered and approved by the Mining Warden's Court, with the only objection that was heard was from landowner, Graeme Wyatt. In the decision, the Mining Warden made it clear that he was aware of the objections from the Shire, Department of Planning and Infrastructure, and the Department of Environment and Conservation but that *“It is, in my opinion, significant that none of these organisations has formally objected to the application.”* This is presumably a reference to the fact that these objections were out of the period allocated because none of them was notified of the application. The only notice given was by way of a notice in the West Australian.

Council's comments are now invited prior to a determination by the Minister for Mines on the mining tenement application.

Community Consultation

No consultation by the Shire is required on this matter. It is considered that the proponent and the Department of Industry & Resources should be doing much more consultation on this proposal with the community, including potentially affected landowners.

Officer's Comments

The detail of the proposal to mine for limestone is not known to date, and is not likely to be determined unless a mining tenement is granted and the proponent undertakes drilling to confirm the location and quantity of limestone on the site. Notwithstanding, it is considered that Council should express its opposition to any mining of the Lake Clifton Townsite to the Minister for State Development via the Department of Industry and Resources.

The flora and vegetation survey undertaken by the proponent confirms the value of the vegetation on the site. The report notes that one of the vegetation communities on the site is considered by CALM (now DEC) to be an endangered community and is currently “*not sufficiently protected in CALM’s conservation estate.*” Significantly this community is associated with soils that contain limestone and is therefore likely to be the area of the site the subject of the mining. The vegetation condition varies across the site from ‘Very Good’ to ‘Completely’ degraded. The only area completely degraded is that associated with the hardstand adjacent to Old Bunbury Road. All of the vegetation on the remainder of the site is in good or very good condition. No Declared Rare Flora species were located during the survey but one priority 4 species was located.

It is recommended that Council request that the Minister for State Development refuse the application primarily to protect the high value vegetation on the site, but also because of the possible impacts on surrounding landowners, the heritage trail proposed through the area and the impact on the Shire’s land.

It is further recommended that Council advise the Minister that in the event he is to give consideration to approving the application, the one condition recommended by the Warden’s Court that is not supported, ie

“Access to the surface of land within Mainland Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the State Mining Engineer.”

There is no vestee for the Lake Clifton Townsite and therefore the condition cannot be enforced. It is considered that there are a number of matters that need to be resolved if mining is to proceed. Whilst assessment by the Environmental Protection Authority is also required, they are limited to environmental matters and it is therefore considered appropriate that the Minister for Mines apply conditions in his decision. The proposed conditions are detailed in the recommendation.

APPENDICES 12, 13, & 14**COUNCIL DECISION****OCM07/067****MOVED: Cr Walmsley****SECONDED: Cr Witney**

That Council resolves, with respect to the invitation from the Department of Industry & Resources to comment on the application for a mining lease in the Lake Clifton Townsite to inform the Department and Minister for Mines that Council is opposed to mining of the Lake Clifton Townsite because it considers the vegetation values of the site outweigh the limestone that could be extracted and because of possible impacts on the surrounding landowners, the heritage trail proposed through the area and the impact on the Shire's landholding.

In the event that the Minister is to consider approving the application, the condition recommended by the Wardens Court is not supported in its current form because there is no vesting authority for the site. Council recommends that an alternative condition be applied to the application as follows:

- 1. That mining activities (other than exploration) should not proceed without the approval of the local authority and the Minister for Mines and until the following matters have been satisfactorily resolved:**
 - a. There being no impact on the surrounding landholdings from the operations. This is to include extensive consultation with the Shire and local landowners;**
 - b. That the highest conservation value sections of the site have been identified and are not cleared for mining. (Notwithstanding that all but a small portion of the site that has been cleared has very high conservation value);**
 - c. There is agreement with the Shire regarding consideration and handling of its freehold landowning within the context of the mining operations;**
 - d. That mining operations avoid the route of the Lake Clifton Railway track which has European heritage and recreational values; and**
 - e. An annual payment to the Shire for the maintenance of any local roads to be used during mining operations.**
 - f. Groundwater extraction not to be permitted unless the Council and EPA are satisfied via the submission of a Water Management Plan, there will be no impact on Lake Clifton which is RAMSAR listed.***

CARRIED 6-0**Note:**

The Officer Recommendation was accepted with the addition of item f, noted in italics.

Item 9.3.8 was dealt with following Item 9.3.4. – Page 21

ADJOURNMENT

The Chairperson adjourned the meeting at this point for lunch the time being 12.45pm

RECONVENED

The meeting reconvened at 1.22pm and all those present at the adjournment were present after the adjournment.

Cr Dew declared a Financial Interest in the following Item 9.3.9 as a closely associated person is an employee of the Developer, and left the meeting and the room the time being 1.23pm and the Deputy Shire President Cr Germain assumed the Chair.

9.3.9 LOT 501 MITCHELL ROAD AND PANORAMA DRIVE, PRESTON BEACH – PROPOSED ADDITION OF RECEPTION CENTRE TO RESORT

Reporting Officer / Officer's Interest:	Mike Critch – Town Planner / Nil
Responsible Officer / Officer's Interest:	Ross Davidson – Manager Planning and Development Services
Proponent:	Rapley Wilkinson Property
Landowner:	Kingpoint Holdings Pty Ltd
Date of Report: 17 th April 2007	File No: TP1082
Previous Reference:	TP880
Statutory/Policy Implications:	Nil
Strategic Implications:	See Heading in Report
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

An application for additions to the Footprints at Preston Beach short stay accommodation resort was received by Council on 5th April 2007. The proposal incorporated a 100m² first floor addition to the central facilities building on the Mitchell Road frontage. The first floor addition also comprises of a lobby area and storage facility.

The additional floor area is expected to facilitate a meeting/conference room which is to be restricted in use for resort guests only and will not attract external patronage.

Colours and materials proposed are consistent with those of the ground floor of the central facilities approved by Council in October 2005.

A location plan and Details of the proposal are contained as Appendix 17.

Background

At the Special Council Meeting on 31st October 2005, the Council resolved to approve the tourist resort at Lot 501. The Council resolved to approve amended plans to incorporate minor changes to the proposal in February 2006. The approval of the resort was subject to numerous conditions including the establishment of a Management Agreement between each owner of a Tourism Strata Unit and the common facility manager.

The tourist resort consists of 130 new chalet units, 28 two storey townhouse units, a Café, reception area, two heated swimming pools and a new children's playground. Extensive landscaping is proposed for the whole site as well as retention of existing vegetation. In general the design was seen to be of a reasonably high standard.

It was also determined by Council that a minimum of 25 vehicle bays should be sufficient enough to accommodate the Café and Reception area.

On site construction of the 'Footprints at Preston Beach' resort has recently commenced.

Statutory Implications

Lot 501 is zoned 'Urban 9 – Preston Beach' under Town Planning Scheme No. 7. A 'Reception Centre' is a discretionary ('AA') use in that particular zone. A reception centre is defined as land and buildings used by parties on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes. This is deemed to be the most appropriate definition for the meeting/conference room, as it will be used for official events by internal patrons of the resort.

Community Consultation

Community consultation was rigorously undertaken with the original proposal. For this proposal community consultation was not required nor was any undertaken.

Officer's Comments

Given that the proposed conference facility focuses on capturing internal patrons only, it is considered that additional parking is not deemed necessary. A condition of approval will be imposed to ensure that users of the conference facility are existing patrons and will therefore already have allocated parking spaces. This will be enforced in the Management Statement which will require amendments to ensure the facility will be used by internal patrons only.

To ensure consistency of the overall finish with respect to the approved development, a condition will be imposed that colours and materials of the additions are consistent with other buildings and structures.

The proposed conference facility is in keeping with the architectural themes demonstrated throughout the previously approved resort. The additions have similar setbacks along Mitchell Road seen on the previously approved central facilities building therefore the bulk and scale of the new additions is unlikely to have any unforeseen impact on the existing streetscape.

Conditions can be imposed to effectively mitigate potential impact of the additions. A meeting/conference area of this nature is considered to be an appropriate use of the site. The additions may attract further interest in the resort and have beneficial spill-on effects to the Preston Beach local economy. It is therefore recommended that Council approve the application, subject to the conditions recommended below.

APPENDIX 17

COUNCIL DECISION

OCM07/068

MOVED: Cr Davis

SECONDED: Cr Walmsley

That Council resolve, with respect to the application for Addition of Reception Centre for Resort to the Existing Approval (TP880), to approve the application as contained in the Amended Plan dated 5th April 2007 subject to the following conditions:

- 1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council;**
- 2. This approval is for the 100m² additions to the Approved Resort Central Facilities Building to accommodate a meeting and conference room, small lobby area and storage facility;**
- 3. The meeting and conference room hereby approved is for the exclusive use of internal resort patrons only and is not at any time to be let or hired to members of the general public, other organisations, clubs or the like for the carrying on of functions, meetings or gatherings;**
- 4. Modifications to the Management Statement are to include a provision that the additions to the Central Facilities building hereby approved shall be used exclusively by internal patrons of the resort;**
- 5. Building materials to be of a colour not detrimental to the character of the landscape of the locality, that is colours to be non-reflective, of muted tones and in sympathy with those of the existing resort;**
- 6. All stormwater and drainage run-off to be contained on site in accordance with Statement of Planning Policy No. 2.1 to the specification and satisfaction of Council, or connected to a Council stormwater legal point of discharge;**
- 7. This approval shall expire if the development hereby approved is not completed within 2 years of the date hereof, or within any extension of time which upon written application to Council (made at least 60 days prior to the expiry of the approval) is granted by it in writing.**

CARRIED 4-1

Cr Dew returned to the room and the meeting and assumed the Chair the time being 1.38pm.

9.3.10 ALINTA FUNDING AGREEMENT

Reporting Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil	
Responsible Officer / Officer's Interest:	Matthew Turner - Director Strategic Development / Nil	
Proponent:	Alinta	
Landowner:	N/A	
Date of Report:	18 April 2007	File No: TP733
Previous Reference:	Item 8.1.1 October 2006 SCM	
Statutory/Policy Implications:	Nil	
Strategic Implications:	Nil	
Financial Implications:	The funding agreement set us an annual payment from Alinta to the Shire of \$20,000. This funding is to be used at the Recreation Centre.	
Voting Requirements	Absolute Majority	

Proposal

That the Shire President and Shire CEO sign the funding agreement with Alinta to provide \$20,000 of ongoing support to the Shire for the improvement of the Waroona Recreation Centre. The agreement is for an initial three year period, with the funding being primarily directed towards energy efficiency improvements at the Recreation Centre.

Background

Council in considering planning applications for a Power Station on the Wagerup Refinery and its associated transmission lines in October 2006, negotiated with the proponent Alinta on the support to be provided to the Shire and local community.

In a letter to the Shire dated 25 September 2006. Alinta committed annually \$45,000 of community support across the environment, welfare and the local community. The local community component was an ongoing commitment of \$20,000 to the Shire for the ongoing maintenance and development of the Recreation Centre. The funding agreement the subject of this report sets out the relationship with Alinta to enable the \$20,000 annual funding to be received.

As part of the 1st year's allocation an Energy Audit of the Waroona Recreation Centre was commissioned. At the 3 April 2007 meeting of the Recreation Advisory meeting the committee resolved to accept the report.

Alinta is separately setting up agreements with the Waroona Community Centre Inc and Landcare for the other components of the funding.

Community Consultation

No consultation on the agreement is required or considered necessary.

Officer's Comments

The agreement will commence and formalise a relationship with Alinta at the Waroona Recreation Centre which will be of great benefit to the Shire and the local community. The annual \$20,000 will be initially directed into energy efficiencies at the Recreation Centre, but may move to other capital matters as energy efficiencies are achieved. The agreement requires the Shire to report on a range of matters and to promote the relationship with Alinta. However the requirements are considered to be commensurate with the level of funding received.

In relation to the energy report and subsequent recommendations of that report it is recommended that the 2006/2007 budget be amended to expend the \$15,890 to Alinta Assist for energy efficiency improvements. A further \$8,924 will be required to complete this project in 2007/2008. The balance of the remaining funds in 2007/2008 may be used for other energy efficiency works such as the upgrading of the lights on the top basketball courts to be similar to those on the multicourts. It should be noted that Alinta has already spent \$4,110 on auditing the Recreation and Aquatic Centre in the 2006/2007 financial year and with proposed works of \$15,890 will total the \$20000 per annum contribution for this year.

The term of the agreement is three years but the expectation of Alinta and the Shire is that funding will be ongoing and this is reflected in the agreement.

COUNCIL DECISION

OCM07/069

MOVED: Cr Walmsley

SECONDED: Cr Witney

- 1. That Council resolves to accept the terms and conditions of the tabled funding agreement between the Shire of Waroona and Alinta that provides for Alinta to support the improvement of the Waroona Recreation Centre with an annual contribution of \$20,000 and authorises the Shire President and Shire Chief Executive Officer to apply the Common Seal of the Shire of Waroona to execute the funding agreement.**
- 2. That the 2006/2007 budget be amended to receive \$15,890 to income account 7003 (*Recreation Centre Reimbursements*) and that additional expenditure of \$15,890 be made from expenditure account 7292 (*Energy Audit*).**

CARRIED BY ABSOLUTE MAJORITY 6-0

9.4 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.4.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2006 TO 31 MARCH 2007

Reporting Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:		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 18

COUNCIL DECISION

OCM07/070

MOVED: Cr Witney

SECONDED: Cr Davis

That the Monthly Statement of Financial Activity for the period 1 July 2006 to 31 March 2007 (Appendix 18) be received and noted.

CARRIED 6-0

9.4.2 ACCOUNTS FOR PAYMENT

Reporting Officer / Officer's Interest:	Chris Smith – Senior Finance Officer / Nil	
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil	
Proponent:	N/A	
Landowner:	N/A	
Date of Report:		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 19

<u>COUNCIL DECISION</u>			
OCM07/071			
MOVED: Cr Witney			
SECONDED: Cr O'Reilly Carter			
That Vouchers numbered:			
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal	4690-4725	95,830.61	95,830.61
Trust	10850	130.00	130.00
Electronic Transfers	EFT4924-5012	266,881.63	266,881.63
Trust	EFT4925	101,265.99	101,265.99
Direct Wages	28.03.07	54,882.60	54,882.60
		TOTAL:	<u>\$529,084.27</u>
and attached at Appendix 19 be endorsed.			
<u>CARRIED 6-0</u>			

9.4.3 QUARTERLY REPORT FOR THE PERIOD ENDING 31 MARCH 2007

Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report:	10 April 2007
	File No: 1/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Absolute Majority

Proposal

The following information is provided as a result of the 2006/07 adopted budget for the nine (9) month period 01.07.06 to 31.03.07.

Although no areas of major concern in relation to budget expenditure have been identified, there are significant areas of under expenditure associated with capital expenditure.

It will now be necessary in the remaining three (3) month period of the financial year to assess these projects and determine the likely implications for the following year.

This may include deferments and final transfers to ensure that the end of year restricted cash position is as accurate as possible.

Attached are the following documents:

1. Statement of Financial Activity (includes the Reserve Account Statement) – see **Appendix 18**
2. Rate Collection Statement – **Appendix 20.**

Please note the detailed monthly report for the period ending 31 March 2007 is included at Agenda Item 9.4.1.

1. Operating Statement – Explanation of Variances

Town Planning

Expenditure of \$10,250 associated with the reimbursement of 50% Town Planning Public Open Space contributions was not proposed in the 2006/07 budget.

This payment has been made in accordance with recently adopted Council Policy 2.45.

Further classification of this expenditure is required for future budgets as the amount will form part of the overall expenditure estimates and thus be included in rate setting.

Without subsequent income (ie transfer from Trust Fund) the amount will be additional budgeted expenditure.

This issue may be further compounded if funds received by the Council from subdivisions are only available for infrastructure improvements (ie capital expenditure) and not for operational purposes.

Parks and Gardens

Unbudgetted expenditure of \$5,150 has resulted from the survey of the Fouracre Street Railway Reserve.

This amount should fall within current budget allocations.

Dual use path construction

The Council was successful in obtaining grant funds of \$21,280 for the construction of a dual use path on Mitchell Road, Preston Beach.

This project was not included in the 2006/07 budget due to the low probability of receiving the grant.

As a 50% matching component is associated with the project Council approval to authorise the expenditure is required. (Account 3274).

Building

Income well in excess of budget associated with a major Building Licence (Alinta - \$280,510) has been received.

This amount has been transferred to the Admin Centre Redevelopment Reserve account as per Council Resolution.

Interest on Investments

Interest on investment income is well in excess of budget due predominantly to large amounts of restricted cash which are currently being held ie unexpended capital works.

Rubbish Collection

This account (1872) is in excess of budget and will be over-expended at year end.

The over-expenditure is as a result of the annual bulk rubbish collection scheme. The cost of this project was significantly more than predicted. Combined with the problems of managing the scheme such as volumes and types of rubbish it would appear that the structure of this service requires review in 2007.

Recreation & Aquatic Centre Maintenance

Continued failures of the Aquatic Centre roof panels will see this account over expended.

Whilst an insurance claim was applicable to four (4) panel failures (attributed to storm damage) the Council Insurers have advised that they are not prepared to respond to repair costs for subsequent failures.

The Council has approved a reserve allocation of \$20,000 (OCM07/003) to offset this expenditure.

Governance

A Long Service Leave liability exists for two (2) former employees (Gude and Catchpole) of \$11,620.

The Council has a Reserve Account specifically for the purpose of such requests which are made to the current employing Council.

Other

1. Account 1412 Playgroup Building – It has been necessary to rewire the building to replace old and worn electrical cabling.
2. Account 4942 Gross Rental Value – advice has been received from the Valuer General’s office that the proposed GRV revaluation will be deferred for a 12 month period.
3. Funds of \$376,000 expected in 2006/07 from the recent announcement of funding from the Pinjarra Brunswick Study.

These funds are yet to be received and are proposed to be allocated as follows:

Town Square Redevelopment – Carpark	\$43,000
Town Hall Toilets – Upgrade	\$102,000
Underground Power – Stage 2	\$231,000

2. Cash Position

Cash position as at 31/03/07

Municipal Fund (of which \$736,945)	\$1,575,044
Reserve Accounts (full amount invested)	\$1,599,784

3. Capital Expenditure

The remaining three (3) month period of the financial year will determine the final year cash position and likely implications for the forthcoming 2007/08 budget.

Details are as follows:

PROJECT	BUDGET	ACTUAL 31.12.06	STATUS
Admin Centre refurbishment	72,000	68,714	Complete
Replace Server and Personal Computer	27,445	25,508	Complete
Housing – Staff House upgrade	5,450	6,240	Complete
Preston Beach Foreshore Boardwalk	43,000	1,347	Project in doubt
Refurbish Town Hall Toilets	75,000	Nil	Not commenced
Construct Drakesbrook School Memorial	28,000	8,411	Incomplete
Road Construction program	823,443	672,431	Incomplete
Dual use path construction	13,000	42,481	Complete
Plant Purchases	163,300	184,473	Complete
Basketball pad/Skateboard upgrade	13,000	6,725	Incomplete
Refurbish Drakesbrook Weir Toilets	55,000	53,705	Complete
Drakesbrook Place construction	70,000	37,022	Incomplete
Prepare Main Street Design – Stage 2	60,000	4,071	Incomplete
Install Underground Power – CBD	825,600	79,433	Incomplete

4. Budget Amendments 2006/07

The following amendments to the 2006/07 adopted budget have been approved by the council to date:

- a. Purchase of Emergency Generator - \$8,500 – from Grant funds received – OCM06/151.
 - b. Transfer of Building fees associated with Alinta Cogeneration Plan - \$280,510 to the Administration Centre Building Reserve – OCM06/152.
 - c. Purchase of two (2) Treadmills previously subject to Hire Purchase Agreement - \$3,700 – with funds to be transferred from Sporting Reserve Account - OCM06/156.
 - d. Transfer of \$20,000 from Aquatic Centre Building Maintenance Reserve to offset repairs to Hocker Roof – OCM07/003.
5. (i) Variation to Account 2394 by increasing expenditure from \$75,000 to \$302,000 – Hall Toilet upgrade.
- (ii) Variation to Account 7724 by increasing expenditure from \$825,600 to \$931,600 – Underground Power project.
- (iii) Variation to Account 7704 by creasing expenditure from \$70,000 to \$91,000 in Drakesbrook Place carpark.

Note: Funds associated with Pinjarra/Brunswick Grant – OCM07/005.

6. Purchase of transportable stage – Account 7114 - \$26,500 (Grant funds received of \$12,500) - OCM07/046.

APPENDICES 18 & 20

COUNCIL DECISION

OCM07/072

MOVED: Cr Davis

SECONDED: Cr Germain

That the 2006/07 adopted budget be amended as follows:

- 1. Account 3274 – Dual use path construction – additional expenditure of \$21,280 associated with the construction of the Mitchell Road Preston Beach Dual use pathway.**
- 2. That the Quarterly Financial Report for the period ending 31 March 2007 be received and noted.**

CARRIED BY ABSOLUTE MAJORITY 6-0

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 HARVEY RIVER LAND CONSERVATION DISTRICT COMMITTEE REPRESENTATIVE

Reporting Officer / Officer's Interest:	Rhonda O'Mara - Executive Support Officer / Nil	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil	
Proponent:	Shire of Waroona	
Landowner:	N/A	
Date of Report: 12 April 2007		File No: 35/1 - 137/1
Previous Reference:	Nil	
Statutory/Policy Implications:	Council's Committee Representations	
Strategic Implications:	Nil	
Financial Implications:	Nil	
Voting Requirements	Absolute Majority	

Proposal

Due to Cr Heath's resignation from Council a replacement representative on the Harvey River Land Conservation District Committee is required.

Background

Correspondence has been received from the Department of Agriculture and Food – Government of Western Australia – Office of the Commissioner of Soil and Land Conservation reading as follows:

"I have received advice from the Secretary of the Harvey River Land Conservation District Committee, that the Shire of Waroona's current representative Cr Bill Heath has resigned/retired.

On behalf of the Commissioner of Soil and Land Conservation, I am writing to request the Shire of Waroona provide another nomination for this Committee.

I would appreciate if you would forward details of Council's nomination as soon as convenient. New nominees who have not previously served on the Committee should complete a nomination information sheet." Appendix 21

Community Consultation

N/A

Officer's Comments

As part of Council's Committee Representation it is a requirement to fill the vacancy created by Cr Heath's resignation from Council.

APPENDIX 21**COUNCIL DECISION****OCM07/073****MOVED: Cr Walmsley****SECONDED: Cr Davis**

That Cr O'Reilly Carter be nominated to represent the Shire of Waroona on the Harvey River Land Conservation District Committee.

CARRIED BY ABSOLUTE MAJORITY 6-0

Cr Walmsley declared a Proximity Interest in the following Item 9.5.2 as he is a property co-owner within the subject area and left the meeting and the room, the time being 1.55pm.

9.5.2 WAROONA TOWN CENTRE REDEVELOPMENT - MAIN ROADS WA – SOUTH WEST HIGHWAY RECONSTRUCTION

Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer / Nil
Proponent:	MRWA and Shire of Waroona
Landowner:	MRWA and Shire of Waroona
Date of Report: 19.04.07	File No: 97/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	Plans included in Town Centre upgrade project
Financial Implications:	Funds for the works will be from within the Shire's 2006/2007 Budget for the Town Centre Redevelopment (Account Nos 177040, 177140, 177240)
Voting Requirements	Absolute Majority

Proposal

To engage in a joint venture project with Main Roads WA to undertake the reconstruction of the South Western Highway, Waroona, between Millar Street and Thatcher Street in accordance with Waroona Town Centre Strategy and the concept plans for the Main Street upgrade.

Background

A major component of the Waroona Town Centre redevelopment is the resurfacing of the South Western Highway between Parnell Street and Wass Street. Consultants TME having been working on the plan which details some minor changes to current street parking and median strip treatments in the main street. The final draft plan was received recently.

Ordinarily the process would be to prepare plans and then seek a future commitment from MRWA to contribute to the upgrade of the road. In the case of this project we anticipated making the request of MRWA later this year and were hopeful they would commit to the project within the next 2-3 years.

The Director Strategic Development and I were informed yesterday that MRWA had themselves, initiated the reconstruction of the Millar to Thatcher Street portion of the South Western Highway due to the failure of the road, and that work is scheduled to be done on 2 – 3 May, 2007 for the portion of road under their control (not including car park bays, median strips etc).

We have met with MRWA and requested they consider altering their plans to complete the works in accordance with the TME plans, attached at **Appendix 22**. They have indicated support of this concept and we are currently negotiating the details.

Community Consultation

Broad community consultation has occurred with the Town Centre project. Further consultation will be undertaken directly with land owners who may be affected by any other roadworks changes, ie. change of driveway access, change of median strip position.

Officer's Comments

This is an unexpected opportunity to bring forward the reconstruction of the highway in a portion of the Town Centre, and it would be unlikely MRWA would agree to future works in this area after the road has been upgraded.

It is strongly recommended to Council that it brings forward its future plans and seeks to work with MRWA to complete the work based on the TME plans. Council's contribution to the works cannot be ascertained at present but there is significant scope in unspent funds in this year's Town Centre budget allocations to cater for this project.

APPENDIX 22

COUNCIL DECISION

OCM07/074

MOVED: Cr Davis

SECONDED: Cr Germain

Council authorise the CEO to negotiate with Main Roads WA to undertake a joint venture project to reconstruct the portion of South Western Highway, Waroona between Millar Street and Thatcher Street, in accordance with the Waroona Town Centre Strategy and Main Street concept plans provided by TME consultants. Council's contribution to the work to be funded from the 2006/2007 unspent Town Centre upgrade budget accounts.

CARRIED BY ABSOLUTE MAJORITY 5-0

Cr Walmsley returned to the room and the meeting the time being 1.58pm

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 LAKE CLIFTON/HERRON COMMUNITY CENTRE

COUNCIL DECISION

OCM07/075

MOVED: Cr O'Reilly Carter

SECONDED: Cr Walmsley

That Council, in its 2007/2008 budget deliberations, consider the sealing of the Carpark and Entry road to the Lake Clifton/Herron Community Centre.

CARRIED 6-0

11.1.2 DRAINAGE PLAN FOR WAROONA

COUNCIL DECISION

OCM07/076

MOVED: Cr Germain

SECONDED: Cr Witney

That Council, in its 2007/2008 budget deliberations, authorise the CEO to investigate the preparation of a drainage plan for the town of Waroona.

CARRIED 6-0

11.1.3 PARKS & GARDENS CO-ORDINATOR

Cr Witney on behalf of the Staff at the Waroona Health & Community Resource Centre wished it recorded their congratulations and appreciation to Mark Corner the Parks & Gardens Co-ordinator for the outstanding presentation of the gardens and surrounds at the Centre.

11.2 OFFICERS

Nil

12. CLOSURE OF MEETING

There being no further business the Chairperson declared the meeting closed the time being 2.28pm and, again, thanked the Lake Clifton/Herron Progress and Sporting Association for making Council welcome to this inaugural Ordinary Council meeting at Lake Clifton.