



# **MINUTES**

**ORDINARY COUNCIL MEETING**

**TUESDAY 20 DECEMBER 2011**

**(Held at the Waroona Shire – Council Chambers)**

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**1. DECLARATION OF OPENING/ANNOUNCEMENTS**

The Shire President declared the meeting open at 4.00 pm and welcomed Councillors and Staff present.

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

Cr N Dew	Shire President
Cr L Scott	Deputy Shire President
Cr J Salerian	Councillor
Cr C Germain	Councillor
Cr C Wright	Councillor
Cr L Look	Councillor
Cr T Witney (from 4.32pm)	Councillor
Mr I Curley	Chief Executive Officer
Mr L Tilbrook	Deputy Chief Executive Officer
Mr L Fouché	Manager Planning Services
Mr S Cleaver	Director Community & Planning Services
Mrs S Cicolari	Executive Support Officer
Mrs M Ellis (from 5.25 pm)	Community Development Officer

**APOLOGIES**

Nil.

There was one member of the public present at the commencement of the meeting.

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr J Mason	Councillor
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**3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**4.1 PUBLIC QUESTION TIME**

Nil.

**4.2 PUBLIC STATEMENTS**

Nil.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Cr Wright declared a Financial Interest in item 9.2.5 as an employee of the applicant and an interest affecting impartiality in item 9.2.9 as a member of the Waroona Cricket Club.



Cr Dew declared a proximity interest in item 9.2.1 and 9.2.7, as he resided adjacent to the proposed location of these applications and an interest affecting impartiality in item 9.3.3 as a member of the Preston Beach Voluntary Rangers.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 22 November 2011**

**COUNCIL RESOLUTION**

**OCM11/12/145**

**MOVED: Cr Wright**

**SECONDED: Cr Look**

**That the Minutes of the Ordinary Council Meeting held 22 November 2011 be confirmed as being a true and correct record of proceedings.**

**CARRIED 6/0**

## 9.0 REPORTS OF OFFICERS AND COMMITTEES

### 9.1 ACTING DIRECTOR TECHNICAL SERVICES

<b>9.1.1 REPROCLAMATION OF OLD COAST ROAD</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Consultant Director Technical Services/Nil
Responsible Officer / Officer's Interest	Ian Curley CEO/Nil
Proponent:	Main Roads Western Australia
Landowner:	Government of Western Australia
Date of Report: 13 <sup>th</sup> December 2011	File No.: 95/8
Previous Reference:	Nil
Statutory/Policy Implications:	Main Roads Act, Section 13
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

#### Proposal

Following the completion of the Forrest Highway, Main Roads WA wish to reproclaim the status of the Old Coast Road.

#### Background

In accordance with Section 13 of the Main Roads Act, the Commissioner of Main Roads intends making a recommendation to the Hon Minister for Transport to reproclaim Old Coast Road as a combination of Main Roads WA Road Numbers H57 and M74 in place of the existing H2 proclamation. This requires the endorsement of the relevant Local Authorities.

#### Financial Implications

Nil

#### Statutory Implications

Section 13 of the Main Roads Act.

#### Strategic Implications

Nil

#### Community Consultation

Not required.

#### Officer's Comments

The proposal is essentially a Main Roads WA matter that requires Council endorsement under the Main Roads Act. The roads in question remain under the management and control of Main Roads WA and there are no implications for Council.

Now that the Forrest Highway is constructed, Old Coast Road from the intersection of the Forrest Highway heading North towards Mandurah is being reproclaimed as a Main Road rather than its previous designation as a Highway, following a review by Main Roads WA as to the role of various roads between Perth and Bunbury which have been affected by the Forrest Highway.

Since there are no implications for Council, officers are happy to recommend that the plans as shown in the attachments be endorsed accordingly.

**COUNCIL RESOLUTION**

**OCM11/12/146**

**MOVED: Cr Germain**

**SECONDED: Cr Look**

**That Council approve the reproclamation of Old Coast Road by Main Roads Western Australia as shown on drawing numbers 1021-0191-01 and 1021-0194-01 and delegate authority to the Chief Executive Officer to endorse the plans as necessary.**

**CARRIED 6/0**

## 9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

Cr Dew declared a proximity interest in Item 9.2.1, as he resided adjacent to this proposal and vacated the chair and left the meeting, the time being 4.05 pm.

Cr Scott assumed the Chair, the time being 4.05 pm.

<b>9.2.1 LOT 356, NO. 28, BEACHCAST CLOSE, PRESTON BEACH - APPLICATION FOR PLANNING CONSENT FOR INSTALLATION OF TELLECOMMUNICATIONS INFRASTRUCTURE</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Aurecon Pty Ltd
Landowner:	Water Corporation
Date of Report: 5 December 2011	File No: TP1459
Previous Reference:	None
Statutory/Policy Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme No. 7 Local Planning Strategy 2009 Local Planning Policy 19 – Telecommunications Infrastructure State Planning Policy 5.2 – Telecommunications Infrastructure
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth Objective 2 – Conserve Our Pristine Environment Local Planning Strategy
Financial Implications:	Cost of advertising
<b>Voting Requirements</b>	<b>Simple Majority</b>

### PROPOSAL

An application has been made for the installation of telecommunication infrastructure on Lot 356 Beachcast Close. The application seeks to install a 15m monopole mast, with a maximum diameter of 0.7m, and associated infrastructure. The associated infrastructure is to be housed in a building 3.2m x 2.2m (7m<sup>2</sup>) and 3m high.

The monopole is to be manufactured from galvanised steel (grey) while the ground level equipment shelter building will be Pale Eucalypt.

The proposed lease area to contain the infrastructure is located in the northern corner of the lot.

The submitted site, layout and elevation plans are at **APPENDIX 9.2.1**.

### BACKGROUND

The subject site is an existing Water Corporation storage site. The site is significantly elevated above the surrounding area. The subject lot has been levelled and cleared as part of its use as a water tank site.





Vegetation screening exists to the south. To the north vegetation screening is minimal.

## **STATUTORY IMPLICATIONS**

### **Shire of Waroona Town Planning Scheme No. 7 (TPS)**

The proposed development is to be located on land zoned Urban 9 – Preston Beach under the Shire of Waroona Town Planning Scheme No. 7.

Clause 6.1.1 states that any development on land zoned or reserved under Town Planning Scheme No. 7 shall require approval unless specifically exempt under clause 6.1.2 of the Scheme.

Given that Telstra is not a Public Authority as defined under the Planning and Development Act 2005, the proposed Infrastructure cannot be considered to be a Public Utility as defined under the Town Planning Scheme No. 7. As the use is not specifically mentioned in the Zoning Table, the use needs to be determined in terms of Clause 4.2.5

Clause 4.2.5 states the process for consideration of applications for uses not defined under the Scheme. Under Clause 4.2.5 three options are available. Council may either deem that the use is consistent, may be consistent or is not consistent with the objectives of the zone. Where an undefined use is deemed consistent with the objectives of the zone Council may approve the use without public consultation. Where it is deemed that an undefined use may be consistent with the objectives of the zone, Council may approve the use subject to public consultation in accordance with Clause 8.2.

Clause 6.12 states that a maximum building height of 7.5m applies to the Urban 9 - Preston Beach zone but excludes mast, aerials and other similar structures.

Clause 8.2 sets out the requirements for the public consultation process for the varying categories of use classification.

### **State Planning Policy 5.2 – Telecommunications Infrastructure**

State Planning Policy 5.2 sets out guiding principles for the selecting of locations for telecommunications infrastructure and provides guidance on matters to be considered by Local Governments when assessing application for new infrastructure.

### **Local Planning Policy 19 – Telecommunications Infrastructure**

Local Planning Policy 19 is largely derived from State Planning Policy 5.2 – *Telecommunications Infrastructure*. Guidance is provided in relation to appropriate sites and general matters to be considered in the assessment of application for new infrastructure.

## **STRATEGIC IMPLICATIONS**

### **Shire of Waroona Strategic Plan 2005 – 2025**



The Shire of Waroona is faced with challenges including a relatively small community required to fund large scale infrastructure. The Shire has identified the need to preserve the amenity derived from areas of pristine environment.

### **STRATEGIC PLANNING IMPLICATIONS**

#### **Local Planning Strategy (LPS)**

The subject land is located within the Coastal Precinct under the LPS and identified as Residential. The objective of the residential classification of the LPS in the Coastal precinct is to provide for the enhancement of the Preston Beach townsite.

### **COMMUNITY CONSULTATION**

Where an undefined use is deemed to be consistent with the objectives of the zone no public consultation is required.

Where it is deemed that an undefined use may be consistent with the objectives of the zone, public consultation is required to be undertaken in accordance with Clause 8.2 of Town Planning Scheme No. 7.

### **INTERNAL REFERRAL**

Internal Departmental comments will be provided in a subsequent report.

### **Officer's Comments**

The development and use of land for private infrastructure provision is not deemed to be consistent with any of the defined uses under Schedule 1 of Town Planning Scheme No. 7. As such the application must be considered in accordance with Clause 4.2.5 of the Scheme.

Prior to the further assessment of the proposal, Council needs to determine whether the proposal is consistent with the objectives of the Urban 9 – Preston Beach Zone. The primary objective of the Urban 9 – Preston Beach zone is to provide for the development of the area while preserving the natural environment and the amenity of the area.

The provision of telecommunications infrastructure is not considered to compromise the natural environment, as the proposed mast and base station will be located on a cleared portion of the subject lot.

In terms of potential impact on the amenity due to the visual intrusion that may be caused by the proposed installations, it is noted that the monopole type mast is proposed to be located adjoining the water tank on the site, which to some extent already affects the amenity from Panorama Drive. The proposed tower will extend approximately 11m above the water tank which is approximately 5m in height. A future panel antenna may increase the height of the tower to approximately 17m. It is also noted that there is an existing mast of approximately 10m on the site.

The colour scheme of the base station will be of muted tones (pale eucalypt) to blend in with its surrounds. The monopole will be galvanised and is expected to fade over time. Unlike lattice towers, monopoles are not considered to be very prominent. The existing infrastructure on the lot and telecommunications facilities are consistent with

urban infrastructure such as electrical power lines, light poles and water tanks found in the location. The impact of the application on the amenity of the area is not considered to be significant; however the views of the community on this matter are still to be sought.

Given the above assessment, the proposal could be considered to be generally consistent with the objectives of the zone.

The next steps will be to publicly advertise the proposal in accordance with Clause 8.2 of Town Planning Scheme No. 7, assess the submissions and the merits of the application in relation to the locality and then report back to Council.

The impact of the proposed telecommunications facility on the community in relation to electro-magnetic radiation and other potential impacts will be considered in the next report.

**COUNCIL RESOLUTION**

**OCM11/12/147**

**MOVED: Cr Germain**

**SECONDED: Cr Salerian**

1. **That in relation to the proposed installation of Telecommunications Infrastructure (mobile phone tower and base station) at Lot 356 (No. 28) Beachcast Close, Preston Beach and pursuant to clause 4.2.5 (b) of Town Planning Scheme No. 7, Council resolves to :**
  - a) **Determine that, the proposed use may be consistent with the objectives of the Urban 9 – Preston Beach zone as stated in section 4.13.1 of Town Planning Scheme No. 7.**
  - b) **Advertise the application following the “SA” procedures in accordance with Clause 8.2 of Town Planning Scheme No. 7.**

**CARRIED 5/0**

Cr Dew returned to the meeting and resumed the Chair, the time being 4.07 pm.

<b>9.2.2 PROPOSED PEDESTRIAN ACCESS WAY CLOSURES – LOT 55 ON PLAN 13499 LOCATED TO THE REAR OF WILLIAMS PLACE, WAROONA</b>	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché –Manager Planning Services / Nil
Proponent:	Brent & Elaine Gibson
Landowner:	Department of Regional Development and Lands
Date of Report: 8 December 2011	File No.: 132/1
Previous Reference:	Nil
Statutory/Policy Implications:	Planning & Development Act 2005 Land Administration Act 1997 Shire of Waroona Town Planning Scheme No.7 Liveable Neighbourhoods – Community Design Code Local Planning Strategy (LPS)
Strategic Implications:	Objective 1 – Prepare for Growth
Financial Implications:	2011/2012 Budget (allocation to be quantified)
<b>Voting Requirements</b>	<b>Simple Majority</b>

### **PROPOSAL**

The Shire of Waroona has received a letter from an adjoining landowner requesting the closure of the Pedestrian Access Way (PAW) located at the rear of Williams Place, Waroona. It is requested that the PAW be closed as it serves no useful purpose.

A copy of the survey plan of the subject PAW is at **Appendix 9.2.2A**.

Having undertaken community consultation as a result of Council resolution **OCM11/07/080** the next step in the formal process for the closure of a PAW may be undertaken. Council may now resolve to close the PAW and submit a written request to close the pedestrian access way to the Western Australian Planning Commission.

### **BACKGROUND**

At the Ordinary Council Meeting 22 March 2011 Council resolved to:

1. To publicly advertise the proposed closures of the PAW located at the rear of Williams Road, Waroona.
2. To write to the affected adjoining landowners to ascertain whether they would support the closure of the PAW and are willing to purchase the PAW land adjoining their properties; and
3. That at the closure of the advertising period a further report is presented, together with any submissions received, at the next available Council meeting.

Council is required to follow the formal process of closing the existing PAW as defined by the Land Administration Act 1997 and the associated practice manuals of the Department of Planning (DoP). The general practice for closing a PAW involves consideration of the broader pedestrian/cyclist access and permeability (where



relevant) assessment. The assessment (which is attached at **Appendix 9.2.2B**) covers the physical attributes of the proposed PAW to be closed, the connectivity assessment, where the PAW is located in respect to community facilities, research on relevant texts and literature pertaining to PAWs, referrals and consultation with agencies and infrastructure providers and the community, an inspection and assessment of the PAW showing photos and an evaluation of travel distances etc. At the completion of all stages this assessment is to be submitted to Western Australian Planning commission (WAPC) for endorsement.

The Department of Regional Development and Lands will not progress any closure until the Department of Planning (DoP) has consented to the closure and the Council has resolved to close the PAW. In this regard, it should be noted that the Minister for Lands retains the final statutory discretion on the disposal of the PAW under the powers contained in the Land Administration Act 1997.

### **FINANCIAL IMPLICATIONS**

Written agreement has been attained from the adjoining landowners (original applicants) wishing to purchase a portion of the pedestrian access way. The landowners are prepared to meet all costs associated with the closure including the possible relocation of infrastructure and registration of easements, removal of improvements from the pedestrian access way and the cost of reinstatement of kerbing.

Council may, if it so wishes, cover some of the costs associated with the removal of the 35.5m of footpath of the PAWs. This process has been estimated at \$1,300 by the Shire of Waroona's Consulting Engineer. Other costs that would be incurred are advertising and officer time.

If the PAW closure is completed Council will no longer be responsible for the ongoing maintenance costs of the PAW.

### **STATUTORY IMPLICATIONS**

#### **Planning and Development Act 2005**

Section 152 of the Planning and Development Act 2005 deals with 'Certain Land to Vest in the Crown'. In this section pedestrian access ways are noted as being Crown land.

#### **Land Administration Act 1997 (the Act)**

Section 50 of the Act deals with 'Revocation of management orders', and states: "*(1) When a management body (a) agrees that its management order should be revoked, the Minister may by order revoke the management order*".

Currently there is a management order on this PAW, whereby the Shire of Waroona manages the PAW.

Section 51 of the Act deals with 'Cancellation etc. of reserves generally' and states: "*the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve*".

The PAW is classed as a Reserve, owned by the Crown, a cancellation of the reserve would need to be undertaken in order to transfer the land after the successful subdivision/amalgamation process, to proceed and the adjoining land owners would then be able to take possession of the land.

Section 58 of the Act states that when a local government wishes a road in its district to be closed permanently, the local government may request the Minister to close the road. When Council resolves to make a request the local government must in accordance with the regulations prepare and deliver the request to the Minister.

A local government must not resolve to make a request until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

On receiving a request the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3):

- (a) By order grant the request;
- (b) Direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
- (c) Refuse the request.

Section 74 of the Act provides the Minister with the powers to sell Crown land.

It should be noted here that as there is a critical sewage pipeline of the Water Authority in this PAW. If the Water Authority decides to retain the location, an easement may be required over the land of the two adjoining properties that it would then run through.

Section 87 deals with 'Minister may convey in fee simple or lease Crown land for subsequent amalgamation with adjoining land' and states that *"if the Minister considers that a parcel of Crown land is unsuitable for retention based on good land use and planning principles, the Minister may, by order amalgamate that parcel with the adjoining land"*.

#### Shire of Waroona Town Planning Scheme No. 7

The Lots adjoining the PAW are zoned 'Urban 5 – Special Residential' zone. Here it is Councils objective to permit residential development of suitable land in order to provide for a range of residential opportunities and lot sizes in the Waroona town site area.

### **STRATEGIC PLANNING IMPLICATIONS**

#### Planning Guidelines – Procedure for the Closure of Pedestrian Access Ways

This guideline sets out a simplified procedure for the closure of pedestrian access ways following a review of current processes and procedures and the associated enabling legislation. There are eight (8) steps that must be followed.

**Step 1:** The local government receives a request for closure of a pedestrian access way and, after exploring all reasonable management options, prepares a closure report.



**Step 2:** The local government refers the closure report to all relevant infrastructure providers and any other agencies that may have an interest in the pedestrian access way, and requests their comments and advice, in writing.

**Step 3:** The local government consults the community likely to be affected by the proposed closure (including all abutting landowners) using two or more of the following methods, and seeks their comments in writing:

**Step 4:** The local government assesses any comments and advice received from infrastructure providers, agencies and the community and determines whether to close the pedestrian access way, or retain it and keep it open.

**Step 5:** If the local government resolves to close the pedestrian access way, it advises all abutting landowners of its decision and seeks:

- Written support for the closure;
- Written agreement as to how the land is to be divided; and
- Written agreement from those wishing to purchase a portion of the pedestrian access way that they are prepared to meet all costs associated with the closure including the possible relocation of infrastructure and registration of easements, removal of improvements from the pedestrian access way, and cost of reinstatement of kerbing.

**Step 6:** The local government submits a written request to close the pedestrian access way to the WAPC.

**Step 7:** The WAPC assesses the proposal and makes a decision to either endorse or not endorse the proposal, and communicates its decision to the local government.

**Step 8:** On receipt of the WAPC's endorsement, the local government proceeds with the closure, and refers the request, to RDL State Land Services for processing under section 87 of the *Land Administration Act 1987*.

#### Liveable Neighbourhoods – Community Design Code

Element 2 of the Liveable Neighbourhoods deals with the 'Movement Network'.

Objective 4 of the movement network is to establish a movement network which provides convenient linkages to activity centres and local facilities.

Objective 9 of the movement network is to provide a safe, convenient and legible movement network to meet the needs of both experienced and less experienced cyclists.

Objective 11 of the movement network is to provide a safe, convenient and legible movement network for pedestrians.

This PAW is not convenient. It serves no purpose to pedestrians or cyclists and it does not serve as a link to community facilities.

#### Local Planning Strategy (LPS)

The area in which the PAW is situated is indicated as Residential in the LPS and minimum lot size is 2000 m<sup>2</sup>.



## **COMMUNITY CONSULTATION**

As a result of Council resolution **OCM11/07/080** community consultation was undertaken from **2 August – 14 September 2011** in accordance with section 58 of the *Land Administration Act 1997*.

A sign were placed at the end of the pedestrian access way advising of the proposal to close the PAW and an advertisement was placed in the Harvey Reporter.

Further to this direct mail out to households likely to be affected by the closure was undertaken. This mail out sought to ascertain whether landowners would support the closure of the PAW and if they were willing to purchase the PAW land adjoining their properties.

A copy of the Schedule of Submissions is at **Appendix 9.2.2C**.

### **Internal Referral**

Upon referral to Technical Services, the Shire's Consulting Engineer stated that there does not appear to be any Shire assets within the subject PAW. If this is the case the Engineering Department has no concerns with the closure and the disposal of the PAW.

### **Referrals**

#### **Western Power**

Advised, that there are no underground assets at this location.

#### **Water Corporation**

Advised stated no objection to the proposal.

#### **Telstra**

Advised that there are no Telstra assets in this location.

#### **ATCO Gas**

Advised, that there are no underground assets in this location.

#### **Waroona Police Department**

Confirmed that there is no reported crime relating to this PAW.

## **OFFICER'S COMMENTS**

The PAW in question serves little to no purpose to the residents of Waroona. The PAW runs between two properties in Williams Place and finishes in a dead end at the rear of a property on Lyons Road. The property on Lyons Road that abuts the PAW is currently fenced with four strand wire meaning that the PAW leads nowhere.

The simple fact is that it serves no purpose as per the pictures in **Appendix 9.2.2B** on (page 11).





The PAW contains 14 concrete slabs approximately 2.5 metres in width lining the 35.5 metres of footpath. It is considered that the formal closure of the PAW would require the removal of the concrete slabs that currently line the PAW.

Consultation with the referrals agencies indicated no objections to the closure. The Waroona Police department stated there is no antisocial behaviour or crime reported in the PAW.

Three (3) submissions received from adjoining landowners stated no objection to the proposed closure. Most importantly landowners of an adjoining property (original applicants) have indicated the desire to purchase the complete width of the PAW. No objections have been received on the proposal.

The landowners who indicated the desire to purchase the land will be given the opportunity to do so by Landgate at a price determined by the Valuer General. The additional costs associated with the process such as surveyor costs, land transfer fees, relocation of infrastructure and subdivision/amalgamation fees will also be borne by the landowners.

Having undertaken community consultation, Council has now completed the first five (5) steps of the procedure for the closure of PAW's. At this stage enough adjoining landowners have indicated support of the closure and intent to purchase land abutting their property. The next stage of this procedure is to submit a written request to close the pedestrian access way to the WAPC.

Given the assessment above, the comprehensive assessment report (attached at **Appendix 9.2.2B**) and the result of community consultation, it is therefore recommended that Council resolve to close the PAW and submit a written request to the WAPC stating its request for closure.

#### **COUNCIL RESOLUTION**

**OCM11/12/148**

**MOVED: Cr Germain**

**SECONDED: Cr Scott**

**In relation to the request to close Pedestrian Access Way Lot 55 on Plan 13499, Waroona, Located to the rear of Williams Place, Waroona, Council resolves to:**

- 1. Close the Pedestrian Access Way.**
- 2. Submit a written request to close the Pedestrian Access Way to the Western Australian Planning Commission.**

**CARRIED 6/0**



<b>9.2.3 PEEL REGION SCHEME AMENDMENT 025/57 - FORREST HIGHWAY ENVIRONMENTAL OFFSETS.</b>	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché - Manager Planning Services / Nil
Proponent:	West Australian Planning Commission
Landowner:	Shire of Waroona and various others.
Date of Report: 29 November 2011	File No: 122/1
Previous Reference:	NA
Statutory/Policy Implications:	Planning and Development Act 2005 Peel Region Scheme 2003
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 2 – Conserve our pristine environment
Financial Implications:	Potential compensation for Lot 20 Johnson Street, Lake Clifton: \$45,000.
<b>Voting Requirements</b>	<b>Simple Majority (Part 1). Absolute Majority (Part 2)*</b>

### Proposal

The Western Australian Planning Commission (WAPC) is requesting comment on its proposal to amend the Peel Region Scheme (PRS) pursuant to section 57 of the *Planning and Development Act 2005*. Section 57 of the Act deals with the minor amendment of a Region Scheme.

The purpose of the amendment is to protect the environmental and landscape values of approximately 270ha of land within the Peel Region (City of Mandurah, Shire of Murray and Shire of Waroona) by transferring this land to Regional Open Space. See location plans at **Appendix 9.2.3A**.

The following land is proposed to be affected under the amendment:

Property Address	Lot Size (approx.)	Current PRS Zoning / Reservation	Proposed PRS Reservation
Lot 70 Old Bunbury Rd, Waroona	4.5ha	Rural	Regional Open Space / Primary Regional Road
Lot 72 Forrest Highway, Lake Clifton	2.5ha	Rural	Regional Open Space / Primary Regional Road
Lot 303 Forrest Highway, Lake Clifton	42.3ha	State Forrest	Regional Open Space
Lot 351 Forrest Highway, Lake Clifton	5.7ha	Rural / Primary Regional Road	Regional Open Space / Primary Regional Road
Lot 352 Forrest Highway, Lake Clifton	14.4ha	Rural / Primary Regional Road	Regional Open Space / Primary Regional Road
Lot 354 Doman Rd, Lake Clifton	10.8ha	Rural / Primary Regional Road	Regional Open Space / Primary Regional Road
Lot 401 Forrest Highway, Lake Clifton	6.6ha	Rural	Regional Open Space
Lake Clifton Town Site	86ha	Rural	Regional Open Space

## Background

In December 2006, the Federal Minister for the Environment and Heritage approved the extension of the Kwinana Freeway and the construction of the Forrest Highway. A condition of this approval required Main Roads Western Australia (MRWA) to prepare and implement a Remnant Vegetation Offset Plan for protected lands lost to the development.

This Offset Plan has identified approximately 270ha of land containing unprotected remnant vegetation. This unprotected vegetation abuts or links other areas of protected remnant vegetation and it for indefinite protection.

In recognition of the environmental values of the land, MRWA has requested that the land identified in the Offset Plan be reserved for Regional Open Space under the PRS.

The Shire of Waroona is the owner a block of land, Lot 20 Johnson Street, Lake Clifton, designated for Regional Open Space reservation in this scheme amendment. Lot 20 Johnson Street is located on an unmade road located within the undeveloped Lake Clifton town site at the corner of Old Bunbury Road and Old Coast Road. See location plan at **Appendix 9.2.3B**. Lot 20 Johnson Street is a 1012m<sup>2</sup> block.

To protect landowners in this situation the WAPC has a set of procedures relating to the acquisition of land or compensation.

## Financial Implications

An owner of reserved land may offer the property for sale to the WAPC. Subject to land acquisition priorities and the availability of funds, the WAPC would be willing to consider the early acquisition of a reserved property. In such cases the property is purchased at the current market value had the property not been affected by the reservation with the value being determined by independent valuations of the property.

A valuation of Lot 20 Johnson Street, Lake Clifton was undertaken by John Benson under delegation of the Valuer General in April 2010. The land was valued at \$45,000 inclusive of GST.

There are also three other options available to affected landowners.

- Retain ownership of the land until it is needed for public purpose.
- Sell the property on the open market to another person(s). This may be undertaken at a reduced price due to the impending reservation of the land. A claim for compensation for injurious affection between the lower sale price and the unaffected value of the property may be lodged with the WAPC.
- Make a claim for compensation for injurious affection, following the WAPC's refusal of a development application or approval of a development application subject to conditions that are unacceptable. This claim must be made within six months of the decision. In such conditions the WAPC may elect to purchase the property instead of paying compensation.

Further to this a situation may arise where a property is needed for a public purpose and the owner is unwilling to sell. In such case the property may be compulsorily



acquired (resumed) for public purpose. Where a property has been resumed by the WAPC the landowner has the right to make a claim for compensation in respect of the resumed land.

This matter is to be pursued further with the WAPC.

### Statutory Implications

#### Planning and Development Act 2005

Section 58 of the Act deals with notification of minor amendment.

- (1) If under section 57 a proposed amendment is not required to be submitted and approved in accordance with the procedure prescribed in Division 3, the Commission, after sections 38 and 39 have been complied with in relation to that amendment, is to —
  - (a) Send a copy of the amendment to the Minister;
  - (b) Publish in the Gazette and in a daily newspaper circulating in the area to which the region scheme applies a notice —
    - (i) Describing the amendment;
    - (ii) Stating where and when the amendment will be available for inspection;
    - (iii) Stating that submissions on any provision of the amendment may be made to the Commission in the form set out in that notice within the period specified in the notice (being a period of not less than 60 days after publication of the notice); and
    - (iv) Certifying that, in the opinion of the Commission, the amendment does not constitute a substantial alteration to the relevant region planning scheme;
  - (c) if the amendment changes the zoning or reservation of land, within 7 days of the publication referred to in paragraph (b), make reasonable endeavours to give written notice of the amendment to the owner of land of which the zoning or reservation is changed; and
  - (d) Make reasonable endeavours to consult in respect of that amendment such public authorities and persons as appear to the Commission to be likely to be affected by that amendment.
- (2) When a submission is made by a group of persons, that group is to appoint one person to represent that group for the purposes of the submission.

Section 59 deals with the consideration of submissions on minor amendment

If the Commission receives any submissions in accordance with the relevant notice published under section 58 the Commission is to consider, and make a report and recommendation to the Minister on, those submissions.

### Peel Region Scheme

5. The purpose of the Scheme is:
  - (a) To provide for the reservation and protection of land for regional transport, conservation, recreation and public uses.
  - (c) To provide a mechanism for landowners to be compensated in a fair and equitable manner where land is reserved for a public purpose.
6. The aim of the Scheme is  

To protect as Regional Open Space the regions coastal foreshores, the foreshores of the Murray, Serpentine and Harvey rivers and the Peel Inlet and the Harvey Estuary, as well as other areas of regional conservation significance and areas for regional recreational facilities.
7. The Scheme prevails over inconsistent local government scheme.
10. Land is reserved under the Scheme for the following public purposes
  - (a) Regional Open Space – To protect the natural environment, provide recreational opportunities, safeguard important landmarks and provide public access.
12. Land is classified into zones under the scheme for the following purposes.
  - (e) Rural – to provide for the sustainable use of land for agriculture, assist in conservation and the wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.

### Strategic Implications

#### *Objective 2 – Conserve our pristine environment*

The Shire of Waroona is committed to strengthening its capacity to tackle the issues of sustainable development and the conservation of our sensitive environment that are increasingly interconnected and interdependent.

### Community Consultation

The WAPC is currently advertising the proposed amendment and is seeking comment from all affected Local Governments. As part of this process the WAPC has provided the Shire of Waroona the opportunity to make comment on the proposal. The closing date for submissions is 13 January 2011.



### Internal Referral

Upon referral to the Shires Technical Directorate the Shire's consulting Engineer stated that there were no concerns with the proposed amendment from an engineering perspective.

### Officer's Comments

The land proposed to be included in the Regional Open Space reservation contains unprotected remnant vegetation in good condition situated in strategic locations. The proposed inclusion areas either abut or link other areas of protected remnant vegetation. The land proposed for reservation is currently either zoned Rural or reserved as Primary Regional Road under the PRS. These zones / reservations do not provide for protection of the natural environment. The reservation of this land for Regional Open Space gives the ability to protect its environmental values.

The only major impact that this scheme amendment will have directly on Council is the proposed reservation of Council owned land. For this reason a recommendation is made to offer the subject lot (Lot 20 Johnson Street, Lake Clifton) to the WAPC to purchase at the current market value as the property had not been affected by the reservation. The value here will be determined by an independent valuation of the property.

Other than the fact Council owned land is involved, the impact of this proposed amendment will be minimal on Council as there are no other Council assets involved. The protection and conservation of remnant vegetation can be agreed with in principal and it is therefore recommended that Council provide a response to the WAPC stating that it has no objection to the proposed PRS amendment.

### **COUNCIL RESOLUTION**

**OCM11/12/149**

**MOVED: Cr Germain**

**SECONDED: Cr Scott**

**That with respect to the proposed amendment number 025/57 to the Peel Region Scheme (2003), Council resolves to advise the West Australian Planning Commission that the Shire of Waroona:**

- 1. Has no objection to the proposed amendment.**
- 2. Offers Lot 20, on plan 202609, Johnson Street, Lake Clifton for sale to the WAPC at the current market value of the land.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**



<b>9.2.4 RIVERS REGIONAL COUNCIL - DEED OF AMENDMENT OF THE ESTABLISHMENT AGREEMENT ENABLING PARTICIPANTS TO APPOINT DEPUTY MEMBERS</b>	
Reporting Officer / Officer's Interest:	Steve Cleaver, Director Community and Planning Services
Responsible Officer / Officer's Interest	Steve Cleaver, Director Community and Planning Services
Proponent:	Rivers Regional Council
Landowner:	N/A
Date of Report:	9 December 2011   File No.: 77/3
Previous Reference:	
Statutory/Policy Implications:	Local Government Act 1995, Part 3 Division 4, s3.64 (d)
Strategic Implications:	Best practice integrated waste management Promote recycling, reuse and minimisation of waste materials to the community and industry.
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### Proposal

To appoint deputy members to the Rivers Regional Council.

### Background

For some years the Shire of Waroona and other participant Member Councils have been appointing 'Alternate Councillors' to act temporarily in place of a member of the Rivers Regional Council (RRC). As per the RRC Establishment Agreement (EA), 6.1 (2) "A Participant may appoint a member of the council of the Participant who may act temporarily in place of a member of the RRC Council, appointed by the Participant, during any period in which the member of the RRC Council is unable by reason of illness, temporary absence from the State, conflict of interest or for any other cause to perform the functions of the office." Approximately two years ago the Local Government Act 1995 was amended to allow deputy members.

The Local Government Act 1995, Part 3 Division 4, s3.64 (d) now reads: "The appointment and tenure of members and deputy members of the council of the Regional Local Government", i.e. the words "and deputy members" have been added.

Recently written advice received by Rivers Regional Council from the Department of Local Government indicated that if there was any conflict, the requirement of the Local Government Act would take priority over the Establishment Agreement, however, the RRC solicitor, Mr John Woodhouse, is of the opinion that the Establishment Agreement should be amended prior to the Participant Local Governments appointing deputies.

At its meeting on 13<sup>th</sup> October 2011 the Rivers Regional Council resolved that the Draft Deed of Amendment, dealing with the appointment of deputy members be forwarded to member Councils for adoption.



It is proposed to make an amendment to the Establishment Agreement of the Rivers Regional Council as follows:

Clause 6.1 is amended by deleting subclause (2) and a new clause 6.8 inserted -

“6.8 Deputy members

- (1) A Participant may:
  - (a) appoint a member of the council of the Participant to be a deputy member of the RRC Council; and
  - (b) terminate the appointment at any time.
- (2) A deputy of a member of the RRC Council may attend a meeting of the RRC Council when the member is unable to do so by reason of illness, absence or other cause.
- (3) A deputy of a member, when attending a meeting under subclause (2), has the functions of, and all the protections given to, a member.
- (4) A person must not currently hold office as a deputy of more than one member of the RRC Council.”

#### Community Consultation

Rivers Regional Council

#### Officer's Comments

Once, and if all seven Member Councils agree, the Draft Deed of Amendment (**Appendix 9.2.4**) will be forwarded to the Minister for Local Government, the Hon John Castrilli MLA for his signature. Once the process is complete, the Chief Executive Officer of the Rivers Regional Council will inform each local authority's Chief Executive Officer so that deputy members may then be appointed.

#### **COUNCIL RESOLUTION**

**OCM11/12/150**

**MOVED: Cr Salerian**

**SECONDED: Cr Wright**

**That Council:**

- 1. Endorse the Draft Deed of Amendment as outlined in Attachment 9.2.4 of the Agenda dealing with the appointment of deputy members to the Rivers Regional Council.**
- 2. Authorise the Shire President and the Chief Executive Officer to enter into a Deed to that effect.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**





Cr Wright declared a financial interest in Item 9.2.5, as an employee of the applicant and left the meeting, the time being 4.15pm.

<b>9.2.5 LOT 205 SOMERS ROAD, WAROONA - APPLICATION FOR PLANNING CONSENT FOR RESIDUAL STORAGE AREA, RUN OFF COLLECTION POND, PROJECT OFFICE COMPOUND AND ANCILLARY DEVELOPMENT.</b>	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Alcoa of Australia Ltd
Landowner:	Alcoa of Australia Ltd
Date of Report: 9 November 2011	File No: TP1427
Previous Reference:	TP578, TP798, TP1258
Statutory/Policy Implications:	Planning and Development Act 2005 Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 Shire of Waroona Town Planning Scheme No. 7 Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997 Peel Region Scheme 2003 Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for growth Objective 2 – Conserve our pristine environment Objective 3 – Protect and conserve agricultural lands and rural land uses
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>

## **BACKGROUND**

### **Proposal:**

Council has received an application from Alcoa of Australia Limited to develop the next Residue Storage Area (No.9), a Runoff Collection Pond (ROCP3), a Project Office Compound and ancillary development associated with the Wagerup Refinery. The submitted location plan, site plan and detailed plans are at **APPENDIX 9.2.5A (1, 2, and 3)**

The proposed RSA9 will extend north from ROCP 1 to just South of Samson South Drain and West from RSA's 4 and 5. RSA9 would provide 47ha of drying area with a footprint of 66ha. The initial embankment height is proposed to be between 7m and 9m above ground level however Alcoa intends developing the residue area to a nominal maximum height of 60m in the medium term as outlined in the 2007 Wagerup LTRMS. The embankments will be constructed with clean material sourced from within the footprint of the proposed development, the nearby Detention Pond (DP) footprint and Proposed Borrow Area A.

The storage area will be sealed with a composite liner, comprising a compacted clay layer and a synthetic membrane with equivalent permeability of 0.5m of 10-9m/s clay.



Clay will be sourced from the nearby Detention Pond (DP) 2 area and/or the Proposed Borrow Area A.

ROCP 3 will extend north of RSA 9 and to the west of RSA 5 and 7. The new collection pond will provide 15ha -19ha, or 435,000KL of water storage and allow the existing ROCP1 to be decommissioned.

Approximately 1,900,000m<sup>3</sup> of clay is required for the construction of RSA 9 and ROCP 3. This will be removed from the north east corner within the existing walls of DP 2 and/or immediately east of the existing wall of DP 2. Clay removed from within Proposed Borrow Area A will be removed from the north east corner first, and then work will progress south to the haul road.

A pipeline is proposed as part of the proposal. Residue mud will be pumped to RSA 9 via the existing pipeline commencing at tie-in at the South Western corner of RSA 6. The new section of pipeline will remain within the lined areas and follow RSA 9 northern embankment and provide discharge points to the west into RSA 9.

The proposed project office compound will be located west of the RSA 9. The office will be accessed from an internal road that runs off Somers Road and contains two (2) 12-13 people offices, three (3) 10-11 people offices and one (1) mess facility. A car parking area for 50 cars is also proposed within this compound. See plans and elevations at **APPENDIX 9.2.5B**

Alcoa have submitted Traffic Management, Visual Amenity, Dust Management and Noise Management Plans in support of the application. Find Visual Amenity Plan figures at **APPENDIX 9.2.5C**.

Alcoa have also submitted detailed works approval supporting documentation containing a Table of Commitments at **APPENDIX 9.2.5D** and an Environmental Risk Assessment Study at **APPENDIX 9.2.5E**.

### **General:**

Alcoa of Australia Limited, the occupier and proponent for the proposed works, is an unlisted Australian public company.

The proposal concerns the Wagerup alumina refinery located 3km south of Hamel and 7km south of the town of Waroona. Yarloop, within the Shire of Harvey, is located 3km south of the refinery.

The surrounding land-use is predominantly rural, with most of the area around the refinery and residue area cleared of native vegetation.

The Wagerup refinery area is within the lower reaches of the Harvey River catchment. The section of the Harvey River upstream and adjacent to Alcoa's landholdings as well as the feeder streams that traverse the Pinjarra Plain have generally been highly modified into trapezoidal drains. The Harvey River Main Drain lies approximately 4km to the west of the current residue storage areas and flows in a north-westerly direction to discharge into the Harvey estuary.

*'As with the majority of other alumina refineries throughout the world, the Wagerup refinery uses the Bayer process to extract and refine alumina from bauxite ore. The process involves grinding and heating bauxite with sodium hydroxide to produce an*



*alumina rich 'liquor'. Further processing involves separation of undissolved bauxite solids (bauxite residue) and cooling to precipitate hydrated alumina. Heating is then used to dry the hydrated alumina and then remove the chemically bonded water from the alumina.*

*Bauxite residue, comprising coarse-grained particles ("residue sand") and fine-grained particles ("residue mud") is pumped as an alkaline slurry to a residue storage area approximately 2km west of the refinery. The sand is stockpiled for a number of applications within the residue area, including raising the RSA embankments. The residue mud slurry is thickened and pumped into RSAs.*

*As the residue accumulates, the capacity of each RSA is increased progressively by constructing new embankments upstream of the existing embankments, which also has the effect of reducing the surface drying area. To be able to sustain the ongoing drying process, additional drying area needs to be provided periodically by constructing new or extending existing RSAs.' (Alcoa Works Approval Application – Supporting Information 2011)*

### **Previous Approvals**

Numerous planning approvals have been issued on the subject lot. In 2005 planning consent was issued for RSA 8 and ancillary development. In 2006 approval was issued for a workshop, a cogeneration power plant, a car park, a hydrate storage building and foundations for the power station. In 2007 approval was issued for a shed. In 2009 approval was issued for a residue storage facility.

### **STATUTORY IMPLICATIONS**

#### **Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978**

This Act served to ratify an Agreement between the State of Western Australia and Alcoa of Australia Limited for the purpose of the establishment of an alumina refinery at Wagerup.

#### **Environmental Protection Act 1986**

The purpose of this Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.

The Department of Environment and Conservation have applied this act in the assessment of the application for the works approval.

#### **Environmental Protection Noise Regulations 1997**

These regulations have been tailored to the *Environmental Protection Act 1986*. The regulations are a "prescribed standard" under sections 51, 62 (4), 65, 74 (3) and clause 22 of Schedule 4 of the Act. Noise emissions which exceed the prescribed standard can be regarded as "pollution" and "unreasonable noise" under Section 3 of the Act.

#### **Peel Region Scheme 2003**



It is the purpose of the Peel Region Scheme is to identify and protect land having strategic importance for industrial and future urban use.

Clause 6 (e) states that the aim of the scheme is to provide for industrial development in planned estates where land use conflicts and environmental impacts will be minimised and efficient production facilitated.

Clause 6 (h) states that the aim of the scheme is to provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.

The Peel Region Scheme also classifies land into zones. The subject lot is zoned industrial under the Peel region Scheme:

(d) Industrial – to provide for manufacturing industry, the storage and distribution of goods and associated uses.

The proposed development does not trigger an application for Planning Consent under the Peel Region Scheme.

### **Town Planning Scheme No. 7**

The proposed development will be located on land zoned ‘Special Industry’ under the Town Planning Scheme No.7.

Clause 4.17.1 states that land use and development of any Special Industry Zone shall be restricted to the operations of the industry identified on the Scheme Map. Wagerup Alumina Refinery is identified on the Scheme Map.

Clause 4.17.3 states that land included in the Special Industry Zone for buffer purposes may continue to be used for rural activities.

Clause 4.17.3 states that nothing in the Scheme shall be construed to limit the operation of the Alumina Refinery (Wagerup) Agreement and Acts Amendment, 1978 as amended.

Clause 6.1.1 of the Scheme states that subject to Clause 6.1.2, a person shall not carry out development on any land zoned by the Scheme without first having applied for and having obtained the Planning Consent of Council in accordance with the provisions of the Scheme. The proposed development is not listed as one of the exempt classes detailed in Clause 6.1.2 of the Scheme.

Clause 8.7.2 states that if Council has given notice of an application and have not, within ninety days of the receipt of an application for planning consent, either conveyed a decision, the application may be deemed to have been refused.

However clause 8.7.3 states that notwithstanding that an application for Planning Consent may be deemed to have been refused under Clause 8.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the ninety day period specified in that clause as the case may be.

## **STRATEGIC IMPLICATIONS**

### **Shire of Waroona Strategic Plan 2005 – 2025**

#### Objective 1 – Prepare for growth

The Long-term sustainability of the Shire is paramount. There is a need to encourage business and allow private enterprise to flourish. Opportunities are needed for large and small-scale business. This in turn will generate employment opportunities resulting in economic benefits and industrial diversity.

#### Objective 2 – Conserve our pristine environment

The Shire of Waroona is committed to strengthening its capacity to tackle the issues of sustainable development and the conservation of our sensitive environment that are increasingly interconnected and interdependent.

#### Objective 3 – Protect and conserve agricultural lands and rural land uses

The Shire of Waroona is committed to the sustainable management of the expected land use change in rural areas and is conscious of the need to achieve a balance between the pressures of development and the maintenance of existing farming practices and priority agricultural areas.

## **STRATEGIC PLANNING IMPLICATIONS**

### **Alcoa Long Term Residue Management Strategy (LTRMS)**

Alcoa is required, under a Ministerial condition attached to the environmental approval of Wagerup refinery, to address long term planning and eventual closure of its Wagerup residue storage area. In 1996, Alcoa developed the first LTRMS for Wagerup in consultation with the RPLG. The RPLG is chaired by the Department of Mines and Petroleum and includes representatives of state and local government agencies and Alcoa. This group reviews plans put forward by Alcoa and updates the LTRMS every five years.

The 2007 Wagerup LTRMS identifies the projected residue footprint for 2007-2011, without the proposed Unit 3 Expansion, to maintain the residue storage and drying capacity to meet the requirements of the refinery. The construction activities outlined in the LTRMS for 2007-2011 include the construction of RSA 9 and ROCP 3 to the west of RSA 4 and 5.

The review of the LTRMS will begin in January 2012. During this process Council and members of the general public will be provided the opportunity to comment and make submissions on the review.

A key concern raised by the Shire of Waroona during the last LTRMS review was the proposed height requirements for the residue areas. Alcoa has identified a desire to increase the stack height from the current plan of 40m above ground level to 60m. The Shire of Waroona can utilise the review period by making a submission on the strategy.

### **Planning Policy 1.0 Community Consultation**

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected ratepayer aware of a development proposal and to allow them ample opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

In accordance with Policy 1.0 and section 8.2.2 of the TPS, the application for the proposed development was publicly advertised for a period of 30 days. In a manner consistent with previous applications letters were sent to landowners within 3km of the proposed expansion to make them aware of the application. Further to this a notice was placed in the Harvey Reporter of 9 August 2011.

Within this timeframe ten (10) submissions were received on the application. See schedule of submissions at **APPENDIX 9.2.5F**.

### **Planning Policy 23.0 Landscaping**

#### Objectives

- I. Provide guidelines for effective landscaping for a range of purposes including screening.
- II. To provide minimum standards for maintenance of landscaping requirements.

#### General principles

- All landscaping required as a condition of approval is required to be maintained for the life of the approval. Moribund trees and shrubs must be replaced as soon as practical.
- Council supports use of endemic native species where appropriate.
- In relation to industrial developments, screening is a particular requirement and Council will require extensive use of screening plants.

#### Application

- The requirements of the landscaping policy apply to all developments of an industrial nature.

### **Local Planning Strategy**

#### **14.2 Minerals and Basic Raw Materials Strategy**

The LPS refers to Bauxite being mined in State Forest in the Darling Range and conveyed to the Wagerup refinery. The mining is carried out under a State Agreement Act. It is the aims of the Local Planning Strategy to:

“... encourage the operators of the bauxite mines to minimise the amenity impacts on surrounding landowners.”

## 15 Special land use controls

There are eight Special Control Areas (SCAs) identified on the Local Planning Strategy Map. These SCAs are subject to specific land use controls that are used to protect industry in the area from incompatible development and subdivision.

The subject proposal falls within SCA 1 Wagerup Alumina Refinery. The purpose of this SCA is to restrict the encroachment of sensitive land uses and development.

### Industrial Precinct

The proposed exploration is located within the Industrial Precinct of the Local Planning Strategy.

This proposal falls within land designated as Special Industry within the Industrial Precinct of the Local Planning Strategy. It is the objective of the Shire to provide land for the operations of the Wagerup Alumina refinery.

The Wagerup Alumina Refinery, Residue Storage Areas and associated operations are designated land uses within this sub precinct.

RSAs are to be progressively planted and rehabilitated to control dust emissions and improve visual amenity.

## **PUBLIC AUTHORITY REFERRALS**

Due to the potential impact of the proposal on the environment, the proposal was referred to the Department of Environment and Conservation (DEC) and the Department of Water (DOW) for comment. A summary of their responses is included in the officers' comments. Also see the schedule of submissions at **APPENDIX 9.2.5F**.

## **INTERNAL REFERRALS**

Upon referral to the Shire's Technical Services Directorate, the Shire's Consulting Engineer noted that the estimated number of trips for sand haulage is of a concern as damage to the Shire road network is likely. The engineer also stated that any activity within the Shire's road reserve will require a separate Traffic Management Plan.

Technical Services provided further advice stating that Council should seek an undertaking from the proponent that the Shire's Roads will be maintained and rehabilitated to pre-works standard as the condition of the roads may become a hazard. The Shire engineer also stated that proper signage must be used by Alcoa during haulage campaigns.

The Manager of Works stated no issues with the approach to traffic management. However a concern regarding the amount of heavy vehicle movements was raised. It was noted that that the proposed vehicle movements may put considerable stress on the shoulders and edges of seal with large vehicles on and off the seal edge when parsing. It was also noted that some damage is already evident on Bristol Rd from the limestone carted to the Alcoa site recently.

Upon referral to the Shire's Environmental Health Department the Shire's Manager of Environmental Health and Building Services (MEHBS) noted his satisfaction with the

dust and noise management plans submitted by Alcoa. The MEHBS also stated satisfaction with environmental information provided by Alcoa relation to groundwater and surface water.

The MEHBS recommended that Alcoa should develop an odour management plan in order to pre-empt public complaints that may arise from this issue. It was also recommended that a condition should be added that requires Alcoa to keep a record of any complaints received.

Upon referral to the Building Department the Shire's Building Surveyor stated that the development indicated on the plans for the proposed project office compound is subject to a Building Licence under current legislation. It was also noted that under the Building Act 2011, which comes into force on 1 April 2012, that it is possible that a building permit may be required for this development.

### **OFFICER'S COMMENTS**

#### **Town Planning Scheme No.7**

The proposal is consistent with Clause 4.17.1 of the Scheme as the development is ancillary to the Wagerup Alumina Refinery as is identified on the Scheme Map.

Although the application was not determined within the required ninety days, in accordance with Clause 8.7.3, Council may issue a decision in respect of the application at any time after the expiry of the sixty day period specified in that clause as the case may be.

The application was not determined within the required 90 due to ongoing consultation with the DEC. Now that this consultation has been finalised Council may issue a decision under Clause 8.7.3 of the Scheme.

#### **Internal Referral**

The Shire's Consulting Engineer's recommendations regarding the road surface remediation and the use of signage have been incorporated into two conditions. The Manager of Works' concerns have also been addressed in this instance. Further to this a condition has been added requiring the proponent to submit a schedule of works, including the remediation of the road reserves, to the satisfaction of the Director of Technical Services.

The Manager Environmental Health and Building Services' recommendation that Alcoa keep a record of complaints received has been included as a condition.

The Building Surveyor's advice regarding the necessity for a Building Licence under current legislation has been included as an advice note.



## Public Authority Comments

### Department of Water (DoW)

Even though the DoW raised no objections to the proposal, an extensive amount of advice was offered to the proponent. This advice has been incorporated as advice notes C, D, E, F, G and H on this approval.

### Department of Environment and Conservation (DEC)

The DEC made no specific comments in relation to this proposal which extend beyond the scope of DEC's works approval assessment process. DEC noted that it would also be addressing potential emissions of concern such as dust and noise throughout the works approval assessment process.

The DEC prepared an Environmental Assessment Report (EAR) of the application for a works approval for the purposes of detailing information on the management and mitigation of emissions and discharges from the prescribed premises. The objective of the EAR is to provide a risk assessment of emissions and discharges, and information on the management of other activities occurring onsite which are not related to the control of emissions and discharges from the prescribed premises activity.

Comments from DEC's Environmental Assessment Report of the application for a works approval have been incorporated into this report.

## Schedule of Submissions

A number of submissions have been received from members of the general public. A detailed Schedule of Submissions can be found **at APPENDIX 9.2.5F**. To give an indication of the main concerns raised, listed are some of the objections cited in the submissions:

- Alcoa's operations have been very damaging to people's lifestyles.
- By allowing the lakes to expand, there is the potential to spread dust in greater quantities and further afield.
- Noise pollution.
- The sprinkler system is not effective in controlling dust.
- Unresolved pollution issues associated with the Wagerup refinery and the Residue Storage Areas.
- Mud Lakes leaking caustic into the surrounding water table.
- Aesthetic view of the mud lakes.
- The vast amounts of water used throughout the processing of bauxite.
- Surrounding soil and water is being impacted on forcing remaining farmers to consider leaving the area and relocating.

In response to the concerns raised in the submissions, the DEC and officers of the Shire of Waroona are satisfied with the various management plans and supplementary environmental information submitted by Alcoa in support of this application.

## Environmental Impact / ERA / Table of commitments

Given the fact that a works approval for the development is required for the site, the approval of the DEC (who provide the primary environmentalist expertise at state level) was required before development may commence. It was imperative that the



DEC be satisfied with the proposal from an environmental perspective in order for Council to be confident that the environmental impacts of the proposal have been dealt with adequately.

Alcoa has provided a range of supporting information with their application including a Table of Commitments, an Environmental Risk Assessment (ERA) and various management plans.

In the issuing of the works approval DEC is satisfied that this supporting information constitutes environmentally sound development.

In the DEC Works Approval, a condition was included that required the applicant to construct the works in accordance with the works approval application form and the following documentation:

(i) Works Approval Application Supporting Information

A similar condition has been added to this approval meaning that Alcoa must implement the proposal in accordance with all the information that was included in the Works Approval application including the Table of Commitments and the Environmental risk Assessment.

### **Traffic Management**

A traffic management plan has been submitted in support of the application. The traffic management system represented in this plan covers all activities applicable to the project outlined in the scope of works.

RSA 9 and ROCP 3 construction will require a fleet of heavy machinery to support the bulk earthworks. This equipment will be freighted to site by low-loaders that are escorted where applicable, and coordination with the required external stakeholders, such as Police and Western Power.

Mobilisation and demobilisation will occur during daylight hours and where possible will occur during light traffic movement periods.

It is estimated that the following vehicle movements will be generated:

- Approximately 58 loads of heavy equipment.
- Approximately 80 sea containers loads of drain coils and HDPE liner.
- 150-200 semi-trailer loads of pipe and other materials.
- Approximately 50 semi loads of lime stone and blue metal.

Approximately 250,000m<sup>3</sup> of sand will be transported in semi road trains via external third party suppliers.

For specific equipment, such as oversized machinery, a transport plan will be considered on a case by case basis.

The entry to the construction site off Somers Road will be adequately signposted, and in case of need additional traffic control measures will be implemented, such as traffic directors.

As discussed earlier in this report this traffic management plan has been internally assessed by the Shire's Consulting Engineer and Manager of Works. A condition has been added to ensure that the submitted management plan is implemented. Further to



this a condition has been added requesting that Alcoa submit an additional Traffic Management Plan for any works or activity that will take place within Shire road reserves.

### **Visual Impact**

A Visual Amenity plan has been submitted in support of the application. This plan indicates that Alcoa will screen and minimise visual impact on the environment.

Visual amenity work to be conducted within this project are aligned with existing visual amenity plans that are in place and within other projects endorsed by the Alcoa Land Management Lead Team.

Where applicable the project will use security fencing that is insulated in green coating in order to blend with the surrounding environment. This includes specifically, the security fencing along the Somers Road tree buffer. Topsoil from works will be pushed up to form berms that will be planted to screen areas from public view.

Areas subject to seasonal water inundation will be planted with suitable plants and RSA embankments will be planted with shallow rooted bushes and shrubs. These standards are have been approved by regulators on previous projects and are available from Alcoa.

### Office area

Security Fencing will be green meshed, plastic coated fencing. The Office building exteriors will be colour coordinated to reduce the visual impact from Somers Road where possible. Infill planting will be undertaken in the existing tree screening along Somers Road to further improve the visual amenity of the area. The offices are located behind the Somers Road tree screening in order to minimise the impact from the road.

### RSA 9 and ROCP 3

As indicated in Figure 1 (at **Appendix 9.2.5C**) of the attached plan, the top soil material at the laydown area will be pushed up and planted to form a visual barrier. The outer embankments of RSA9 and ROCP3 will be planted as per current standards to minimise visual impact.

### Borrow pit area

The redirection of the drain is only required if suitable material cannot be sourced from the Borrow area indicated and the borrow location needs to be extended North. Current geotechnical reports indicate that sufficient material is contained in the current area. The current position is not to redirect the drain however the deviation has been designed for future operations. This allows for the topsoil from the borrow pit to be pushed up to the tree line and create a berm next to the tree buffer that will be grassed in order to blend with the trees. Additional topsoil stockpiles will be located to the north of Black Tom Brook if required. These will be seeded in order to blend with the surroundings.

A condition has been added to ensure that the submitted visual amenity plan is implemented in accordance with Local planning Policy 23.0 – Landscaping. Further to this a condition has also been added requesting that the planting indicated in this plan

be implemented within 60 days of practical completion of site works relating to the proposed development.

### **Noise Management**

A noise management plan has been submitted in support of the proposal. This plan recognises the importance of minimising the impact of noise on residue sites and the adjacent surroundings. Two perspectives need to be considered: - near field noise for occupational health and safety reasons and far field noise to attenuate the impact on the surrounding environment and community.

Noise will be managed in accordance with the Mines Safety and Inspection Act, DEP Regulations and with the Department of Industry and Resources (DOIR) Western Australia, Guidelines – Noise Control in Mines.

Alcoa has recent experience in successfully implementing the Noise Management Plans at Wagerup during the construction of RSA 7N (2009) and RSA 8 (2005). No noise complaints were recorded as a result of these construction activities.

The nearest noise sensitive premises (two residences) to the proposed RSA 9, as defined by the Environmental Protection (Noise) Regulations 1997, are located approximately 2.5km to the east on the South Western Highway. However the two residences are located 500m from the Borrow Area A, where clay excavation will occur. Alcoa will make direct contact will be made with the two neighbours to ensure any concerns that they may have during construction are addressed.

This noise management plan has been internally assessed by the Shire's Manager Environmental Health and Building Services. (See Internal Referral section). Further to this a condition has been added to ensure that the submitted management plan is implemented.

### **Dust Management**

#### Construction Dust Control

Whilst there is the potential for dust to be generated from earthworks during construction of RSA 9 and ROCP 3, Alcoa has successfully implemented dust management programs during construction activities at Wagerup, most recently during the construction of RSA 8 and RSA 7N. A Dust Management Plan specific to the RSA 9 and ROCP 3 project will be developed for the construction operations with the objective to minimise dust generation in accordance with Alcoa's internal standards and current licence requirements.

There is also the potential to generate dust from the development of Clay Borrow Area A during the removal of topsoil and traffic on haul roads.

The Dust Management Plan, which will include RSA 9, ROCP 3 and Clay Borrow Area A, will describe how weather forecasts will be used daily during construction to proactively implement dust control measures such as limiting earthworks during unfavourable weather conditions and the use of water carts and/or dust suppression products. Opportunities for improvement identified during the RSA 8 and RSA 7N construction projects will also be incorporated into the construction plan.

Dedicated early warning construction dust monitors will be used to monitor performance and manage dust control within the construction area.



The submitted dust management plan has been internally assessed by the Shire's Manager Environmental Health and Building Services. See internal referral section. Further to this a condition has added to ensure that the submitted management plan is implemented.

### Operational Dust Control

Potential dust created during operation of RSA 9 will be controlled by:

- The installation of a sprinkler system on a 60m x 60m triangular pitch;
- Winter grassing of temporary embankments.
- The application of surface treatments such as mulch, bitumen emulsion and blue metal.

The ERA shows that the environmental risk of high dust levels during construction and operation of RSA 9 and ROCP 3 was assessed as low with existing and planned controls in place.

A sprinkler system will be installed in RSA 9 for dust suppression. The sprinkler system will be designed and constructed to meet Alcoa's current standard which includes 2m to 3m sprinkler risers installed on a 60m x 60m triangular pitch. ROCP 3 will have new sprinkler laterals and 1m starter risers installed and capped on a 60m x 60m triangular pitch ready for future conversion to a dry storage area but will not be functional whilst being operated as a Runoff Water Collection Pond.

The current Wagerup Licence 6217/14, issued by DEC, contains four conditions relating to the regulation of RSA dust. The conditions relate to monitoring of ambient dust by HiVol samplers which have attached dust limits and reporting requirements. Short term dust events are regulated by these conditions which require Alcoa to manage their RSA's effectively to ensure that no visible dust crosses the boundary.

### **Odour**

As there are no odour standards applicable to odour emissions from this type of facility, it is difficult to determine a suitable guideline for odour emissions, therefore this assessment has been based on the WG3 proposal which was deemed acceptable. There is no abatement technology available which will treat odour emissions from this type of process, i.e. drying ponds, therefore odour emissions are expected to be consistent during varying operating conditions. Weather conditions are expected to influence the dispersion of odour more so than process variation.

The DEC are satisfied that odour is currently regulated by alternative management mechanisms including Environmental Improvement Plan actions and the LTRMS. For this reason an odour management plan is not requested.

### **Lighting**

During routine residue operations residue sand is stockpiled hydraulically for embankment construction or for other use. Stockpiling occurs through the night and lighting plants are positioned to minimise light impacts in the community by directing them down and in a west, south west or northerly direction. Experience at Wagerup has determined that positioning the lighting plants in this way minimises the impact on nearby neighbours.

Alcoa has stated that if night works are required for construction of RSA 9 and ROCP 3 the potential impact from lighting will be reviewed and managed as it is for ongoing operations.

It is however noted that for the construction of RSA7 and RSA8 Alcoa agreed to control the hours of construction. It is recommended that the same hours be applied for the construction of this development. A condition has been added to this effect.

### **Discharges to Surface Water**

The residue area operates with a closed water circuit. There is no discharge of water to the environment as rainfall, decant and underdrain water is contained within the residue area and re-used in the refinery. The residue area, including drying areas and wet lakes, is designed to collectively accommodate accumulation of rainfall runoff from a 1 in 100 year wet winter.

### **Soil and Groundwater Protection**

The Environmental Risk Assessment identified groundwater contamination as a potential risk for the RSA 9 and ROCP 3 project. The environmental risk was rated as low for leakage with the proposed liner design and construction methods.

According to DEC's assessment of the works approval application: 'ongoing operations require licence conditions to ensure the risk to the environment remains low for discharges to water. Current licence conditions, limits and guidelines are adequate to monitor potential discharges to water and ensure the risk of these potential emissions remain low.'

Further to this the groundwater monitoring program and reporting will be extended to include new monitor bores at sixteen locations as part of this proposal. This upgrade will be reflected in future licence conditions following the completion of construction, ensuring the risk to land and groundwater are minimised and monitored.

### **Future Water Demand**

As the subject lot is located within the South West Coastal Groundwater Area as proclaimed under the *Rights in Water and Irrigation Act 1914*, an advice note has been added stating that any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water.

Although additional sprinklers will be installed to control dust the overall refinery demand for water will not significantly increase as a result of the construction of RSA 9 and ROCP 3. Alcoa is not currently seeking to increase its surface water licence allocations.

### **Solid and Liquid Waste Management**

Waste likely to be generated as part of the construction activities will include waste streams typically generated at the refinery. There is no demolition planned as part of the RSA 9 and ROCP 3 project.

Waste will be integrated with Alcoa's existing waste management program. Waste streams are grouped into the following categories and managed according to Government regulations and internal Alcoa Guidelines.

Wastes will be disposed of in accordance with appropriate standards and regulations, either in the licensed landfill at the refinery or by transport to a suitable licensed off-site facility. A condition has been added to this effect.

### **Conclusion**

It is clear from the number and content of submissions received that Alcoa's operations is a sensitive issue within the communities of Wagerup and Yarloop.

From the environmental aspect Council relies on advice from the DEC. Given that DEC has issued a conditional works approval Council can be assured that any environmental implications of the proposal have been adequately addressed.

From a planning perspective the development is consistent with the zoning of the land on which it is to be located. Further to this the development ties in with objectives outlined in the Councils Strategic Plan without compromising the aim of the remaining objectives. It is for these reasons that this proposal is recommended for approval subject to appropriate conditions.

### **COUNCIL RESOLUTION**

**OCM11/12/151**

**MOVED: Cr Salerian**

**SECONDED: Cr Scott**

**In relation to the application for Planning Consent for a Residual Storage Area, Runoff Collection Pond, Project Office Compound and Ancillary Development, Council resolves that:**

- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plans CI – DSK - 0010, CI – DSK - 0011, CI – DSK - 0025, CI – DSK – 0026, CI – DSK - 0028, CI – DSK - 0029, CI – DSK – 0030, CI – DSK - 0031, CI – DSK – 0034, CI – DSK – 0037 and CI – DSK - 0038 produced by Worley Parsons dated 15 March 2011 and plans CI – DSK – 0050, CI – DSK – 0051 and CI – DSK - 0052 produced by Worley Parsons dated 13 July 2011 , unless otherwise required or agreed to in writing by the Manager Planning Services.**
- 2. The applicant shall construct the works in accordance with the works approval application form dated 17/6/2011 and the following documentation:**

**(i) Works Approval Application Supporting Information - Wagerup Alumina Refinery Residue Storage Area 9 and Run Off Collection Pond 3, 23 June 2011, Alcoa World Alumina Australia.**

- 3. The applicant must implement the submitted Traffic Management Plan, prepared by Worley Parsons, received 22 June 2011 dated 7 June 2011.**
- 4. The applicant must implement the submitted Noise Management Plan, received 30 November 2011 dated 27 October 2011.**
- 5. The applicant must implement the submitted Dust Management Plan, received 30 November 2011 dated 27 October 2011.**
- 6. The applicant must implement the submitted Visual Amenity Plan received 20 September 2011 dated 20 September 2011 in accordance with Local Planning Policy 23.0 – Landscaping.**
- 7. Vegetation shall be implemented on site in accordance with the submitted Visual Amenity Plan within 60 days of practical completion of site works relating to the proposed development to the satisfaction of the Manager Planning Services. The landscaping being undertaken must consist predominantly of mature plantings with a minimum pot size of 30 litres. The vegetation shall thereafter be maintained to the satisfaction of the Manager Planning Services.**
- 8. The applicant shall submit a schedule of works detailing the timing of all works associated with the development, including the remediation of the road reserves, to the Shire of Waroona for approval. Approval in writing from the Director Technical Services is required before any onsite works commence.**
- 9. All roads are to be reconstructed to their original condition at the applicants cost to the satisfaction of the Director Technical Services.**
- 10. A Traffic Management Plan is to be submitted to the satisfaction of the Director of Technical Services prior to any activity within the Shires road reserves.**
- 11. Appropriate signage to the satisfaction of the Director of Technical Services shall be installed prior to any haulage campaigns.**
- 12. Solid waste must be stored in a manner that prevents windblown or waterborne contamination and prevents attraction or harbouring of pests to the satisfaction of the Manager Environmental Health and Building Services. This solid waste must then be removed and disposed of either in the licensed landfill at the refinery or by transport to a suitable licensed off-site facility to the satisfaction of the Shire of Waroona Manager of Environmental Health and Building Services.**



- 13. Construction to occur during the following days / hours only:**  
**Monday – Saturday**                      **7am – 6pm**  
**Sunday**    **Nil**
- 14. Development shall be in accordance with the ‘Long term Residue management Strategy Wagerup (2007) and any subsequent review of this strategy.**
- 15. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

**Advice to applicant:**

- A. In relation to condition 7, vegetation must comply with the West Coastal Soil species list.**
- B. The applicant is advised that no site works for the project office compound shall commence until a Building Licence has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed project office compound is to comply with the Building Code of Australia 2009.**
- C. In relation groundwater monitoring bores that will be sampled 6-monthly for levels and 12-monthly for water quality, it is recommended that monitoring occurs in accordance with the Department of Environment and Conservation recommendations.**
- D. The applicant is advised that drainage systems shall be designed and constructed consistent with DoW’s Storm water Management Manual for Western Australia and Water Quality Protection Guidelines for Mining and Mineral Processing – Mine site storm water.**
- E. The applicant is advised that all on-site water quality management shall comply with DoW’s Water quality protection guidelines No 1-11: water quality management in mining and mineral processing.**
- F. The applicant is advised that the proposal is located within the Peel-Harvey Catchment and the provisions of the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 and the Statement of Planning Policy No. 2.1 – the Peel-Harvey Coastal Plain Catchment (SPP 2.1) shall apply.**

**G. The applicant is advised that the subject lot is located within the South West Coastal Groundwater Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water.**

**CARRIED 5/0**

Cr Wright returned to the meeting, the time being 4.27 pm.

Cr Witney entered the meeting during discussion of Item 9.2.6, the time being 4.32 pm.

<b>9.2.6 THIRD PARTY ADVERTISING SIGNS ADJACENT TO PRIMARY REGIONAL ROADS POLICY.</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil. Louis Fouché – Manager Planning Services / Nil.
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil.
Proponent:	N/A.
Landowner:	Various
Date of Report: 7 December 2011	File No: TPS 7 General.
Previous Reference:	OCM 11/06/068
Statutory/Policy Implications:	Planning and Development Act 2005 Main Roads Act 1930 Road Traffic Act 1974 Main Roads (Control of Advertisements) Regulations 1996 Road Traffic Code 1975 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme 1996 Shire of Waroona Local Planning Strategy (2009) Planning Policy 6.0 – Advertising Signage
Strategic Implications:	Shire of Waroona Strategic Plan 2005-2025 <ul style="list-style-type: none"> <li>• Land Use Planning</li> </ul>
Financial Implications:	
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### Proposal

Council is requested to consider the adoption of a new Local Planning Policy for Third Party Advertising Signs adjacent to Primary Regional Roads. **See Appendix 9.2.6A.**

### Background

Proponents have shown particular interest in third party signs with highway frontage over the last two years.

Council has approved two third party advertising signs (hoardings) located along the Forrest Highway, while refusing a similar application along the South Western Highway. A review of Council's decision to refuse the latter application was lodged with the State Administrative Tribunal in June 2011, however the application was withdrawn in August 2011. It should be noted that a new application for a third party sign (hoarding) at the same site on the South Western Highway was lodged in November 2011.

It is intended that the policy will provide specific direction to applicants, officers and Council in dealing with third party advertising signage applications at highway frontage locations.



### Previous Council Resolution

At its Ordinary Meeting on 28 June 2011, Council resolved as follows:

*“That pursuant to Clause 2.4 of the Shire of Waroona Town Planning Scheme No.7, Council resolves to:*

- 1. Prepare a Draft Third Party Advertising Signs Adjacent to Primary Regional Roads Policy as set out in Appendix 9.2.9.*
- 2. Advertise the Draft Policy in accordance with the requirements of Clause 2.4.1 of Town Planning Scheme No.7.*
- 3. Consider all submissions received as a result of advertising the Draft Policy prior to determining the adoption of the Policy.”*

### **Financial Implications**

The total costs of advertising the policy in a local newspaper at draft (\$700.00) and adoption stages (\$350.00) is approximately \$1050.00. Staff cost in relation to the preparation of the policy has been budgeted.

### **Statutory Implications**

#### **Planning and Development Act 2005**

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and Section 162 specifies that where required in a planning scheme, development is not to commence without approval of a development application.

#### **Main Roads Act 1930**

Section 33B of the Act allows the Governor to make regulations to control advertisements on or in the vicinity of highways and main roads where hoardings / advertising structures are considered to be hazardous to traffic safety or aesthetically objectionable.

#### **Road Traffic Act 1974**

Section 87 of this Act empowers the Commissioner of Main Roads to issue a notice in writing requiring the removal, extinguishment, modification, restriction or such other requirement as the Commissioner may direct and which he considers necessary where a light, is, in his opinion, likely to confuse or create a danger to vehicular or pedestrian traffic. A light includes an illuminated sign.

#### **Main Roads (Control of Advertisements) Regulations 1996**

Regulation 5 requires the Commissioner of Main Roads' written approval to erect a hoarding or other advertising structure and exhibit an advertisement, on or in the vicinity of a highway or main road.

Regulation 7 states that the Commissioner's approval for a hoarding, advertising structure or advertisement may be given on any condition set out in the notification of approval. The Commissioner is not to give approval unless the Local Government has



approved the application and each condition imposed by the Local Government is consistent with an approval under the regulations.

Regulation 10 states that the Commissioner may revoke an approval if the hoarding, structure or advertisement is hazardous to traffic safety or aesthetically objectionable, if conditions of approval have not been complied with or if the applicant provided information which was materially false or misleading.

### **Road Traffic Code 1975**

Regulation 301 of the Code makes it an offence to erect or display anything, including an Advertising device that imitates or interferes with traffic signs.

### **Peel Region Scheme (PRS) 2003**

Clause 18 of the PRS stipulates that development on land reserved under the PRS or development specified under Clause 21 is not to commence without the approval of the Western Australian Planning Commission. This includes development abutting a regional road reservation and development in the Rural zone (where the development is not consistent with the purposes of the Rural zone in the opinion of the WAPC or the Local Government).

The Forrest Highway, South Western Highway and Old Coast Road area all reserved as Primary Regional Roads under the PRS.

### **Town Planning Scheme (TPS) No. 7 (1996)**

Clause 7.2 stipulates the control of advertisements under the TPS while Schedule V lists advertisements exempted from planning control.

Clause 2.4 provides for the preparation of Town Planning Scheme Policies relating to parts or all of the scheme.

### **Strategic Planning Implications**

#### **Shire of Waroona Local Planning Strategy 2009 (LPS)**

The LPS is broadly based on the Shire of Waroona Strategic Plan and its objectives. In terms of guiding future development, the LPS divides the shire in various precincts and sub-precincts. Each precinct has its own objectives, primary and discretionary uses, considerations and setbacks to review when an application is assessed.

#### **Planning Policy 6.0 – Advertising Signage**

Policy 6.0 provides guidance in relation to signs, hoardings and bill posting.

It is the objective of this policy to ensure that signs within the Shire of Waroona are designed to be sympathetic and harmonious with the surrounding environment and the building or structure to which they are attached or affixed, and erected in accordance with proper structural engineering practices.

Section 6.6 of this policy defines a 'Hoarding' as a detached or detachable structure including a wall panel or an illuminated panel that is erected for the sole purpose of displaying one or more signs or advertising devices.



According to this policy a hoarding shall not –

- A. Be erected on land that is zoned for residential purposes by a Town Planning Scheme or Local Laws for the time being in force;
- B. Except with the approval of the Council be erected within 15 metres of a street or other public place and in any case not closer than its own height to a street or public place;
- C. Be of greater area than 22 square metres.

Section 6.2.1 (d) of this policy states that a person shall not erect or maintain a sign or hoarding if the sign is an advertising device and is erected or proposed to be erected in a position where, in the opinion of Council it would be injurious to the amenity or natural beauty of the area in which the sign is erected, or would be unsuitable to the locality.

### Community Consultation

The Draft Planning Policy was advertised for two consecutive weeks (19 and 26 July 2011) in a local newspaper (Harvey-Waroona Reporter), allowing a minimum of 21 days for submissions. In terms of Clause 2.4.1 of the TPS Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

The draft policy was also referred to Main Roads Western Australia, the City of Mandurah and the Shires of Harvey and Murray.

Three submissions were received during the advertising period. See **Appendix 9.2.6B**.

### Officer's Comments

It is inevitable that the Shire will continue to encounter planning issues which have not previously been experienced and it is therefore necessary for Council to formulate policy for these issues once they arise.

Given the receipt of applications for third party signage along the Forrest and South Western Highway considered within the context of the existing character and the future development of the Shire, it is prudent to develop clear policy to guide the erection of such signage in close proximity to primary regional roads.

The proposed Policy aims to guide development of signs in this location. Recent applications have highlighted the need for a specific policy to address the erection of third party advertising signs / hoardings in relation locations adjacent to the Forrest and South Western Highway as well as the Old Coast Road. This new policy seeks to address issues that may arise with the assessment of these applications.

Although Council's Advertising Policy is still applicable to all signage, this policy seeks to specifically address Third Party Signage adjacent to the Forrest and South Western Highway as well as the Old Coast Road. Council's existing Advertising Signs Policy addresses hoardings, but does not address specific locations where these signs are to



be located. It is appropriate that Council's Planning Policies give clear direction in relation to the size, location and design criteria to be addressed with proposed third party advertising signs in prominent locations along the highways in the Shire.

Unclear policy could potentially result in the ad-hoc approval of applications, resulting in the proliferation of signage in the future. The Shire also has a distinctive rural character, which could be affected by the inappropriate location of large billboards / hoardings. This character is specifically noticeable along the South Western Highway and the Old Coast Road and it is therefore considered to preserve the character and amenity of the generally tree lined Rural roads in these locations.

In the case of the Forrest Highway, the character of the road is still Rural, however the divided Highway creates a more open outlook, which may in certain locations provide a more suitable environment for third party advertising. It is however necessary to restrict the number of signs to be permitted along the road in order to prevent proliferation of signage, resulting in significant amenity impacts.

In conclusion it is recommended that Council resolves to finally adopt the Draft Third Party Advertising Signs Adjacent to Primary Regional Roads Policy with the following change to the Draft Policy:

**Requirements:**

**Add:** the words "(i.e. Outdoor Media Association)" after "Sign are to be designed, erected and maintained to the highest Advertising Industry Standards".

**Reason:** To clarify the specific standards applicable to the policy.

**COUNCIL RESOLUTION**

**OCM11/12/152**

**MOVED: Cr Germain**

**SECONDED: Cr Dew**

**That pursuant to Clause 2.4 of the Shire of Waroona Town Planning Scheme No.7, Council resolves to:**

- 1. Adopt the Third Party Advertising Signs Adjacent to Primary Regional Roads Policy as set out in *Appendix 9.2.6A*.**
- 2. Publicly advertise the adopted Policy in accordance with the requirements of Clause 2.4.1 (c) of Town Planning Scheme No.7 of 1996.**

**LOST 2/5**

**For the Motion: Cr's Germain & Dew**

**Against the Motion: Cr's Witney, Wright, Look, Salerian & Scott**



**COUNCIL RESOLUTION**

**OCM11/12/153**

**MOVED: Cr Witney**

**SECONDED: Cr Look**

**That a Working Group be formed to liaise with the Manager Planning Services on formulating a revised policy. The Working Group to consist of Cr's Witney, Salerian and Germain.**

**CARRIED 7/0**



Cr Dew declared a proximity interest in Item 9.2.7 as a resident of Preston Beach, and vacated the Chair and left the meeting, the time being 4.45 pm.

Cr Scott assumed the Chair, the time being 4.45 pm.

<b>9.2.7 PRESTON BEACH TOWNSITE STRATEGY</b>	
Reporting Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil.
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services / Nil.
Proponent:	Preston Beach Development Joint Venture Pty Ltd (PBJV).
Landowner:	Preston Beach Development Joint Venture Pty Ltd (PBJV).
Date of Report: 12 December 2011	File No.: TPSP1
Previous Reference:	N.A.
Statutory/Policy Implications:	Local Government Act 1995 Planning and Development Act 2005 Planning and Development Regulations 2009 Financial Management Regulations 1996. Policy 3.3 Purchase of Budget Items
Strategic Implications:	Shire of Waroona Strategic Plan 2005 -2025 <ul style="list-style-type: none"> <li>• Land Use Planning</li> <li>• Leadership and Governance</li> </ul> Shire of Waroona Local Planning Strategy
Financial Implications:	\$40,000 Consultancy costs (recoverable from developers).
<b>Voting Requirements</b>	<b>Absolute majority</b>

### **Proposal**

With the recommencement of the Preston Beach Townsite Strategy the services of Estill and Associates / Bodhi Alliance will continue as Communications Consultants for the project.

It is proposed to amend Council's adopted budget for the 2011/2012 financial year to allow for \$40,000.00 income as well as \$40,000.00 expenditure towards the project.

### **Background**

Estill and Associates were engaged by the Shire to assist with Community Consultation since the inception of the Townsite Strategy project in 2006.

Services provided by Estill and Associates include the compilation of a newsletter, facilitating community workshops and managing an information hotline.

During 2009 Estill and Associates created a new management Structure with Estill and Associates still providing facilitation services while the staff moved to Bodhi Alliance provide community engagement services.

### **Community Consultation**



The continued engagement of Estill and Associates / Bodhi Alliance by the Shire was canvassed with the Preston Beach Townsite Strategy Steering Committee in October 2011. The Steering Committee (consisting of four community representatives) supported the proposal and no objections were received.

### **Statutory Implications**

#### **Local Government Act 1995**

Section 6.2 stipulates the provisions for the preparation of an annual budget.

Section 4 (c) makes provision for fees and charges to be levied by Council.  
the

#### **Planning and Development Act 2005**

Part 15, Division 2 of the Act makes provision for fees by Regulation.

#### **Planning and Development Regulations 2009**

Regulation 48 makes provision for fees for Structure Plans and Regulation 49 makes provision for addition costs and expenses payable by applicants (including costs associated with advertising, consultation and expert advice).

#### **Financial Management Regulations 1996**

The Financial Management Regulations 1996 prescribes the accounting practises to be followed by Local Government in relation to its budget.

### **Strategic Implications**

#### **Shire of Waroona Strategic Plan**

Objective 1 - prepare for Growth: The Shire and the Community will see new land releases and housing development and will need accommodation for the aged, health care, education and recreation opportunities, police services.

Strategic Priorities – Financial viability. Acknowledgement that the Shire cannot resource all the needs of the community on its own.

#### **Shire of Waroona Local Planning Strategy (2009)**

The Local Planning Strategy indicates the proposed development areas to the north and south of the existing Preston Beach Townsite as “Area Subject to Preston Beach Townsite Strategy”.

#### **Policy 3.3 Purchase of Budget Items.**

Procurement with a value of \$20,000 - \$49,999 requires two written quotations.  
Procurement with a value of \$50,000 - \$99,999 requires three written quotations or state-wide call for quotations.

### **Officer's Comments**

With the re-commencement of the Townsite Strategy in 2011, the Shire reviewed its requirements for Communications Consultants and consulted with the Preston Beach Townsite Strategy Steering Committee and Preston Beach Joint Venture in relation to this matter.

Quotations were sought from Estill and Associates / Bodhi Alliance and 2C Consulting in order to review the ongoing costs of the project. The Total project costs in the Bodhi Alliance / Estill and Associates quote were \$59,500.00 and the total costs in the 2c quote were \$81,530.00. Given that it is an ongoing project with existing consultants performing well, a third quote was not sought and the services of Bodhi Alliance / Estill and Associates were continued.

The costs towards Estill and Associates Bodhi Alliance / for the 2011/2012 financial year are expected to be \$40,000.00. These consultation costs can be reimbursed by the developers through the Planning and Development Regulations 2009. The Preston Beach Joint Venture agreed to the funding arrangement.

As the budget for the 2011/2012 has already been finalised, an amendment to the budget is required.

### **Conclusion**

It is recommended that Council authorise unbudgeted income and expenditure as follows:

- Expenditure of \$40,000.00 (Account 2192).
- Income of \$40,000.00 (Account 2333).

### **COUNCIL RESOLUTION**

**OCM11/12/154**

**MOVED: Cr Germain**

**SECONDED: Cr Wright**

**That in relation to the Preston Beach Townsite Strategy Council resolves to amend the 2011/2012 adopted budget as follows:**

- 1. Authorise unbudgeted expenditure of \$40,000.00 (Account 2192).**
- 2. Authorise unbudgeted income of \$40,000.00 (Account 2333).**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

Cr Dew returned to the meeting and resumed the Chair, the time being 4.46 pm.



<b>9.2.8 AMENDMENT TO THE 2011/12 ADOPTED BUDGET – COMMUNITY ACTION GRANTS TO PROTECT THE TEC'S OF BANDICOOT BROOK BUSHLAND RESERVE 31437</b>	
Reporting Officer / Officer's Interest:	Maree Ellis – Community Development Officer
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	8 <sup>th</sup> December 2011   File No.: 87/1
Previous Reference:	OCM10/06/086
Statutory/Policy Implications:	An absolute majority decision of the Council is required to approve unbudgeted expenditure
Strategic Implications:	Nil
Financial Implications:	2011/2012 budget \$20,000 project contribution from the Federal Government Caring For our Country Community Action Grants. Council expenditure nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### **Proposal**

Council is requested to consider an amendment to the 2011/12 adopted budget in order to accept funding from the Australian Government Caring for our Country Community Action Grants 2011-12.

### **Background**

Reserve 31437 (35 ha, Shire of Waroona) includes bushland in South West Highway Road Reserve (12 ha, Main Roads of WA) and unallocated Crown Land (2.26 ha Shire of Murray), the site of the North Drakesbrook School and the Highway Rest Area. A final management plan for the area was endorsed by council on 22<sup>nd</sup> June 2010 and included the naming of the broader site as the Bandicoot Brook Bushland. An application for funding was submitted in partnership with the Coolup LCDDC to implement elements of the Bandicoot Brook Bushland Management Plan for Reserve 31437.

The project will target Recommendations 14, 17, 27, 26 and 29 to undertake weed control, removal of unsafe and dead pine trees, removal of rubbish, community awareness rising through a community walk and facilitate the review of tenure and change of vesting to Department of Environment and Conservation.

### **Community Consultation**

Kim Wilson - Peel Harvey Catchment Council  
Colleen Archibald – NRM Support Officer, Waroona Landcare Centre  
Coolup Land Conservation District Committee



**Officer's Comments**

This project targets some very key elements of the Management Plan for the area and is particularly important given the state of the pines close to the rest area and the need for ongoing weed control. A proportion of the budget (15%) is dedicated to cover coordination costs and the current NRM Support Officer at the Waroona Landcare Centre has been approached to undertake this component.

**COUNCIL RESOLUTION****OCM11/12/155****MOVED: Cr Wright****SECONDED: Cr Look**

**That the 2011/2012 adopted budget be amended as follows.**

- **That Council budgets in 2011/2012, expenditure from account 120820 (Bandicoot Brook Restoration Grant) \$20,000 for the Federal Government Caring for our Country Community Action Grant – Helping to Protect the TECS of Bandicoot Brook Bushland Reserve 31437.**
- **Authorise unbudgeted grant income of \$20,000 to A/C 121030.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

Cr Wright declared an interest affecting impartiality, as a member of the Waroona Cricket Club.

<b>9.2.9 REQUEST FOR CARETAKERS CARAVAN- WAROONA CRICKET CLUB - LOT 91 HILL STREET, WAROONA</b>	
Reporting Officer / Officer's Interest:	Steve Cleaver- Director Community and Planning Services
Responsible Officer / Officer's Interest	Ian Curley – Chief Executive Officer
Proponent:	Waroona Cricket Club
Landowner:	Shire of Waroona
Date of Report:	5 <sup>th</sup> December 2011   File No.: 157/1
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995 Caravan and Camping Grounds Act 1995
Strategic Implications:	NIL
Financial Implications:	NIL
<b>Voting Requirements</b>	<b>Simple Majority</b>

### Proposal

To seek approval to allow the Waroona Cricket Club to keep a habitable caravan on Shire owned land, being the Waroona Cricket Club

### Background

Numerous break and enter burglaries have occurred at the Waroona Cricket Club recently resulting in significant cost to both the Cricket Club and to the Shire. It was raised at last Ordinary Council Meeting to investigate the proposal to house a person in a caravan at the Cricket Club grounds to act in a caretaker/security capacity. This particular person is known to the Cricket Club, and would provide and maintain their own caravan.

The president of the Cricket Club sent in a letter to the Shire dated 27<sup>th</sup> November 2011 requesting approval to this effect.

### Financial Implications

Nil

### Statutory Implications

Section 15 of the *Caravan and Camping Grounds Act 1995* allows the Shire to operate a *Caravan Facility without a licence* as long as it complies with the structural requirements for a caravan facility.

As the Caravan will be located on land owned by Council and no delegation exists it is necessary to give permission for the use of this land. Following a three month trial period the Shire may need to consider an application for town planning approval.

### Strategic Implications

Nil



Community Consultation

Nil

Officer's Comments

The site has a shower and kitchen facility within the clubrooms and therefore the area is relatively compliant with the Caravan and Camping Act 1995. Washing and drying of clothes could not be carried out on site as there are no laundry facilities and the user would need to use other private or public laundry facilities. Further to this a fire extinguisher would also be required to be provided by the caretaker.

In any approval it is necessary to have some conditions limiting time and giving delegation to cease the approval should the site become untidy etc.

**COUNCIL RESOLUTION****OCM11/12/156****MOVED: Cr Wright****SECONDED: Cr Scott**

**That Council permits a caretaker's caravan to be located on Lot 91 Hill Street subject to the following conditions -**

- 1. The applicant is to provide and maintain a dry powder fire extinguisher on-site.**
- 2. A clothesline is not to be erected on site.**
- 3. That the Chief Executive Officer is delegated authority to withdraw the approval at anytime and to renew approval, on application.**
- 4. Initial approval is for twelve months.**
- 5. The Chief Executive Officer be delegated authority to grant town planning approval if required.**

**CARRIED 7/0**

<b>9.2.10 BUSINESS INCENTIVE GRANT APPLICATION</b>	
Reporting Officer / Officer's Interest:	Ian Curley Chief Executive Officer Maree Ellis Community Development Officer
Responsible Officer / Officer's Interest	Ian Curley Chief Executive Officer
Proponent:	St Vincent de Paul Society
Landowner:	N/A
Date of Report:	12 December 2011   File No.: 98/1
Previous Reference:	<b>OCM10/10/165</b>
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The allocation for Business Enhancement in the 2011/2012 budget is a total of \$16,000. Additional funds of \$7,600 are held in trust.
<b>Voting Requirements</b>	<b>Simple Majority</b>

### Proposal

Council is asked to approve a Business Incentive Grant application for Two thousand dollars (\$2,000) from the St Vincent de Paul Society who are proposing to open a retail shop in previously vacant premises 99 South Western Highway shown at **Appendix**. The grant is to be used to assist with internal shop fit out for the business premise, signage and rent.

### Background

The Shire of Waroona established a New Business Incentive Grant Fund in November 2010 to provide small amounts (individual amounts of up to \$2000) of discretionary funds to new or existing commercial business proprietors in the Waroona Central Business District (CBD) to assist with the costs of opening a new business or expansion of an existing business. These funds are designed to encourage new and current business proprietors to make use of existing empty business premises in the Waroona CBD. At the OCM 10/10, Council resolved to provide an amount of Six Thousand Six hundred dollars (\$6,600) remaining from the 2010/11 budget for the Townscape Development Grants Program.

The St Vincent de Paul Society head office in Perth is supporting the project with significant funds. The new retail premise will support the local Waroona community and assist with welfare support by providing a well-priced shopping alternative run by volunteers. The venue will also have office / meeting space for St Vincent de Paul Society Waroona members to assist people with food, material aid, utility bills, budget and referral advice and advocacy as well as offering friendship and support to those in need.

### Community Consultation

The grants were advertised locally and the program is promoted in the media.

### Officer's Comments

The business is deemed to be eligible under the criteria set out in the Guidelines and application form.





**COUNCIL RESOLUTION**

**OCM11/12/157**

**MOVED: Cr Wright**

**SECONDED: Cr Salerian**

**That an amount of two thousand dollars (\$2,000) be granted to the St Vincent de Paul Society to assist with the establishment of a retail outlet at 99 South Western Highway, Waroona from the Business Enhancement grants acc. 7782 as per the 2011/12 budget.**

**CARRIED 7/0**

**9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.3.1 ACCOUNTS FOR PAYMENT</b>	
Reporting Officer / Officer's Interest:	Joe Dineley – 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: 9.12.11	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>Voting Requirements</b>	<b>Simple Majority</b>

**APPENDIX 9.3.1****COUNCIL RESOLUTION****OCM11/12/158****MOVED: Cr Scott****SECONDED: Cr Look****That Vouchers numbered:**

<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
<b>Municipal Trust</b>	<b>Cheques 6701 - 6732</b>	<b>\$19,208.66</b>
	<b>Cheques 10989 – 10996</b>	<b>\$12,546.14</b>
	<b>EFT 13452, 13454, 13455 &amp; 13456</b>	
<b>Electronic Transfers Municipal Fund</b>	<b>EFT 13364 - 13529</b>	<b>\$588,601.16</b>
<b>Direct Wages</b>	<b>3/11/2011 – 30/11/2011 inclusive</b>	<b>\$230,415.20</b>
<b>GRAND TOTAL:</b>		<b><u>\$850,771.16</u></b>

**and attached at Appendix 9.3.1 be endorsed.****CARRIED 7/0**

<b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2011 TO 30 NOVEMBER 2011</b>	
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:	N/A
Landowner:	N/A
Date of Report: 14.12.2011	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>Voting Requirements</b>	<b>Simple Majority</b>

**APPENDIX 9.3.2****COUNCIL RESOLUTION****OCM11/12/159****MOVED: Cr Scott****SECONDED: Cr Look**

**That the Monthly Statements of Financial Activity for the period 1 July 2011 to 30 November 2011 Appendix 9.3.2 be received and noted.**

**CARRIED 7/0**

Cr Dew declared an interest affecting impartiality in Item 9.3.3, as a member of the Preston Beach Volunteer Rangers.

<b>9.3.3 PURCHASE OF EMERGENCY RADIOS</b>	
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: 20 December 2011	File No.: 130/1 & 24/1
Previous Reference:	N/A
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	See heading below
<b>Voting Requirements</b>	<b>Absolute Majority</b>

### Proposal

The Council is requested to consider an amendment to the 2011/12 adopted budget to allow for the purchase of 2 x handheld VHF radios.

### Background

As Councillors may be aware the Council was successful in obtaining 2 new in-vehicle radios (supplied and installed) for use in emergency communications at Preston Beach. One radio was fitted to the vehicle of the Deputy Chief Bush Fire Control Officer and the other to the Council owned ranger vehicle. The radios were supplied at no charge.

Handheld radios will supplement and be fully compatible with the bushfire network including the use by volunteer rangers when conducting beach patrols.

### Financial Implications

The two radios are able to be supplied at State Government (FESA) contract pricing at a total of \$1,287 (ex GST).

It is proposed that the funds be transferred from the Volunteer Rangers Reserve Account, which has a current balance of \$28,264.

### Statutory Implications

Nil.

### Strategic Implications

Nil.

### Community Consultation

Nil.



Officer's Comments

The radios will be invaluable in providing inter-communication between the Council's rangers and volunteer rangers especially during busy periods when additional patrols and vehicles are in use eg, Quad Bike.

The total price includes belt clips, speaker microphones and rapid charger.

**COUNCIL RESOLUTION****OCM11/12/160****MOVED: Cr Look****SECONDED: Cr Wright**

**That the Council amends the 2011/12 adopted budget to enable the purchase of 2 x handheld Vertex VHF radios and accessories as follows:**

- **Additional capital expenditure of \$1,287 pursuant to A/C 0924.**
- **Additional income of \$1,287 pursuant to A/C 0965 being transfer from "Volunteer Rangers Reserve Account".**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

## 9.4 CHIEF EXECUTIVE OFFICER

<b>9.4.1 ROYALTIES FOR REGIONS – COUNTRY LOCAL GOVERNMENT FUND ALLOCATION 2011-2012</b>	
Reporting Officer / Officer's Interest	Mr Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Mr Ian Curley, Chief Executive Officer / Nil
Date of Report: 09.12.2011	File No: 194/1
Previous Reference:	OCM 10/12/201 Dec 2010
Strategic Implications:	Forward Capital Works Plan
Financial Implications:	Additional unbudgeted income and expenditure for 2011/12
<b>Voting Requirements</b>	<b>Simple Majority (recommendation 1)</b> <b>Absolute Majority (recommendation 2)</b>

### Proposal

To receive the 2011/12 Country Local Government Fund allocation under the Royalties for Regions program and approve projects to expend the funds on.

### Background

The Department of Regional Development and Lands has recently advised that this year's funding allocation to the Shire of Waroona is \$466,475. Neither the income or expenditure has not been included in the 2011/12 budget.

The Department requires Council to notify it of the projects it wishes to undertake with these funds by 30 December 2011. The Funds can only be spent on infrastructure projects (not plant, equipment, general maintenance etc) and only on those projects listed in the Shire's *Forward Capital Works Plan* for the 2011/2012 year. Council's current FCWP was adopted in December 2010 year.

The following projects are included in FCWP for 2011/12 –

#### (Projects already funded)

- Administration Centre car park \$40000
- Preston Beach Fire Shed \$40000
- Coronation Rd reconstruct \$150000
- Peppermint Grove Rd reseal \$37498
- Dorsett Rd widen \$150000
- Millar St widen \$77800

#### (Projects that are not already funded)

- Administration Centre internal repaint \$15000
- WHCR repaint \$15000
- Golf Club Car park seal \$35000

(\*Council has previously indicated this project is not to proceed)

- Preston Bch Rd reseal \$51040
- CBD Development (Fouracre St park) \$80000

(\*Council has previously indicated this project is not to proceed)

- McLarty St footpath \$84000
- Landcare building repaint \$15000



(Note – funding for the above projects is not necessarily to come from Royalties for Regions grants, other sources are Regional Road Group grants, Council's own funds etc)

Notwithstanding the above, the following projects are recommended to be undertaken with the 2011/2012 grant allocation and projects not already included in the FCWP be so included –

- Construction of new cemetery niche wall \$105,000  
*Plans for the construction have been publicly advertised and were approved by Council in April 2011 and referred to the FCWP*
- Recreation Centre and Gymnasium expansion \$250,000  
*Projects originally included in 2010/11 allocation by postponed in Nov 2011*
- Preston Beach toilet/changeroom refurbishment \$70,000  
*Included in the FCWP for 2013/14 and recommended to be brought forward*
- Library/Admin Centre car park/landscaping \$41,475

#### Community Consultation

Further consultation not recommended as projects are required from the Forward Capital Works Plan.

**COUNCIL RESOLUTION****OCM11/12/161****MOVED: Cr Wright****SECONDED: Cr Salerian**

1. That Council amends its current *Forward Capital Works Plan 2010/11 to 2014/15* to include the following projects to be undertaken in 2011/2012 –

- Construction of new cemetery niche wall	\$105,000
- Recreation Centre and Gymnasium expansion	\$250,000
- Preston Beach toilet/changeroom refurbishment	\$70,000
- Library/Admin Centre car park/landscaping	\$41,475
	<b>Total \$466,475</b>

and that these projects be submitted to the Department of Regional Development and Lands as projects to be funded from the 2011/2012 Royalties for Regions – Country Local Government Fund individual grant to the Shire of Waroona in the amount of \$466,475.

2. That Council amends the 2011/2012 Budget by including the amount of \$466,475 in additional income from the Royalties for Regions – Country Local Government Fund and include the following expenditure amounts -

- Construction of new cemetery niche wall	\$105,000
- Recreation Centre and Gymnasium expansion	\$250,000
- Preston Beach toilet/changeroom refurbishment	\$70,000
- Library/Admin Centre car park/landscaping	\$41,475

**CARRIED BY ABSOLUTE MAJORITY 7/0**



<b>9.4.2 2011/2012 ROAD CONSTRUCTION PROJECTS</b>	
Reporting Officer / Officer's Interest	Mr Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	CEO/DTS
Date of Report: 09.12.2011	File No: 131/5
Previous Reference:	SCM 11/08/088 Aug 2011
Statutory/Policy Implications:	LG Act budget legislation
Strategic Implications:	
Financial Implications:	Expenditure included in 2011/12 budget
<b>Voting Requirements</b>	<b>Simple Majority</b>

### Proposal

To endorse plans provided for the following road construction projects –

- Reconstruct Coronation Rd from SW Highway to railway line and reconstruction intersection of Coronation Rd and Fouracre St – budget \$151,256
- Widen Millar St – budget \$82,410
- Reconstruct the intersection of Millar St and Fouracre St - budget \$40,639

### Background

The Works & Services Committee conducted an on-site inspection of the above proposed projects on 7 Dec and recommend that the plans be accepted with modifications that appear below.

A copy of the notes from the inspection are included at **Appendix 9.4.2**.

### Community Consultation

Further consultation not recommended.

## **COUNCIL RESOLUTION**

**OCM11/12/162**

**MOVED: Cr Germain**

**SECONDED: Cr Scott**

- a) **That Council endorses the plans provided for the reconstruction of Coronation Rd from the South West Highway to the railway line with the following alterations –**
- **the kerbed nib on Coronation Rd at the Fouracre St Coronation Rd intersection (at the end of the car parking bays) be a painted nib,**
  - **the four parking bays on north side of Coronation Rd be deleted, and**
  - **the median island in Fouracre St to be a painted median.**

- b) That Council Endorses the plans provided for the widening of Millar St from the South West Highway to Fouracre St, with the following alterations –**
- **All peppermint trees on the southern side of the road to be removed except the eastern most tree (closest to South Western Highway),**
  - **The driveway exiting from the service station onto Millar St be removed.**
- c) That Council does not endorse the plans provided which alter the Millar St/Fouracre St intersection and changes the priority from Millar St to Fouracre St, and that the project not be proceeded with at the present time. Council does agree to proceed with the widening of the north east corner of the intersection, as included on the proposed plan, in conjunction with the widening of Millar St.**
- d) Council requests that the Works & Services Committee reconsider the proposed reconstruction of the Millar St / Fouracre St intersection after the widening of Millar St and reconstruction of Coronation Rd have been completed.**

**CARRIED 5/2**

**For the Motion: Cr's Germain, Dew, Wright, Scott, Witney  
Against The Motion: Cr's Salerian & Look**

**ADJOURNMENT**

The Chairperson adjourned the meeting at this point for a recess, the time being at 5.12pm.

**RECONVENED**

The Chairperson reconvened the meeting, the time being 5.25 pm. Cr Salerian and Cr Germain did not return to the meeting.

Mrs Ellis, Community Development Officer entered the meeting, the time being 5.25 pm.

**10. CONFIDENTIAL REPORTS****COUNCIL RESOLUTION****OCM11/12/163****MOVED: Cr Witney****SECONDED: Cr Scott**

**That the meeting be closed to members of the public in accordance with Section 5.23(2)(d) of the Local Government Act 1995 to consider an item relating to the allocation of Community Awards, the time being 5.27 pm.**

**CARRIED 5/0****10.1 SHIRE OF WAROONA 2012 PREMIERS AUSTRALIA DAY AND SHIRE OF WAROONA MERITORIOUS COMMUNITY SERVICE AWARDS**

Reporting Officer / Officer's Interest:	Maree Ellis – Community Development Officer
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 6/12/11	File No: 58/1 & 12/1
Previous Reference:	OCM: 8/12/010
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	Nil
<b>Voting Requirements</b>	<b>Simple Majority</b>



**COUNCIL RESOLUTION**

**OCM11/12/164**

**MOVED: Cr Witney**

**SECONDED: Cr Look**

**That Council adopts, en bloc the recommendations from the Awards Committee, as follows:**

- 1. That Council awards the 2012 Premier's Australia Day Active Citizenship Award to Cr Christine Germain.**
- 2. That Council awards the 2012 Premiers Australia Day Active Citizenship Award for a Community Group or Event to Waroona Fire Services.**
- 3. That Council awards a Certificate of Achievement Award for a Community Group or Event to the Waroona Football Club.**
- 4. That the Council awards three recipients for the Meritorious Community Service Awards.**
- 5. That the Council awards the 2012 Shire of Waroona Meritorious Community Service Awards to Annette Mason, Bill Rafferty and Glenece Walmsley.**

**CARRIED BY EN BLOC RESOLUTION 5/0**

**COUNCIL RESOLUTION**

**OCM11/12/165**

**MOVED: Cr Witney**

**SECONDED: Cr Scott**

**That the meeting resume in public, the time being 5.30 pm.**

**CARRIED 5/0**



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

**12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION**

**12.1 ELECTED MEMBERS**

The Shire President noted that this was the final meeting for 2011 and thanked staff and Councillors for their efforts during the year.

**12.2 OFFICERS**

Nil.

There being no further business the Chairperson closed the meeting the time being 5.35 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 14 FEBRUARY 2012 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER  
.....  
DATE

