



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 22 NOVEMBER 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 T Witney	Councillor
Cr J Mason	Councillor
Cr L Look	Councillor
Mr I Curley	Chief Executive Officer
Mr L Tilbrook	Deputy Chief Executive Officer
Mr L Fouché	Acting Director Community & Planning Services
Mr M Tamblyn	Manager Environmental Health & Building Services
Mrs S Cicolari	Executive Support Officer

APOLOGIES

Nil.

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4.1 PUBLIC QUESTION TIME**4.1.1 Mr Alan Calhoun – 46 Jackson Street, Waroona****A. Why aren't Council meetings held at 7.00 pm?**

The Shire President advised that the Council meetings are set by the Council at a time convenient to ensure the maximum attendance by Councillors.

B. Why do so many Council employees attend Council meetings when they are not giving reports or recording minutes?

The Shire President advised that it was standard procedure for relevant Council officer's to attend Council meetings, to provide advice to the Council on matters included in the agenda and raised by Councillors throughout the duration of meetings.



4.2 PUBLIC STATEMENTS

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

COM11/11/132

MOVED: Cr Wright

SECONDED: Cr Mason

That leave of absence is approved for Cr Witney for the Ordinary Council meeting to be held on 20th December 2011.

CARRIED 8/0

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Cr Wright declared a Financial Interest 9.2.1 as an employee of the applicant.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 25 October 2011

COUNCIL RESOLUTION

OCM11/11/133

MOVED: Cr Witney

SECONDED: Cr Wright

That the Minutes of the Ordinary Council Meeting held 25 October 2011 be confirmed as being a true and correct record of proceedings.

CARRIED 8/0

8.2 SPECIAL COUNCIL MEETING – 7 November 2011

COUNCIL RESOLUTION

OCM11/11/134

MOVED: Cr Look

SECONDED: Cr Germain

That the Minutes of the Special Council Meeting held 7 November 2011 be confirmed as being a true and correct record of proceedings.

CARRIED 8/0



9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 TENDER 2011/5 SUPPLY, SPRAY AND COVER OF BITUMINOUS PRODUCTS, SUPPLY AND LAY OF ASPHALT	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Consultant Director Technical Services / Nil
Responsible Officer / Officer's Interest	Ian Curley CEO / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 8 th October 2011	File No.: Tender 2011/5, 142/1
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995, Shire of Waroona Policy 3.3 'Purchase of Budget Items'
Strategic Implications:	Nil
Financial Implications:	Council and Grant Funding
Voting Requirements	Absolute Majority

Proposal

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2011/5 – Supply, Spray and Cover of Bituminous Products, Supply and Lay of Asphalt.

Background

Council's 2011/12 budget includes allocations for the purchase of various bituminous products, such as bitumen for primerseals, second coat seals and reseals, and asphalt.

A specification was drawn up and the tender was advertised in the West Australian on the 22nd of October 2011. The closing date of the tender was 7th November 2011.

The Scope of Works contained in the specification called for the submission of prices for the following elements:

- Supply and Spray of Bitumen only for primerseal application. Shire's resources to be used to spread aggregate stone, rolling, surface preparation, traffic control etc. Primerseals are the first seal that is applied following construction, therefore the Shire's resources and traffic control will already be onsite, necessitating only the supply of the bitumen from the contractor
- Supply of a 'full service' second coat and reseal service which is to include the supply of all bitumen, aggregate stone, surface preparation, seal rolling, traffic control, and follow up sweeping.
- Supply and lay of asphalt

The specification also stated that the following criteria would be used in the evaluation of the submissions:

Compliance Criteria:

- Compliance with the Specification contained in the Request for Tender
- Compliance with the Conditions of Tendering in the Request for Tender
- Compliance with and completion of the Price Schedule
- Compliance with the Delivery Date.
- Compliance with the Quality Assurance standard, ISO 9001.

Qualitative Criteria (Weighted)

• Demonstrated experience in completing similar projects/supply (including delivery) of similar goods	20%
• Skills and experience of key personnel.	10%
• Tenderers Resources.	10%
• A demonstrated understanding of the required tasks.	10%
• Tendered price of the works.	50%
TOTAL	100%

Financial Implications

The purchase of the items subject to this tender is allowed for in the 2011/12 budget. Funding sources include Roads to Recovery, Regional Road Group and Council's own funds.

Statutory Implications

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 'Purchase of Budget Items'.

Strategic Implications

Nil

Community Consultation

Not required.

Officer's Comments

Submissions were received from the following contractors:

- Malatesta Road Paving and Hotmix
- Fulton Hogan Industries

The submissions of each contractor have been evaluated against the Compliance Criteria as listed above and both submissions are fully compliant.

They were then evaluated under the Qualitative Criteria. Since both contractors are experienced and well known with quality staff, officers scored both submissions the

maximum under the first four Qualitative Criteria above which therefore leaves price as the deciding factor.

Using the anticipated square metres required for each of the three items, officers determined the following estimated total costs:

1. Supply of Bitumen for Primerseals:

Malatesta	\$34,600
Fulton Hogan	\$42,240

2. Supply of Full Service for Second Coats and Reseals

Malatesta	\$173,080
Fulton Hogan	\$159,234

3. Supply and Lay of Asphalt

Malatesta	\$48,936
Fulton Hogan	\$44,879

The specification allows Council to award the three elements separately therefore it is recommended that Malatesta be awarded item one and Fulton Hogan be awarded items two and three.

It is recognised that items one and three fall well below the tender threshold of \$100,000 and therefore did not need to be subject to a tender process. However, officers felt that since the full service item (item two) was above the tender threshold, necessitating a tender process, that it would be pertinent to include the lower total cost items in the tender process as in this way a) better prices may be gained and b) it negates the need for officers to call for three quotes on each occasion the material is required. Also, if some unforeseen factor allows greater expenditure throughout the course of the year, Council is covered should final expenditure exceed \$100,000.

It should also be pointed out that the figures above are based on anticipated requirements. Due to the nature of the programs that they apply to, it is very likely that there will be variances between the anticipated and final costs, therefore the figures above do not represent the exact cost to Council. However, any variances are anticipated to be minor, providing that the current works program proceeds as anticipated.

COUNCIL RESOLUTION**OCM11/11/135****MOVED: Cr Germain****SECONDED: Cr Wright**

That Council award the Tender for Supply, Spray and Cover of Bituminous Products, Supply and Lay of Asphalt (Tender 2011/5) as follows:

- 1. Supply and Spray of Bitumen to Malatesta Road Paving and Hotmix based on the following prices e(x GST):**

\$1.45 per square metre, plus variation rate of \$1.10 per litre
\$300 per mobilisation and demobilisation

- 2. Supply of Full Service ‘Supply Spray and Cover’ to Fulton Hogan Industries based on the following prices (ex GST):**

\$3.68 per square metre plus variation rate of \$0.96 per litre
\$3,500 lump sum for follow up sweeping
Cost for mobilisation and demobilisation included in square metre rate

- 3. Supply and Lay of Asphalt to Fulton Hogan Industries based on the following prices (ex GST):**

\$13.80 per square metre for 25 millimetre thick black asphalt
\$18.70 per square metre for 40 millimetre thick black asphalt
\$140 per tonne for ‘corrector’ asphalt

CARRIED BY AN ABSOLUTE MAJORITY 8/0

9.1.2 TENDER 2011/4 SUPPLY AND DELIVERY OF CRUSHED LIMESTONE MATERIAL	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Consultant Director Technical Services/Nil
Responsible Officer / Officer's Interest	Ian Curley CEO/Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 9 Nov 2011	File No.: Tender 2011/4
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995, Shire of Waroona Policy 3.3 'Purchase of Budget Items'
Strategic Implications:	Nil
Financial Implications:	Council and Grant Funding
Voting Requirements	Absolute Majority

Proposal

The purpose of this item is to present to Council for its consideration the tenders received for the tender 2011/4 – Supply and Delivery of Crushed Limestone Material.

Background

Council's 2011/12 budget includes an allocation for the purchase of Limestone for use in the construction program. As the total cost of the Limestone will exceed \$100,000, a tender process was necessary.

A specification was drawn up and the tender was advertised in the West Australian on the 22nd October 2011. The closing date of the tender was 7th November 2011.

The Scope of Works contained in the specification called for the submission of prices for both the supply and delivery of limestone and supply only (ie Shire to arrange transport either using its own trucks or other contractors). Prices were to be submitted as a cost per loose cubic metre, and in the case of supply and delivery, were to be quoted on a sliding scale related to distance travelled ie

- Up to 10 kilometres
- 10 to 30 kilometres
- 30 to 50 kilometres
- Greater than 50 kilometres

Tenderers were also instructed to describe the method in which they intended to determine volumes delivered, however the specification reserved the shire's right to reject any method and implement another.

The specification also stated that the following criteria would be used in the evaluation of the submissions:

- | | |
|------------------------|-----|
| • Tendered Price | 70% |
| • Relevant Experience | 15% |
| • Tenderer's Resources | 15% |



The specification sets out how the tenderers were to address the second and third criteria.

Financial Implications

The purchase of the limestone is allowed for in the 2011/12 budget. Funding sources include Roads to Recovery, Regional Road Group and Council's own funds.

Statutory Implications

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy 3.3 'Purchase of Budget Items'.

Strategic Implications

Nil

Community Consultation

Not required.

Officer's Comments

Submissions were received from the following parties and scored as per the evaluation criteria

- Charles Hull Contracting – Total estimated expenditure \$90,400
- B & J Catalano - Total estimated expenditure \$100,751
- Carbone Bros - Total estimated expenditure \$105,949
- WA Limestone - Total estimated expenditure \$155,940
- WA Limestone - Total estimated expenditure \$74,900

Based on the prices and information provided in the tenders, WA Limestone was the most competitive but with consideration given to the ability to supply, supply would be delayed by up to three months. I recommend that the tender be awarded to Charles Hull Contracting.

COUNCIL RESOLUTION

OCM11/11/136

MOVED: Cr Scott

SECONDED: Cr Wright

That the Council awards the Tender for limestone Basecourse Material (Tender 2011/4) to Charles Hull Contracting based on the following prices (ex GST):

Up to 10 kilometres from source pit:	\$19.00 per cubic metre
10 to 30 kilometres from source pit:	\$20.00 per cubic metre
30 to 50 kilometres from source pit:	\$21.00 per cubic metre
Greater than 50 kilometres from source pit:	\$22.00 per cubic metre

CARRIED BY AN ABSOLUTE MAJORITY8/0



9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

The Acting Director of Community & Planning Services advised that this matter was withdrawn from the agenda as relevant documentation had not been received before the meeting. The matter is to be listed for consideration at the December 2011 Council meeting.

Cr Wright declared a Financial Interest in Item 9.2.1 as an employee of the applicant, however, as the matter was withdrawn from the agenda, he remained at the meeting.

9.2.1 INFORMATION ITEM - LOT 19 (NO.3236) SOMERS ROAD, WAROONA - APPLICATION FOR PLANNING CONSENT FOR RESIDUAL STORAGE AREA, RUN OFF COLLECTION POND, PROJECT OFFICE COMPOUND AND ANCILLARY DEVELOPMENT.	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – A / Director Planning Services / Nil
Proponent:	Alcoa of Australia Ltd
Landowner:	Alcoa of Australia Ltd
Date of Report: 14 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
Voting Requirements	Simple Majority

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 9.2.1a**.

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 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 be provided 15ha -19ha, or 435,000KL of water storage and allow the existing ROCP1 to be decommissioned.

Approximately 1,900,000m³ of clay is required for the construction of RSA 9 and ROCP 3 and 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 a mess facility. A car parking area for 50 cars is also provided within this compound. See plans and elevations at **APPENDIX 9.2.1b**.

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 9.2.1c**.

The Shire is waiting for essential comments from the Department of Environment and Conservation regarding their assessment of the Works Approval. Should the necessary comments be received by the Shire in time for a recommendation to Council, Officers will refer the report to Councillors prior to the Council meeting and have the report tabled at the Ordinary Meeting of Council on 22 November 2011. Should the necessary comments not be received in time, a report will be referred to the next available meeting of Council. (Please note that this report does not contain a recommendation to determine the application at this stage).

General:

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

The Wagerup alumina refinery, including the associated residue areas, is located on land owned by Alcoa. And the nearest townships to the refinery are Hamel (located approximately 3km north of the refinery within the Waroona Shire) and Yarloop (located approximately 3km south within the Shire of Harvey). The nearest regional centre is Waroona, approximately 7km north 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 major agricultural activities in the region are dairy and beef cattle and sheep grazing.

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.

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 will apply 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 from members of the Public. A summary of these submissions can be found in the Officers Comments section of this report.

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 Disposal Areas and associated operations are designated land uses within this sub precinct.

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

Government Referrals

Due to sensitive environmental issues the proposal was referred to the Department of Environment and Conservation (DEC) and the Department of Water (DOW) for comment. A detailed account of their responses will be included in the final report to Council.

Internal Referral

The proposal has been internally referred to the Shire's Technical Services Directorate as well as the Environmental Health Department and the Building Department. Detailed comments from these Departments will be provided in the final report to Council.

OFFICER'S COMMENTS

Town Planning Scheme No.7

When assessing the application against the Town Planning Scheme Council must consider if the proposed development is consistent with the zoning of the land on which it is to be located.

Although the application has not been 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.

Environmental Impact

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) is required before development may commence. It is imperative that the DEC is 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 an Environmental Risk Assessment (ERA) and various management plans. If DEC is satisfied that the supporting information submitted constitutes environmentally sound development, then Council can be comfortable in the knowledge that the proposal can stand up against rigorous environmental standards.

Advice from DEC is expected within the coming weeks and once this has been received, a full report with a recommendation will be referred to Council

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 there will be the following vehicle movements:

- Approximately 58 loads of heavy equipment.
- Approximately 80 sea container 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 250000m³ 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.

This traffic management plan has been internally assessed by the Shire's Technical Services Department. Further comment will be provided in the final report.

Visual Impact

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

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 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. 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 view.

The plantings will generally be in accordance with Alcoa standards and dependent upon the specific area. 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 Rd 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 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.

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 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.

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.

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 Run-off Water Collection Pond.

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.

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. Lighting plants will be positioned to direct light down into the work area (footprint) to avoid light



overspill. While the intent is to avoid any impact on neighbours in the first place, the management of any issues should they arise, will be managed through the repositioning of lighting plants. Any trucking routes for night works will also be reviewed to minimise light spill.

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.

Future Water Demand

Wagerup refinery is almost totally dependent on surface water sources for process make-up water.

Though 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.

To increase the residue storage capacity of existing residue areas, embankments are constructed within the existing starter embankments which progressively reduce the surface drying area. Sprinklers that fall within the alignment of upstream lifts are capped so the number of operating sprinklers remains relatively constant.

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.

Flora and Vegetation

There were ten vegetation communities identified and mapped in the Wagerup Farmlands by Mattiskes Consulting Pty Ltd in March 2011. The area proposed for RSA 9, ROCP 3 and Borrow Area A is agricultural pasture land predominantly cleared of native vegetation. There are two isolated *Corymbia calophylla* - *Kingia australis*



communities and one *Corymbia calophylla* – *Eucalyptus marginata* community along Kubank Rd north of RSA 8 and the existing DP 2, which are in good condition but surrounded by degraded vegetation of low value. The majority of the project area is closed grassland with emergent *Juncus pallidus* and is completely degraded.

Alcoa will seek a clearing permit from the DEC where required, in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, for the isolated remnant plants in the future RSA 9, ROCP 3 and Borrow Area A footprint.

Fauna

A review of the fauna, flora and vegetation report prepared by Mattiskes Consulting Pty Ltd in March 2011 for the proposed RSA 9, ROCP 3 and Borrow Area A footprint indicates there is limited habitat available for fauna due to the area being predominantly cleared agricultural pasture land. The most significant fauna habitat features are along the Black Tom Brook Drain and at the intersection of Fawcett Rd and Kubank Road. These areas have trees with hollows which are suitable for Black Cockatoo nesting and trees that have the potential to form hollows in the next 150 years (have a Diameter at Breast Height of more than 500 millimetres). The Haul Road and Borrow Area have been designed to avoid these areas in order to avoid the need to clear these trees.

In the past, long-necked tortoises (*Chelodina oblonga*) have been sighted in drains around the Wagerup farmlands. The South Samson Diversion Drain and the Black Tom Brook Drain will be inspected by a fauna specialist prior to disturbance to identify the presence of any long necked tortoises. If present, the tortoises will be relocated by a fauna specialist licensed to relocate tortoises.

Schedule of Submissions

A number of submissions have been received from members of the general public. 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.
- There is lack of a buffer zone around the mud lakes.
- 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.

A detailed officer response incorporating advice from Public Authorities will be provided in the final report to Council.

Conclusion

It is clear from the number and content of submissions received that the key concerns associated with this proposal stem from the affect that the proposed development will have on the environment and people's quality of life.

It is therefore essential that before Council issue any decision on the proposal the result of DEC's analysis of the proposal are included given sensitive environmental factors affecting the proposal.

In the final report an officer recommendation will be made to Council. This recommendation will be based upon the detailed information supplied by Alcoa, the external advice received from Public Authorities, advice attained from the relevant internal departments and the ability to address the concerns raised in the submissions by the general public.

Finally it is to be noted that the Shire will be able to participate in the Long Term Residue Management Strategy commencing in January 2012. Council and the general public will be provided the opportunity to comment and make submissions on the review.

9.2.2 DEVELOPMENT ASSESSMENT PANELS - ELECTED MEMBER NOMINATIONS.	
Reporting Officer / Officer's Interest:	Louis Fouché – A/ Director Community and Planning Services / Nil.
Responsible Officer / Officer's Interest:	Louis Fouché – A/ Director Community and Planning Services / Nil.
Proponent:	Minister for Planning
Landowner:	N/A
Date of Report: 14 April 2011	File No: File No. - 48/8
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995 Planning and Development Act 2005 Approvals and Related Reforms (No.4) (Planning) Act 2010. Planning and Development (Development Assessment Panels) Regulations 2011 Planning and Development Regulations 2009 / Policy 1.3 - Election of Members and Representatives
Strategic Implications:	Shire of Waroona Strategic Plan 2005-2025 <ul style="list-style-type: none"> • Leadership and Governance • Land Use Planning
Financial Implications:	Sitting and training fees (\$400.00 / session plus travel expense reimbursement (75c/km).
Voting Requirements	Absolute Majority

Proposal

Council is requested to consider the membership of the local Development Assessment Panel. Four elected members of Council are to be nominated to represent Council at the Peel Joint Development Assessment Panel. The nomination of a second alternate member is required.

Background

Development Assessment Panel were introduced by the State Government through the Approvals and Related Reforms (No.4) (Planning) Act 2010 and the Planning and Development (Development Assessment Panels) Regulations 2011. The latter became effective as of 1 July 2011.

Under the (DAP) regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP Regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

The role of DAP members is to determine development applications within specified type and value thresholds through consistent, accountable, and professional decision-making.

DAPs consist of five members:



- One presiding specialist member (qualified planning specialist).
- One deputy presiding member (qualified planning specialist).
- One specialist member (relevantly qualified specialist).
- Two Local Government Councillors.

DAP members are appointed by the Minister for Planning for a two year term and all DAP appointments expire on 26 April 2013. DAP members are required to attend training prior to sitting on a DAP. DAP meetings are dependent on the receipt of DAP applications.

Local governments are expected to host DAP meetings and Local Government Planning staff are encouraged to attend DAP meetings in order to elaborate on technical matters in Council reports to the DAP.

Previous Council resolutions

At its Ordinary Council Meeting of 25 October 2011, Council resolved to appoint the following delegates to the Peel Joint Development Assessment Panel:

Cr Dew and Cr Scott (alternate delegates Cr Germain **& vacant**).

Financial Implications

Sitting fees for DAP Elected Member representative members:

- \$400 / DAP session.
- \$400 / training session.
- 75c / kilometre mileage for vehicle travel.

Statutory Implications

Local Government Act 1995

Delegates of Council are to be nominated at a meeting of Council in accordance with the provisions of Part 5 of the Local Government Act.

Planning and Development Act 2005

Applications can be made to Development Assessment Panels for certain applications provided for under the Act. These applications include Development Applications and Minor Amendments to Town Planning Schemes.

Approvals and Related Reforms (No.4) (Planning) Act 2010.

Part 3 of the Amendment Act contains the heads of powers required to introduce development assessment panels ('DAPs) through the making of regulations.

Planning and Development (Development Assessment Panels) Regulations 2011

The Regulations provide the detailed provisions for the establishment, administration and operation of DAPs.

Regulation 26 states that:



- (4) If, within 40 days after the date on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who —
- (a) is an eligible voter of the district of the local government; and
 - (b) the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.
- (5) For the purposes of subregulation (4)(a) a person is an eligible voter of a district if that person is eligible under the [Local Government Act 1995](#) section 4.29 or 4.30 to be enrolled to vote at elections for the district.

Planning and Development Regulations 2009

The Regulations include consolidated provisions from other regulations including subdivision and development control as well as Planning Fees and Charges.

Policy Implications

Policy 1.3 - Election of Members and Representatives states that members of all committees are to be elected at a Special Meeting of Council following the day set aside for the Biennial Elections in October or the next Ordinary Meeting of the Council.

Community Consultation

None required.

Officer's Comments

DAP applications consist of:

- *Mandatory DAP Applications:* Applications for development with an estimated cost of development of \$7 million or more (and \$15 or more in the City of Perth), and which is not an excluded development application.
- *Optional DAP Applications:* Application for development with a total value of more than \$3 million but less than \$7 million (more than \$10 million but less than \$15 million in the City of Perth) which is not an excluded development application and has not been delegated to the DAP by the relevant local government.
- *Delegated DAP Applications:* Local governments and the WAPC may choose to delegate the power to determine development applications to DAPs. Delegations are to be published in the *Government Gazette*. (If a local government chooses to delegate an application to a DAP, the local government must pay the DAP fee).



Applications excluded from DAP determination include:

- A single house.
- Less than 10 Grouped or Multiple Dwellings.
- Sheds, carports and incidental development.
- Development in an Improvement Scheme Area.
- Development by the Local Government or WAPC.

Local representation is a vital component of the Development Assessment Panel (DAP). Local members are members of a local government council who are nominated by that local government to represent them on a DAP. Council is responsible for nominating four local government representative members from the local government's pool of elected members (councillors). Two councillors will be local members, and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should Council fail to nominate four representatives, the Minister has the power under Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 to appoint two alternative community representatives to ensure local representation on a DAP. The regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

Conclusion

Given that Council has already nominated two permanent local government members and one alternate member at its Ordinary Meeting of Council in October 2011, it is recommended that Council also nominate a second alternate member to the Peel Joint Development Assessment Panel.

Failure to nominate a second alternate could potentially leave Council unrepresented on the Peel Joint DAP, should two of the nominated members be unavailable for a DAP meeting. Given the nature and scale of DAP applications, this is not desirable.

COUNCIL RESOLUTION

OCM11/11/137

MOVED: Cr Scott

SECONDED: Cr Look

That with respect to the Peel Joint Development Assessment Panel, Council resolves to advise the Minister for Planning that the Shire of Waroona nominates the following additional elected member to represent Council:

- 1. Alternate Local Government Member:
Councillor John Mason.**

CARRIED BY ABSOLUTE MAJORITY 8/0



9.2.3 EVALUATION OF LIQUID WASTE FACILITY PROJECT	
Reporting Officer / Officer's	Mark Tamblyn - Manager Environmental Health & Building
Responsible Officer / Officer	Louis Fouché – A/Director Community & Planning Services
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 15 November 2011	File No.: 77/18
Previous Reference:	<ul style="list-style-type: none"> • Waste Management Advisory Committee minutes 16/06/01, 23/6/09, and 24/7/11 • OCM11/06/062 • OCM11/08/091
Statutory/Policy Implications:	<ul style="list-style-type: none"> • Local Government Act • Environmental Protection Act 1986 • Local Government (Functions & General) Regulations 1996
Strategic Implications:	Shire of Waroona Strategic Plan 2005-2025 <ul style="list-style-type: none"> • Prepare for growth • Conserve our pristine environment Project included in the Shire of Waroona Forward Capital Works Plan 2010 – 2015.
Financial Implications:	<ul style="list-style-type: none"> • Royalties for Regions funding of \$150,000 • Recommended budget transfer of \$100,000 • Balance of project to be funded from the Waste Management Reserve \$175,000.
Voting Requirements	Absolute Majority

Proposal

To investigate options for the construction of a new Liquid Waste Facility (LWF) at the Buller Road Landfill site as per the attached plans (**Appendix 9.2.3**).

Background

The Shire's current liquid waste facility at the Buller Road Landfill site has been failing for a number of years with a number of Department of Environment and Conservation (DEC) minor improvement notices served on the Shire over the last five years. The current system is operating beyond its design capacity. De-sludging by an excavator may have also resulted in damage to the clay lining. Contractors are often turned away because the facility is full. The facility is in dire need of an upgrade.

The Shire engaged IW Projects in 2007 to gain a works approval from the DEC for upgrade of the existing LWF. A four year Works Approval was subsequently granted to the Shire in 2009. This new state of the art system is 'environmentally friendly' as it uses HDPE pond liners to prevent leaching into groundwater, and uses a biofilter wetland bed. This biofilter utilises vetiver grass to filter the nutrients, preventing nutrient run-off. This new upgraded system will cater for annual waste quantity of 750,000 L which is more than adequate for local demand. The current facility has been accepting



around 350,000 L in previous years, however when the facility is full, no further liquid waste is accepted.

Funding Of \$150,000 is included in the current budget under the Shire's direct grant from Royalties for Regions 2010/11.

Applications for tenders to construct the LWF was advertised in August 2011, and a total of three (3) tenders were submitted as follows:

1. Yarnell Pty Ltd - \$288,555
2. Advantearing Civil - \$372,163
3. Road Contractors - \$479,245

(Tender price is exclusive of GST).

The tendered prices exceeded the budget amount of \$150,000 quite considerably, and subsequently it was resolved at the Ordinary Council Meeting held 23rd August 2011 that no tender be awarded and the feasibility of the Shire to carry out the scope of works be conducted (OCM11/08/091).

The cost of the Shire carrying out the work is estimated at \$152,000 + an allowance for 10% variation would be \$167,200. The breakdown is as follows:

- Survey - \$4,000
- Concrete Slab - \$15,000
- Vetiver Grass - \$6,000
- Liner - \$25,000
- Fencing - \$15,000
- IW Projects - \$10,000
- Excavation - \$77,000
- TOTAL - \$152,000

This amount is still \$17,200 over the budget amount. It is also noted that we do not necessarily have the expertise to carry out this work and, if the work was to be carried out, other construction works included in the current budget would need to be postponed.

Previous Council Decisions

1. **Waste Management Advisory Committee (16/6/08)**
2. **Waste Management Advisory Committee (26/08/09)**
Item: Re-evaluation of Liquid Waste Facility Project
Resolution: To continue with the feasibility of the Shire to complete the works for the Liquid Waste Facility upgrade, determined upon cost and resources.
3. **Ordinary Council Meeting 28/6/11 (OCM11/06/062)**
Item: Call for tenders.
Resolution: Carried.
4. **Ordinary Council Meeting 23/07/11 (OCM11/08/091)**
Item: To consider Tender applications, as all tender applications exceeded estimated cost of \$150,000.
Resolution: To investigate the feasibility of the Shire to conduct manage the project and conduct the works. This was done and the cost totalled \$167,200.

Enquiries were made with the lowest price tenderer regarding the possibility of reducing the cost, however, there was no willingness to reduce the tendered price.

Financial Implications

Shire of Waroona 2011/2012 Budget

The estimated project cost was not expected to exceed \$150,000 (ex GST).

Royalties for Regions Funding

Funding for the project is from the Shire's Royalties for Regions direct grant in accordance with the Forward Capital Works Plan. To increase the budget amount it is suggested there be a re-allocation of \$100,000 currently allocated to the Recreation Centre Gymnasium extension under the same fund. The gymnasium extension has not been scoped out as yet and could be included in next year's grant allocation.

Statutory Implications

The Shire has received minor improvement notices over the years for the current LWF in accordance with the Environmental Protection Act 1986. The new facility will be a state of the art environmentally sustainable system, and will comply with the said Act. Works approval was given by the DEC for the LWF upgrade project in 2009 which is valid for a period of 4 years.

Strategic Implications

The upgrade of the LWF will support the Shire's 2005 – 2025 Strategic Plan in particular the objectives to conserve our pristine environment and preparation for growth, and the focus on community infrastructure and is included in the Shire's Forward Capital Works Plan.

Officer's Comments

Option 1: Close the Liquid Waste Facility.

The advantage to this option is that the Shire would not need to fund the upgrade the pond and continued management of the facility would cease. Liquid waste would be disposed of at neighbouring sites, as is the case now when our facility is closed.

The disadvantage to this option is the Shire would lose income of approximately \$30,000 that the facility generates annually. Maintenance cost of the current facility is currently low.

Option 2: Continue with the existing facility (no change)

The only advantage to this option is that the Shire would not need to fund the upgrade. The system would continue to operate until complete failure or revocation of approvals.

It is not recommended that this option be considered.

The disadvantage of this option is that the facility currently cannot support the liquid waste load at times, and services are often rejected when the facility is full. The facility is old and requires constant maintenance. Officers have concerns regarding the Shire's ability to comply with the conditions of the DEC Works Approval and provisions of the Environmental Protection Act 1986 under this option.

Option 3: Construction of a new facility by the Shire

Option 3 is for the construction of the LWF to be managed by the Shire. The projected cost for the Shire to carry out the works is estimated to be approximately \$170,000. This exceeds the agreeable cost of \$150,000.

The advantage to this option is that, although the cost exceeds the agreeable cost, it is not substantial and it will be significantly less than the tender amount.

The disadvantages to this option are that this type of construction is not core business of the Shire and resources that have been already allocated in other projects, such as roadworks, would need to be re-allocated and some projects removed from the current budget. The Shire would carry any liability for the works.

Option 4: Re-advertising of Tender

Option 4 is to re-tender the project to ascertain if a lower price may be presented. If a lower tender was received it is expected that extra funding would be required to supplement the perceived shortfall. There is scope to re-allocate \$100,000 from account 171040 (Land and Buildings) that was to be used for the gymnasium extension, and have it allocated to the LWF project.

The advantage of this option is that the successful tenderer carries all liability, and there is no need for the Shire to use significant staff time and resources on the project. To upgrade the LWF would allow a more efficient system that would accept more liquid waste volume, therefore generating more income to the Shire.

The disadvantage is that additional funding (\$100,000) needs to be allocated to the project. If more funds were required that the \$250,000 it is suggested that the balance be taken from the Waste Management Reserve.

Operating/Maintenance Costs

Total annual operating and maintenance cost of the new facility is estimated to be \$37,185 based upon a full cost recovery calculator from IW Projects. The maintenance costs consist of general maintenance, pond clean out, and pond liner replacement (every 10 years). See cost breakdown in table below. This is also taking into account the capital cost of \$335,000 over a 30 year life span.

The Shire currently charges \$0.07 per litre to dispose of the liquid waste that is charged to contractors that provide a liquid waste removal service to the community.

Last financial year the facility accepted 359,000 L which would equate \$28,000 pa at the current fee of \$0.07/L. If the facility were to accept the full capacity it would equate to \$52,500.

To break-even the facility would need to accept 542,000 litres @ \$0.07 each year.

Shire of Waroona Liquid Waste Facility	
Cost Recovery Calculation	
Expenditure	
<u>Capital Cost (30 Year Asset Life)</u>	
Design, DEC Approval and Tendering	\$29,558
Infrastructure Construction	\$290,000
Vetiver Grass Planting	\$6,000
Construction Project Management	\$10,000
Sub Total	\$335,558
Sub Total Annual Cost	\$11,185
 <u>Annual Operating Cost</u>	
General Maintenance	\$5,000
Account Keeping	\$5,000
Pumping & Biofilter Maintenance	\$10,000
Sub Total	\$20,000
 <u>Longterm Maintenance Costs (Every 10 Years)</u>	
Pond Clean Out	\$20,000
Pond Reshaping	\$10,000
Liner Replacement	\$30,000
Sub Total	\$60,000
Sub Total Annual Cost	\$6,000
 Total Annual Expenditure	 \$37,185
 Revenue	
532litres @ \$0.07	\$37,240
At this point there would still be 218,000 litres capacity in the pond system	

Conclusion

The current LWF is inefficient and is in need of constant maintenance. The new LWF project proposal is an efficient environmentally sustainable facility that is able to accept more liquid waste, therefore providing the community with a better liquid waste service.

Based upon the cost calculator the current fee to dispose of liquid waste is estimated to be able to support the on-going maintenance of the facility whilst also generating further income to possibly upgrade the facility, and/or landfill site for future growth.

The option to re-tender the project is recommended as it allows scope for the Shire to receive a more competitive and lower costing of the project. It also negates the Shire of any liabilities with respect to project management and construction. In addition, this option has considerably less impact on already allocated staff and equipment resources

It is recommended to supplement the current \$150,000 by re-allocating the \$100,000 allocated for the gymnasium extension and recommend that project for funding in 2012/13 and any further shortfall to come from the Waste Management Reserve.

COUNCIL RESOLUTION

OCM11/11/138

MOVED: Cr Scott

SECONDED: Cr Mason

That in relation to the construction of a Liquid Waste Facility at the Landfill site, Council resolves to:

- 1. Not accept any tenders received, in relation to tender number RFT 2011/02 : , for construction of the liquid waste facility;**
- 2. Seek approval from the Department of Regional Development and Lands to re-allocate \$100,000 from the 2010/11 Royalties for Regions allocation allocated to the Recreation Centre gymnasium extension to the construction of the liquid waste facility;**
- 3. Upon the success of clause 2, reallocate \$100,000 from account 171040 (gymnasium extension) to account 115140 (Liquid Waste Facility) in the 2011/2012 budget;**
- 4. Re-advertise tenders for the construction of the Buller Road Liquid Waste Facility; and**
- 5. Any shortfall in funding for the project to be debited to the Waste Management Reserve Fund Account.**

CARRIED BY ABSOLUTE MAJORITY 8/0

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
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: 14.11.11	File No.: 1/3
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.3.1

<u>COUNCIL RESOLUTION</u>		
OCM11/11/139		
MOVED: Cr Scott		
SECONDED: Cr Mason		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal Trust	Cheques 6677 - 6700	\$11,582.09
	EFT 13360, 13361, 13363	\$1,623.70
Electronic Transfers Municipal Fund	EFT 13233 - 13362	\$236,849.93
Direct Wages	6/10/2011 – 20/10/2011 inclusive	\$159,168.39
GRAND TOTAL:		<u>\$409,224.11</u>
and attached at Appendix 9.3.1 be endorsed.		
		CARRIED 8/0

9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2011 TO 31 OCTOBER 2011	
Reporting Officer / Officer's Interest:	Tamara Olsson – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 14.11.2011	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.3.2**COUNCIL RESOLUTION****OCM11/11/140****MOVED: Cr Look****SECONDED: Cr Germain**

That the Monthly Statements of Financial Activity for the period 1 July 2011 to 31 October 2011 Appendix 9.3.2 be received and noted.

CARRIED 8/0

9.3.3 ADOPTION OF 2010/11 ANNUAL REPORT	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 17.11.11	File No.: 8/1
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

Proposal

The 2010/11 Annual Report (provided under separate cover) is to be presented to the Annual Meeting of Electors on Tuesday 20 December 2011.

Officer Comments

In accordance with Section 5.54 and 5.55 of the Local Government Act 1995 the report is to be accepted by the Council and will be available to the general public from Tuesday 29th November 2011. Hard copies and electronic versions will be made available.

COUNCIL RESOLUTION

OCM11/11/141

MOVED: Cr Wright

SECONDED: Cr Germain

That the 2010/11 Annual Report for the Shire of Waroona be adopted.

CARRIED 8/0



9.3.4 ASSET MANAGEMENT IMPROVEMENT STRATEGY	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 15.11.11	File No.: 11/1
Previous Reference:	OCM11/07/087
Statutory/Policy Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	There are no current financial implications as a result of the adoption of the Strategy, but the actions documented may result in future budget implications.
Voting Requirements	Simple Majority

Proposal

The Council is requested to endorse the “Asset Management Improvement Strategy” attached at **Appendix 9.3.4**, which will guide the Council and assist in meeting its objectives in the delivery of services to the community by way of infrastructure provision.

Background

As Councillors would be aware the Council is conducting the preparation of its Asset Management documentation in conjunction with the Shire of Murray on a formal resource sharing arrangement.

Asset management is an integral part of the “Integrated Planning Framework” and is required to be linked to the Council’s Community Strategic Plan to ensure that assets are used and maintained in the most effective and efficient way.

An Asset Management Working Group (AMWG) has been established consisting of the following:

Julie Brown	Manager Strategic Integration - Shire of Murray
Laurie Tilbrook	Deputy CEO
Steve Cleaver	Director Community & Planning Services
Patrick Steinbacher	Consulting Director Technical Services
Murry Bracknell	Manager Works & Services
Louis Fouche	Manager Planning Services
Mark Tamblyn	Manager Environmental Health & Building Services

The AMWG is required to report to executive staff (CEO and Directors) on a regular basis.

Statutory/Policy Implications

Asset Management is a core function of managing the district’s infrastructure assets which meet the objectives of Section 2.7 of the Local Government Act 1995.



The proposed plan supports the Councils Asset Management Policy (adopted 26/7/2011) through the development of asset management plans and strategies that are prepared in accordance with the recommended format of the Institute of Public Works Engineering.

Officers Comments

The Council is the custodian of an extensive range of community assets which represent a vast investment over many generations. In order to fulfil its obligations in delivering a variety of services to the community, Council must ensure that the assets supporting these services are managed in a way that guarantees maximum performance for the lowest whole of life cost.

The Improvement Strategy, developed by the Asset Management Working Group, outlines current practise, key tasks and timeframes for the achievement of these tasks. The actions listed as priority are based around the requirements of the national assessment framework and the Department of Local Governments Asset Management Framework and Guidelines.

This Strategy outlines sound Asset Management processes that support Council's Asset Management Policy. The information produced as a result of the listed priorities will be used in making decisions regarding the renewal, replacement and purchase of community assets and will enable analysis of the effect of these commitments on the Shire of Waroona's long term financial position.

COUNCIL RESOLUTION

OCM11/11/142

MOVED: Cr Mason

SECONDED: Cr Look

That the Council adopts the Shire of Waroona “Asset Management Improvement Strategy 2011-2014”, as appended.

CARRIED 8/0



9.4 CHIEF EXECUTIVE OFFICER

9.4.1 2011 REVIEW OF COUNCIL POLICY MANUAL, DELEGATIONS REGISTER AND CODE OF CONDUCT FOR ELECTED MEMBERS AND STAFF	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer/Nil
Date of Report:	15.11.11 File: 111/1
Previous Reference:	26 October 2010
Statutory/Policy Implications:	Council is required to review the Policies and Delegations once in every financial year.
Strategic Implications:	Policies may form part of Council's strategic vision.
Financial Implications:	Nil
Voting Requirements	Absolute Majority

Proposal

To review Council Policies, review and endorse Delegations to the Chief Executive Officer and re-adopt Council's Code of Conduct for Elected Members and Staff.

Officer's Comments

1. Council's Policy Manual - a number of minor changes are proposed for Council's policies listed at **Appendix 9.4.1a**. The list is to be read in conjunction with the current Policy Manual.
2. The Delegations Register list at **Appendix 9.4.1b** contains only delegations that have previously been authorised by Council and are recommended for re-endorsement. No new delegations are proposed.
3. The Council's Code of Conduct for Elected Members and Staff listed at **Appendix 9.4.1c** is recommended for re-adoption without modification.

Community Consultation

N/A

COUNCIL RESOLUTION

OCM11/11/143

MOVED: Cr Scott

SECONDED: Cr Mason

That Council review and endorse the modifications to the Council Policy Manual and adopt the new Policies as proposed at *Appendix 9.4.1a*, endorse the Delegations Register included at *Appendix 9.4.1b* and re-adopt the Council's Code of Conduct for Elected Members and Staff included at *Appendix 9.4.1c*.

CARRIED BY ABSOLUTE MAJORITY 8/0



10. CONFIDENTIAL REPORTS

Nil.

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****12.1.1 Annual Event - Tourist Attraction (12/2)**

Cr Scott raised the possibility of Council facilitating a meeting to investigate possible key events for the community following as a replacement for the previously held car show events.

COUNCIL RESOLUTION**OCM11/11/144****MOVED: Cr Scott****SECONDED: Cr Mason**

That the Council facilitate a forum for interested persons to investigate the possibility of hosting future events in Waroona.

CARRIED 8/0

*Note * Crs Scott, Wright, Mason and Look indicated interest in becoming involved in developing guidelines for hosting the above forum.*

12.2 OFFICERS**12.2.1 Councillors Dinner (35/1)**

The Chief Executive Officer advised that the Shire President would be hosting a Council dinner in recognition of the services of previous Councillors Mike Walmsley and Laurie Snell on Friday 17th February 2012.

There being no further business the Chairperson closed the meeting the time being 5.45 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 20 DECEMBER 2011 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

