



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 25 OCTOBER 2011

(Held at the Waroona Shire – Council Chambers)

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1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chief Executive Officer, Mr Ian Curley declared the meeting open at 4.00 pm and welcomed Councillors and Staff and gave a special welcome to the newly elected members. Mr Curley also extended thanks and noted Cr Witney JP will officiate the swearing-in ceremonies.

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

Cr L Scott	Deputy Shire President
Cr N Dew	Councillor
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	Manager Planning Services
Mr M Tamblyn	Manager Environmental Health & Building Services
Mrs S Cicolari	Executive Support Officer
Mrs A Mason	Admin Officer

APOLOGIES

Nil.

There were no members of the public present at the commencement of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

A. SWEARING IN OF COUNCILLORS

Cr Patricia Witney JP officiated the Swearing-in of Councillors in the following order:

i.	Cr John Louis Salerian	Four Year Term
ii.	Cr John Anthony Mason	Four Year Term
iii.	Cr Craig Stephen Wright	Four Year Term
iv.	Cr Lina Look	Four Year Term

Cr Witney congratulated each Councillor and wished the newly elected Council every success for their ensuing term.

B. ELECTION OF SHIRE PRESIDENT

The Chief Executive Officer called for written nominations to fill the Office of Shire President for the period 2011-2013.

One (1) written nomination was received for the position of Shire President.



1. Cr Noel Dew

As there was no more than one nomination for the position, Cr Noel Dew was declared elected unopposed as Shire President of the Council for the ensuing 2 years.

- 1. SWEARING IN OF SHIRE PRESIDENT**

Cr Patricia Witney JP officiated the Swearing-in of Cr Dew as Shire President for the period 2011-2013.

C. ELECTION OF DEPUTY SHIRE PRESIDENT

At the request of the Shire President the Chief Executive Officer called for written nominations to fill the Office of Deputy Shire President for the period 2011-2013.

One (1) written nomination was received for the position of Deputy Shire President.

1. Cr Larry Scott

As there was no more than one nomination for the position, Cr Larry Scott was declared elected unopposed as Deputy Shire President of the Council for the ensuing 2 years.

- 1. SWEARING IN OF DEPUTY SHIRE PRESIDENT**

Cr Patricia Witney JP officiated the Swearing-in of Cr Scott as Deputy Shire President for the period 2011-2013.

The Chairperson, Mr Ian Curley, thanked Cr Witney for assisting Council with the Swearing-in ceremonies.

The Shire President Cr Dew then assumed his position and presided over the remainder of the meeting.

Cr Dew thanked fellow Councillors for their support, and he pledged to continue to work hard with Councillors and Staff to make the best decisions for the whole of the Shire.

The meeting adjourned for a short break to take photos, the time being 4.10 pm.

Mrs Mason left the meeting at 4.17 pm.

The meeting resumed, the time being 4.18 pm.

D. ELECTION OF COMMITTEE MEMBERS AND REPRESENTATIVES**COUNCIL RESOLUTION**

11/10/114

MOVED: Cr Wright**SECONDED: Cr Witney**

That the appointment of Councillors to the Council Standing Committees and Other Council Committee/Groups as per the Local Government Act 1995 for the 2011-2013 period as listed below be endorsed:

Council Standing Committees (Members only)

- a. **Works & Services Committee**
Cr Wright, Cr Scott, Cr Mason
- b. **Senior Staff Appointment, Remuneration and Performance Review Committee**
Cr Dew, Cr Scott, Cr Witney, Cr Germain
- c. **Finance & Audit Committee**
Cr Dew, Cr Scott, Cr Witney, Cr Germain
- d. **Waste Management Advisory Committee**
Cr Wright, Cr Salerian, Cr Mason, Cr Dew
- e. **Waroona Health & Medical Committee**
Cr Witney, Cr Germain, Cr Scott, Cr Look

Other Council Committees/Groups

- a. **Recreation Advisory Committee**
Cr Scott, Cr Witney, Cr Wright, Cr Germain, plus 2 community representatives – Patricia Morris and 1 vacancy.
- b. **Small Grants Committee**
Cr Look, Cr Mason, Cr Salerian, Cr Germain
- c. **Occupational Safety & Health Committee**
Cr Dew and Cr Scott (proxy)
- d. **Preston Beach Townsite Strategy Steering Committee**
Members: CEO; MPS; DCPS, 4 Community Representatives, D King, P Borserio, W Russell and D Parkinson; 1 Preston Beach Landowner/Developer representative, 1 Preston Beach Landowner/Developer planning consultant; Department for Planning Representative; Department of Environment and Conservation Representative.)

- e. **Waroona Visitor Centre Working Group**
Cr Witney, Cr Germain, Cr Look
- f. **Awards Committee**
Cr Witney, Cr Mason, Cr Look
- g. **Heritage Advice Committee**
Crs: DCPS; TP; CDO
Public members – E Marcus; G Walmsley; R Hawley
- h. **Waroona Cemetery Development Working Group**
Cr Salerian, Cr Look, Cr Witney

CARRIED 8/0

COUNCIL RESOLUTION

11/10/115

MOVED: Cr Witney

SECONDED: Cr Wright

That the appointment of Representatives to Advisory Committees and Progress Associations; Delegates to Local Organisations, Regional Bodies and Committees and Special Purpose Committees and Groups and Liaisons to other Committees and Organisations for the 2011-2013 period as listed below be endorsed :

Advisory Committee Representatives

- a. **Bush Fire Advisory Committee**
Cr Scott
- b. **Local Emergency Management Committee**
Cr Germain & DCPS

Committees and Progress Association Representatives

- a. **Preston Beach Progress Association**
Cr Dew
- b. **Hamel Hall Management Committee & Hamel Residents Association**
Cr Salerian
- c. **Lake Clifton/Herron Progress & Sports Association**
Vacant
- d. **Shire of Waroona Coastal Planning & Management Committee**
Vacant; TP

Delegates to Local Organisations

- a. **Quambie Park (Inc.)**
Cr Scott
- b. **Wagerup Community Consultative Network**
Cr Salerian

Delegates to Regional Bodies/Committees

- a. **Rivers Regional Council**
Cr Dew, Cr Salerian,
- b. **Peel Zone – Western Australian Local Government Association**
Cr Dew, Cr Germain – No proxy
- c. **Peel Region Planning Committee**
Cr Germain
- d. **Regional Road (Sub) Group (South West)**
Cr Mason
- e. **COASTSWAP**
Cr Dew
- f. **Peel Economic & Development Unit**
Cr Dew
- g. **Peel Small Business Centre**
Cr Germain
- h. **Peel Joint Development Assessment Panel**
Cr Dew and Cr Scott (alternate delegates Cr Germain & vacant)

Special Purpose Committees and Groups

- a. **Waroona Roadwise**
Cr Wright
- b. **Hamel Eco-Historic Precinct Working Group**
Cr Salerian
- c. **Waroona Interagency Committee**
Cr Look
- d. **Harvey River Task Force**
Vacant

Liaison to other Committees/Organisations

- a. **Harvey River Land Conservation District Committee**
Vacant
- b. **Coolup Land Conservation District Committee**
Maree Ellis
- c. **Landcare-Crossing the Boundaries Committee**
Cr Mason
- d. **Peel Mosquito Management Group**
Cr Germain
- e. **Peel Inlet Management Council (PIMC)**
Vacant
- f. **Waroona Historical Society**
Cr Germain; CDO
- g. **Long Term Residue Management Committee**
Cr Salerian
- h. **Peel Trails Group**
TP
- i. **Peel Yalgorup Ramsar Technical Advisory Group**
Vacant
- j. **Lesueur Community Consultative Committee**
Vacant; DCPS
- k. **Peel Regional Leaders Forum**
Cr Dew: CEP
- l. **Peron Naturaliste Partnership**
Cr Dew; MPS

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

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)

Cr Witney declared an interest affecting impartiality in Item 9.4.3 as a member of the Senior Citizens Committee.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 27 September 2011

COUNCIL RESOLUTION

11/10/116

MOVED: Cr Witney

SECONDED: Cr Mason

That the Minutes of the Ordinary Council Meeting held 27 September 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 2011/3 SUPPLY AND DELIVERY OF GRAVEL BASECOURSE 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: 12 October 2011	File No.: Tender 2011/3, 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 2011/3 – Supply and Delivery of Gravel Basecourse Material.

Background

Council's 2011/12 budget includes an allocation for the purchase of gravel for use in the construction program. As the total cost of the gravel 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 17th September 2011. The closing date of the tender was 4th October 2011.

The Scope of Works contained in the specification called for the submission of prices for both the supply and delivery of gravel 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 gravel 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 (*see Appendix 9.1.1*):

- Charles Hull Contracting – Total estimated annual expenditure **\$246,140**
- B & J Catalano – Total estimated annual expenditure **\$275,240**

Based on the prices and information provided in the tenders, I recommend that the tender be awarded to Charles Hull Contracting.

COUNCIL RESOLUTION

11/10/117

MOVED: Cr Wright

SECONDED: Cr Salerian

That Council accepts the tender for Gravel Basecourse Material (Tender 2011/3) from Charles Hull Contracting for the 2011/2012 period.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

9.2.1 LOTS 1 AND 3 SOUTHERN ESTUARY ROAD, LAKE CLIFTON – PROPOSED 12 LOT AND 24 LOT SUBDIVISION	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – A / Director Community and Planning Services / Nil
Proponent:	SJB Town Planning and Urban Design
Landowner:	James Frank Trembath, Finekind PTY LTD ATF, The Harvey River Woods Unit Trust
Date of Report: 7 October 2011	File No: SD137762
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005. Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 Coastal and Lakeland's Planning Strategy (1999) Inner Peel Region Structure Plan (1997) Statement of Planning Policy 2.1 – Peel Harvey Catchment State Planning Policy 2.5 Agricultural and Rural Land Use Planning Development Control Policy 1.1 Subdivision of Land – General Principles Development Control Policy 3.4 Subdivision of Rural Land Planning Policy 2.0 – Lake Clifton / Herron Structure Plan Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 • Objective 1 – Prepare for Growth.
Financial Implications:	Nil.
Voting Requirements	Simple Majority

Proposal

An application was received for a 12 lot subdivision of lot 3 Southern Estuary Road, Lake Clifton and a 24 lot subdivision of adjoining lot 1 Southern Estuary Road, Lake Clifton. See site location plan and subdivision guide plan at **APPENDIX.9.2.1a**.

The proposed lot sizes range between 2ha and 38.6 ha. There is a proposed average lot size of 4.93 ha over both lots. Building envelopes are to be provided for on each lot. As part of the subdivision Building Envelopes have been allocated to each individual lot. Building Envelopes shall be 1384m² each on Lot 1 and 2000m² each on Lot 3.

Background

Both of the subject lots are currently subject to Shire of Waroona Town Planning Scheme Amendments. Lot 1, which is 80.1386 hectares in area, is subject to Amendment No.17. Lot 3, which is 61.7426 hectares in area, is subject to Amendment No.4.



Scheme Amendments 4 and 17 propose the rezoning of both lots from 'Rural 1 – General Farming' to 'Rural 6 – Rural Residential'. A Subdivision Guide Plan (SGP) is being adopted as part of amendments 4 and 17. This SGP (for the amendments) is consistent with the SGP proposed for the subdivision of Lots 1 and 3.

On 25 June 2008 Council resolved not to support a similar application for subdivision on the same lots. At this time Council noted that amendments 4 and 17 had yet to be finalised, and it was noted that the application for subdivision was premature.

However, as both scheme amendments have been endorsed by the Minister for Planning subject to modifications, on 15 September 2011 the Department of Planning has advised that any recommendation on this subdivision application should be made subject to the Gazettal of Amendments 4 and 17.

The application for subdivision, shall therefore be assessed in anticipation of the gazettal of both amendments considering that the zoning of the subject lots will be in fact 'Rural 6 – Rural Residential' subsequent to the scheme amendments.

Approximately 70% of the subject area is well vegetated. The Eastern and South Eastern section of the property contains a wetland that is fully vegetated. The wetland is totally intact except for an access road / firebreak that is located between the two subject lots. There is also a wetland to the North Western side of Lot 1.

The subject area has 1,548m frontage onto Southern Estuary Road and 916m frontage onto Old Coast Road.

The soils of the subject subdivision mostly belong to the Bassendean sands and are characteristically well drained.

There are currently two sheds (one on each lot) present in the subdivision area.

Statutory Implications

Peel Region Scheme 2003

The subject area is zoned Rural under the Peel Region Scheme.

Clause 12 (e) deals with the Rural zoning under the Scheme; "Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and 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".

Town Planning Scheme No. 7 (1996)

As noted this application is being assessed in anticipation of the subject lots being rezoned from Rural 1 to Rural 6. Clause 4.15 of the Town Planning Scheme deals with the provisions for the Rural 6 zone.

Clause 4.15.1 states that Council's objective is to select and appropriately zone areas wherein subdivision and development of small holdings will be permitted to provide for such uses as rural residential and hobby farms, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.



As a result of amendments 4 and 17 a new clause shall be inserted into the Town Planning Scheme that states:

'Council shall recommend that subdivision shall be in accordance with a SGP adopted by Council.'

As the subdivision of Lots 1 and 3 is consistent with the SGP being adopted under the amendments, the lots will be subdivided in accordance with the new provision of the Town Planning Scheme.

Strategic Implications

Shire of Waroona Strategic Plan 2005 – 2025

Council's planning will need to reflect the complexities of the fast-moving urban growth of the Shire, the needs of rural settlements and the highly sensitive and variety of environmental settings within which this is taking place.

Strategic Planning Implications

Inner Peel Region Structure Plan (1997)

The Inner Peel Region Structure Plan is a Western Australian Planning Commission policy detailing broad land uses for an area including the subject lots.

The structure plan designates the subject lots as 'Natural Resource Protection Area – Subject to further study'.

Coastal and Lakeland's Planning Strategy (1999)

The Coastal and Lakeland's Planning Strategy pertains to the coastal area between the Dawesville Channel and the Leschenault Inlet, and extends inland to the Harvey Estuary, and further south, to approximately five kilometres east of Old Coast Road. This Strategy identifies the subject lots as 'Other Sensitive Areas Subject to Closer Investigation'. Similar to the Inner Peel Region Structure Plan, an Environmental Review was undertaken as part of the Scheme Amendment.

An average of three (3) hectares per lot is required under the Coastal Lakeland's Planning Strategy, with a minimum lot size of two (2) hectares.

Statement of Planning Policy 2.1 – Peel – Harvey Catchment

Clause 6.2 of Policy 2.1 applies to rural residential lots. This Clause provides the circumstances whereby unsewered lots can utilise on site effluent disposal.

- a) Factors such as slope, soil type, permeability, vegetation cover and system design have been addressed. (The onus of proof rests with the subdivider to justify that on-site disposal and/or any associated site modifications would be acceptable to remove any adverse effects on public health, water resources or the environment while not detrimentally impacting on the character of the area.
- b) Environmental acceptability can be demonstrated to the EPA.



- c) At least 2m vertical separation exists between the base of the leach drain and the highest known groundwater level or bedrock.
- d) There is at least 100m horizontal separation between the disposal system and the nearest water body.
- e) The land unit is satisfactory for on-site disposal at a density of not more than one domestic system per hectare.

State Planning Policy 2.5 Agricultural and Rural Land Use Planning

The four key objectives of the policy are:

1. Protect agricultural land resources wherever possible.
2. Plan and provide for rural settlement.
3. Minimise the potential for land use conflict.
4. Carefully manage natural resources.

Development Control Policy 1.1 Subdivision of Land – General Principles

The following are some of the Objectives of Development Control Policy 1.1:

- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.
- To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.
- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.
- To ensure constructed vehicle access from the gazetted public road system to each new lot.

Shire of Waroona Town Planning Policy 2.0 – Lake Clifton / Herron Structure Plan

The subject lots are located in the Lake Clifton Precinct and are therefore subject to the Lake Clifton / Herron Structure Plan (Planning Policy 2.0) See structure plan **at APPENDIX 9.2.1b**. The subject lots are located within Precinct D of the Structure plan. It is a requirement for this precinct that any future development must have a mosquito notification placed on titles on all lots created within a 3 km of mosquito breeding areas. The objectives and land use proposals of this Policy are reflected in the Local Planning Strategies guide for this precinct.

This structure plan specifies a minimum lot size of 2ha with an average lot size of 3ha. This subdivision proposal is consistent with this.



Local Planning Strategy (2009)

The subject lot is located within the Rural Residential sub precinct of the Lake Clifton precinct. Here it is Councils objective to provide areas that will offer lifestyle blocks with good amenity and in locations where environmental impacts can be minimised. Minimum lot sizes of 2 Ha with an average of 3 Ha is required within this sub precinct.

Community Consultation

Community Consultation is not required nor sought by the WAPC for subdivision applications as consultation is conducted during the Scheme Amendment stage of the proposal.

Internal Referral

Upon referral to the Shire's Technical Services Directorate, the Shire's Consulting Engineer noted the potential for conflict with access to Lot 10 and access to the sand pit opposite. In order to alleviate this concern the Engineer suggested that a revised access option for Lot 10 be investigated.

The Shire's Consulting Engineer also questioned the impact that the road drainage would have on the wetland.

Finally, the Shire's Engineer questioned if crossovers would be constructed to each block. It was then suggested that crossovers should be incorporated into construction to ensure consistency and appropriate locations.

Officer's Comments

In order to assess this application comprehensively it must be viewed in conjunction with Amendments 4 and 17. A great deal of work has been undertaken in order to progress these amendments to the point where they are at present. A comprehensive Environmental Review was undertaken in order to address concerns that the Environmental Protection Authority have had with the proposals. It is important to note that the recommendation made on the subdivision application is being made subject to the adoption and gazettal of Amendments 4 and 17. This can be facilitated as the subdivision Guide Plan that is being adopted as part of amendments 4 and 17 is consistent with the SGP proposed for the subdivision of Lots 1 and 3.

Inner Peel Region Structure Plan (1997)

As part of the Scheme Amendment, the further study required for this location was undertaken in the form of an Environmental Review. This study was undertaken in order to investigate the ability that the subject lots had to sustain rural residential density. As the gazettal of the amendments is imminent it can be taken that the subject lots can support this level of development.

Coastal and Lakeland's Planning Strategy (1999)

The minimum lot size of 2ha and the average lot size of 4.93ha shows that the proposed subdivision is consistent with the provision of this strategy.

Statement of Planning Policy 2.1 – Peel – Harvey Catchment

The proposal is generally consistent with the objectives of this policy. Existing vegetation will be retained except where there are defined building envelopes, internal roads and firebreaks.

The ability of lots 1 and 3 to deal with on site effluent disposal has been dealt with in a Local Water Management Strategy (LWMS) that was prepared on behalf of the landowners at Scheme Amendment stage.

Wastewater will be treated and disposed of on-site using Alternative Treatment Units (ATUs) on individual lots. These systems use biological processes to treat wastewater. The effluent is treated to a much higher standard than septic tanks and it includes a chlorination process. Appropriate systems include EcoMax or EnviroSafe which are treatment systems which reduce phosphates.

State Planning Policy 2.5 Agricultural and Rural Land Use Planning

The proposal is generally consistent with the objectives of this policy. This proposal, which incorporates two separate lots, minimizes the ad-hoc fragmentation of rural land by proposing subdivision that is well planned and site responsive. The proposal is coherent with existing rural residential communities in the locality and the Environmental Review, undertaken as part of amendments 4 and 17, addresses concerns with land and environmental degradation.

Development Control Policy 1.1 Subdivision of Land – General Principles

The proposal also satisfies the objectives of Development Control Policy 1.1 as the proposal is consistent with orderly and proper planning and the character of the area. The subdivision pattern is also responsive to the characteristics of the site and the local planning context.

Internal Advice

The Shire's Consulting Engineer's concern about the impact of the proposed road's drainage on the wetland is valid and the request for a drainage management plan is a suitable way to address this. As part of amendments 4 and 17 the applicant was required to submit a Local Water Management Strategy (LWMS). The LWMS addresses all areas of drainage management associated with the amendment and therefore the subsequent subdivision. The LWMS was accepted by the WAPC. For this reason it is considered that a drainage management plan is not required as a condition of subdivision.

The Shire's Consulting Engineer's concern regarding access to Lot 10 and access to the sand pit on the opposite side of Old Bunbury Road has been addressed by the new layout of the revised Subdivision Guide Plan. Lot 10 will now be accessed from Southern Estuary Road alleviating the Shire's Consulting Engineer's concerns about the four-way intersection that would have been created initially.

It should also be noted that a condition has been included in the recommendation that deals with the Shire's consulting Engineer's final request that crossovers should be incorporated into construction to ensure consistency and adequate locations. Uniform crossovers to each of the proposed lots will ensure consistency in development.

Subdivision Layout

The subdivision layout is consistent with the SGP that is being adopted under amendments 4 and 17.

The layout has contemplated the integrity of the wetlands by placing them on separate lots and making the owner responsible for their management and maintenance.

The layout addresses the preservation of natural bushland. This is done by situating building envelopes on existing cleared land where possible and close to roads so as to maintain a core of natural bushland.

The internal road has been aligned through the predominantly cleared portion of the land. It will be designed to meander around the few trees that are located within the road reserve.

The subdivision layout is responsive to the extreme bush fire hazard risk of the site. The siting of the building envelopes as well as inclusion of firebreaks are examples of how the subdivision layout aids the FESA accepted Fire Management Plan comply with the acceptable solution detailed in *Planning for Bush Fire Protection 2010*.

Lot Areas

As noted both the Local Planning Strategy and the Coastal and Lakeland's Planning Strategy require an average lot size of 3 hectares with a minimum lot size of 2 hectares. This proposal is consistent with these objectives as the average lot size is 4.93 ha with a minimum lot size of 2 ha. In any case a condition will be recommended not permitting any lots to be less than 2 ha.

Proposed lots 1 and 24 (lot 1) and proposed lot 12 (lot 3) are very large in comparison with the remaining lots. The owner of each of these lots shall remain responsible for the management and maintenance of the wetland upon which it is located.

Drainage

The subject lands mostly include Bassendean sands and are characteristically well drained. In accordance with the LWMS Stormwater management is proposed to be undertaken consistent with water sensitive urban design (WSUD) best management practices (BMPs). The post development stormwater system will ensure that the pre development hydrological regime and conditions will be maintained post development.

Currently there is no export of water off site. Stormwater is generated and infiltrated on-site. Given that there is minimal alterations to the site and its catchments, it is expected that post development, the regime will remain largely unaltered.

According to the LWMS, submitted as part of the amendments and accepted by the WAPC, the low density of building envelopes, minimal road development and retention of existing vegetation on site, post development conditions are not expected to alter existing conditions and the current hydrological regime is expected to be maintained.

Roads

The subdivision proposal illustrates one access leg intersecting with Southern Estuary Road and running through the middle of the Lot 1. All proposed lots will have access to Old Bunbury Road, Southern Estuary Road or the new road. The internal loop road will be 20m wide reserve with a 6m bitumen seal. These dimensions have been proposed in order to facilitate connection with the subdivision of Lot 2942 Old Bunbury Road (SD137585) which also contains a 20m wide road reserve. Lot 2942 Old Bunbury Road adjoins Lots 1 and 3 on the East side. SD137585 has been approved subject to the clearance of conditions.

A condition has been included in the recommendation to ensure that these proposed roads are designed in such a fashion that the road reserve location and width match and connect seamlessly.

Further to this a condition will be recommended to ensure that all lots have access to a constructed road connected to the local road network. Road construction will be guided by the Engineering and Design Specifications for Subdivisions Policy, which provides details on road standards.

Bushfire Risk

As noted, the majority of the site contains remnant vegetation with large trees. This poses bushfire risks in terms of access for fire fighting units, high fuel values and water availability. A Fire Management Plan has been prepared as part of Amendments 4 and 17 which has been accepted by the Fire and Emergency Services Authority.

Building Envelopes

Mirroring the SGP being adopted as part of the amendments, building envelopes have been allocated to each new lot created as part of this subdivision. Building Envelopes are to be 1384m² each on Lot 1 and 2000m² each on Lot 3.

The building envelopes have been situated on existing cleared land where possible so as to maintain a core of natural bushland.

Effluent Disposal

There is no reticulated sewage service available in the vicinity of the subject land and the Water Corporation has no plans to establish a service in the area in the foreseeable future. Consequently, the proposed subdivision will be serviced by on-site effluent disposal systems. A condition has been included in the recommendation instructing the applicant to make arrangements to ensure that prospective purchasers of the proposed lots are aware of this information.

In accordance with provisions of Statement Planning Policy No.2.1, the use of on-site effluent disposal systems will only be supported where it can be demonstrated that there is at least a two (2) metre vertical separation between the base of the leach drain and the highest known groundwater level.

Outbuildings

Currently there are two sheds located on the subject lots. Neither of these sheds will be retained if the subdivision progresses. A condition has been included in the recommendation, requiring that these structures must be demolished and all materials must be removed from the subject lots.

Site Works

It is recommended that site works are not undertaken until the Shire has approved engineering plans for all site works, including earthworks, roads, drainage, landscaping, rehabilitation and soil stabilisation.

According to the LWMS undertaken as part of the Scheme amendment ATU and building pad management requires that building pads are at least 1.2m above the groundwater level. Fill management is required to ensure that adequate vertical separation distances are achieved to ensure the protection of the environment and hydrological regimes. In order to achieve the required separation distance, building envelopes will be filled. The fill requirements for these building envelopes vary between 0.2 and 0.7m and finished building pads will vary between 2.7 and 6 mAHD. For this reason two conditions have been included in the recommendation stating that to address this.

Conclusion

When viewing the proposal in conjunction with Scheme Amendments 4 and 17, the proposal is generally consistent with the relevant State Policies, the Local Planning Strategy and Lake-Clifton Herron Structure Plan. It is therefore recommended that Council resolves to recommend approval of this proposed subdivision application subject to relevant conditions.

COUNCIL RESOLUTION**11/10/118****MOVED: Cr Scott****SECONDED: Cr Wright**

That Council advises the Western Australian Planning Commission that it supports the proposed 12 lot subdivision of Lot 3 Southern Estuary Road, Lake Clifton and the 25 lot subdivision of adjoining lot 1 Southern Estuary Road, Lake Clifton subject to the following conditions:

- 1. Subdivision clearance is subject to the finalisation and gazettal of the Shire of Waroona Town Planning Scheme No. 7 Amendments 4 and 17.**
- 2. No lot being less than 2 Hectares in area.**
- 3. Site works should not commence until the Shire of Waroona has approved detailed engineering plans for the works, including earthworks, roads, drainage, landscaping and rehabilitation, and soil stabilisation measures both during and after work.**
- 4. The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lots and that all future dwellings on the lot will need to be connected to on-site effluent disposal system(s).**
- 5. Suitable arrangements being made with the local government for the provision of culverted vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.**
- 6. The land being graded and stabilised.**
- 7. The land being filled and/or drained.**
- 8. The battleaxe access ways being constructed and drained at the applicant/owner's cost to the specifications of the local government.**
- 9. Roads that have been designed to connect with existing or proposed roads abutting the subject land are to coordinate such that the road reserve location and width match and connect seamlessly.**
- 10. All buildings, outbuildings and/or structures being demolished and materials removed from the lot 1 and lot 3.**

11. **The subdivider shall make arrangements to ensure prospective purchasers of the proposed lots are advised of those provisions of the Shire of Waroona Town Planning Scheme No. 7 which relate to the use and management of the land.**
12. **A notification, pursuant to section 165 of the Planning and Development Act is to be placed on the Certificates of Title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification is to be included on the Deposited Plan. The notification to state as follows:**

“This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry Ross River Virus and other diseases.”

Advice

1. **In relation to condition 4, approval for any on-site effluent disposal system(s) is required to be issued by the relevant authority prior to implementation. Generally such system(s) are required to maintain a 2 metre vertical separation between the base of the system and the highest known ground water level or impermeable layer of bedrock, and a 100 metre horizontal separation from the nearest water body. Written confirmation of compliance with this condition should be obtained from the local government on the advice of the Health Department.**
2. **In relation to condition 5, the necessary approval from the Shire of Waroona is required prior to the construction of vehicle crossovers.**

CARRIED 8/0

9.2.2 PEEL REGION SCHEME AMENDMENT 028/57 – MODIFICATION OF CLAUSE 47 OF THE PEEL REGION SCHEME TEXT	
Reporting Officer / Officer's Interest:	Chris Dunlop – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – A / Director Community and Planning Services / Nil
Proponent:	West Australian Planning Commission
Landowner:	NA
Date of Report: 13 October 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 1 – Prepare for Growth
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The Western Australian Planning Commission (WAPC) is requesting comment on its proposal to amend Clause 47 of the Peel Region Scheme (PRS) text so that the fees for the certificate are set using Section 20 of the *Planning and Development Act 2005*.

The current framework of Clause 47 whereby the fees are set by WAPC resolution does not comply with the *Planning and Development Act 2005*. There is no specific power in the Act to impose fees under region schemes.

The intent of the amendment is to allow the certificate fee under the PRS, to be amended in the future and annually in accordance with the fee recovery model that is used to set other statutory application fees.

Background

It was recommended by the Economic Expenditure Review Committee of the State Government that the WAPC ensures that full cost recovery of processing land development applications is considered as part of its review of fees and charges. Clause 47 of the PRS needs to be amended so that the fee could be changed to enable full cost recovery for the issuing of the certificate.

Statutory Implications

Clause 47 of the PRS currently allows the WAPC to collect a payment of \$25 for the issuing of a certificate in respect of land which is affected by the PRS, as follows:

47. Certificates

- (1) *The Commission may issue a certificate in the form set out in Schedule 3 in respect of any land, stating the manner in which it is affected by the Scheme and the purpose, if any, for which the land is reserved under the Scheme.*

- (2) *The Commission may, by resolution, notice of which is to be published in the Gazette, prescribe an amount to be paid for the issue of a certificate under subclause (1).*

The current framework does not comply with the *Planning and Development Act 2005*. The Act does not include specific provisions for fees to be imposed under region schemes. Therefore, the WAPC proposes that Clause 47 of the PRS be amended so that the relevant fee could be set as described in Section 20 of the *Planning and Development Act 2005*. The Minister is empowered under Section 20, to set the fees by notice that may be charged for anything done by the WAPC under the Act.

Strategic Implications

Objective 1 of the Community and Strategic Plan 2005-2025 is to *Prepare for Growth*. Strategy 1.5 under this objective is to maintain our commitment to consult with and involve the community in issues and to provide information at both a macro and micro level. Providing comment on amendments to the PRS and ensuring representative community involvement through Council resolutions is an integral part of achieving this objective.

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 9 December 2011.

Officer's Comments

This administrative change to the PRS will have little effect on the planning framework of the Shire or any of its residents. The amendment will enable the WAPC to amend administrative fees but does not impact on the operation of the PRS.

As a result the impact on the Shire will be minimal, hence it is recommended that Council provide a response to the WAPC stating that it has no objection to the proposed amendment.

COUNCIL RESOLUTION

11/10/119

MOVED: Cr Scott

SECONDED: Cr Mason

That with respect to the proposed amendment number 028/57 to the Peel Region Scheme 2003, Council advise the West Australian Planning Commission that:

The Shire of Waroona has no objection to the proposed amendment 028/57.

CARRIED 8/0



9.2.3 SHIRE OF WAROONA TOWN PLANNING SCHEME NO.7 AMENDMENT NO.31	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – A / Director Community and Planning Services / Nil
Proponent:	Algeri Planning and Appeals
Landowner:	Gregory Richard McDonald
Date of Report: 10 October 2011	File No: TPS7A31
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005. Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme No. 7 Local Planning Strategy 2009 Draft Hills Landscape Protection Policy
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 • Objective 1 – Prepare for Growth.
Financial Implications:	Nil.
Voting Requirements	Simple Majority

Proposal

The proposal seeks the rezoning of Lot 10 (No. 114) Invarell Road, Waroona from 'Rural – Darling Range' to 'Rural – Hills Landscape Protection' under the Shire of Waroona Town Planning Scheme No.7 (TPS7).

The proposed zone of "Rural – Hills Landscape Protection does not exist under TPS7 and must therefore be inserted as a new zone into TPS7.

This new zoning carries with it a number of considerations and development and/or subdivision standards that will regulate how the land is utilized.

The subdivision guide plan (SGP) associated with the amendment provides for 10 lots, all with a minimum of 10 hectares and varying in size between that minimum and 13.85 hectares. See SGP at **APPENDIX 9.2.3a**.

The amendment is in its initial stages and requires Council to resolve to initiate this amendment prior to any further assessment. At this stage Council needs to decide whether it is supportive of this proposal in this area subject to further assessment as the amendment process progresses.

Background

The subject site is located on Invarell Road, Waroona at the edge of the Darling Escarpment, approximately 4km east of the town of Waroona. See site location map **at APPENDIX 9.2.3b**. Access to the subject land is mainly via Scarp Road, which connects to Invarell Road.

Lot 10 is 113.3556 ha and is largely cleared of natural vegetation. The lot is dissected by two creeks running across the land from east to west. Natural vegetation exists along the two creeks on the property as well as in clusters in varying locations across the subject lot.



Statutory Implications

Planning and Development Act 2005.

Section 75 of the Act states that a local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

Section 81 of the Act states that when a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA —

- (a) Written notice of that resolution; and
- (b) Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with Section 48A of the EP Act in relation to the local planning scheme or amendment.

Section 84 of the Act states that after compliance with Sections 81 and 82, a local planning scheme prepared or adopted, or an amendment to a local planning scheme prepared or adopted, by a local government, is to be advertised for public inspection in accordance with the regulations.

Peel Region Scheme 2003

The subject area is zoned Rural under the Peel Region Scheme.

Clause 12 (e) deals with the Rural zoning under the Scheme;

“Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and 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”.

Town Planning Scheme No. 7 (1996)

The subject land is currently zoned Rural 5 Darling Range under TPS7.

The proposed zone of “Rural – Hills Landscape Protection” does not exist under TPS7. The proposed zone is nominated as the preferred zoning of the subject land pursuant to the Local Planning Strategy. For this to occur, the zone of “Rural – Hills Landscape Protection” must therefore be inserted as a new zone into TPS7.

New Clauses proposed to be inserted into the scheme are as follows:



Objectives

To provide for opportunities for small-scale agriculture and tourism accommodation whilst providing landscape protection.

General Provisions

Lots shall not be smaller than 10ha in land area.

Subdivision and development shall be guided by the Development Guide Plan and varied by agreement between the Shire and landowner.

Development applications and/or subdivisions shall be accompanied by a fire management plan prepared to the satisfaction of the Fire and Emergency Services Authority and the Shire.

Tourism accommodation development shall not exceed a density of one unit per hectare.

Setbacks

Development shall be setback at least 40m from any gazetted road and 20m from any other boundary.

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

Council's planning will need to reflect the complexities of the fast-moving urban growth of the Shire, the needs of rural settlements and the highly sensitive and variety of environmental settings within which this is taking place.

Strategic Planning Implications**Local Planning Strategy (2009)**

The subject lot is located within the Hills Landscape Protection sub – precinct of the Scarp and Darling Range precinct. Here it is Council's objective to provide for opportunities for small-scale agriculture and tourism accommodation whilst providing landscape protection.

A minimum lot size of 10 hectares is specified in the strategy.

Draft Hills Landscape Protection Policy

Currently a draft Hills Landscape Protection Policy is being prepared by the Shire of Waroona in co-ordination with the Department of Planning.

Increased development pressure in the hills area has resulted in the need for greater guidance and coordination in order to preserve the amenity of both the policy area and the greater Waroona area.



In order to meet maintain the existing visual amenity of the Darling Scarp as viewed from the western coastal plain, design and location requirements for future development are needed. These requirements are also intended to facilitate the development of the hills area in accordance with the Shire of Waroona Local Planning Strategy without compromising the very amenity that makes the area attractive to prospective residents.

The policy will ensure a coordinated and responsible approach to future development in the hills area. It will seek to ensure that development occurs in a proper and orderly fashion and best practice fire safety and transport outcomes are met.

Community Consultation

Community consultation is not required at this stage although it will be required in subsequent stages should Council decide to initiate the amendment. EPA and all relevant Government departments would also be consulted at the next stage.

Officer's Comments

Locality

The areas in which the subject land is located is characterised by traditional farming, Rural-Residential development and preserved areas of forest and bush vegetation. The subject land is located on the Darling Scarp. The landscape is categorized by a mix of forest and cleared land and is largely undulating and dissected by a number of streams and creeks.

The landscape values of the wider locality are considered to be high. There is no evidence of any flooding or inundation largely due to the landscape's undulating nature. There are areas of steep incline that slope to form the various creeks and streams.

Fire Management

The Local Planning Strategy outlines that:

'Proponents must demonstrate that acceptable protection can be offered to future residents from bushfire hazard. Development applications and/or subdivision to be accompanied by a fire management plan prepared to the satisfaction of the Fire and Emergency Services Authority and the Shire.'

A Fire Management Plan (FMP) has been prepared by FirePlan WA. This plan illustrates that fire risk associated with the terrain of the subject land, whilst considered extreme in some locations, can be safely managed with future subdivision of the land.

The important features of the FMP are summarized as follows:

- The developer shall provide 50,000 litres of water for firefighting purposes located within a road reserve within the site which has a downhill outlet to enable a flow rate between 450-600 litres/minute. Individual 10,000 litre tanks shall be provided at each lot for domestic fire fighting purposes.
- There is a low risk that fires may start within or adjoining areas of the proposed development. The subject land being mostly cleared significantly reduces fire risk as the only (major) source of bush fire fuel is annual grass growth.

- Bush fire protection of dwelling could be achieved through the provision of Hazard Separation Zones.

There are no provisions for the inclusion of Building Envelopes under the considerations made by the Shire's LPS. The proponent indicated that the proposed minimum lot size of 10ha is considered to be of sufficient size to negate the need for building envelopes. The FMP further outlines the need for Hazard Separation Zones (HSZ) to reduce bush fire risk.

These HSZ effectively act in the same way as a building envelope, ensuring a minimum setback to major fire fuel locations. This aspect will be further explored as part of the amendment process and comment from FESA, the Department of Environment and Conservation as well as the Department of Planning will be sought.

It is proposed that HSZ not be determined until the subdivision stage. Requirement for identification of HSZ predetermines the layout of the subdivision. A plan investigating and outlining the HSZ should be required as part of any future subdivision approval.

In addition, the LPS outlines a minimum setback from the road of 40m and a 20m setback for side and rear boundaries. It is submitted that the minimum required setbacks stipulated under the Shire's LPS are sufficient in ensuring the adequate and separation of development and safe development with respect to fire risk.

Access

The subject land currently only has gazetted road access from Prince Road. The proposed lots will be accessed via a new subdivisional road from Invarell Road with a 20.08 metre road reserve consistent with existing access roads in the locality. It should also be noted that the proposed subdivision road will connect to Invarell Road via an informal existing road through a small section of State Forest, as currently used to access the homestead on the property. This section of road is currently in the process of being formalised and dedicated for official use as access to the subject land.

Lots 1 to 9 will be serviced by an extension of the existing access way from Invarell Road whilst Lot 10 will be accessed via an extension of Prince Road. The subdivision proposes the most optimal road layout as there is no practical opportunities for a 'through road' within the subdivision, or opportunities for connectivity via any other adjoining lots.

The owners of the subject land have contacted the Planning Consultant of the neighbouring Lot 32 Prince Road to confirm ability to connect the proposed subdivision road to the subdivision road proposed at the adjoining lot; which is also being investigated for a possible rezoning.

Also proposed under the SGP is a 190 metre length of cul-de-sac followed by a 510 metre length of battle-axe driveway servicing proposed Lot 3. While individually these two lengths satisfy the relevant criterion of fire planning policy, the combined length of each component is a long, narrow access way; at a length considered undesirable in the circumstances of the subject land.

As a result an additional emergency access point has been indicated along the northern boundary of Lot 3 where there is an existing gate. This access point currently

has a track that allow for emergency access from the subject land through the neighbouring area of State forest to Pagannini Road.

Lot Areas

As noted the Local Planning Strategy specifies a minimum lot size of 10 hectares for the subject lot. The subject proposal is consistent with this requirement.

The proposed minimum 10ha lot size is considered appropriate given the context of the subject land. The 10ha lot size allows for adequate separation of land use and allows for continuation of low impact agricultural activities. The density of subdivision also means the landscape values and views are protected. To subdivide the land at any closer density risks adversely affecting the high quality landscape values that currently exist on the subject land.

Drainage

Two (2) brooks dissect the subject land running from east-to-west. The land slopes downwards towards these two brooks feeding all surface runoff into the 2 tributaries. The larger of the 2 brooks, Drakes Brook flows from Waroona Dam (east of the subject land) to Lake Moyanup (west of the subject land). The smaller of the 2 brooks flows east-to west across the subject land, draining water from the slopes on the northern portion of the subject land. This brook eventually connects with Drakes Brook on the adjacent property to the west of the subject land.

The subject land remains void of any flooding or inundation due to its undulating landscape. The proposed amendment and any subsequent subdivision is unlikely to have any impact on the drainage and hydrology of the subject land.

Conclusion

Council's LPS outlines a zoning of "Rural – Hills Landscape Protection" for the subject land. The proposed amendment effectively pre-empts any local planning Scheme review or consolidation by the Shire to modify the existing TPS7 to reflect the zones recommended under the LPS.

There will be no negative impact on proper and orderly planning should the proposed amendment be initiated and eventually gazetted. The Shire has outlined its intended planning direction for the subject land and this proposal reflects this direction.

It is therefore considered that Council can initiate this amendment to Town Planning Scheme No. 7. Council's long term land use strategies support the use of the land for this on the provision that environmental matters are fully explored.

COUNCIL RESOLUTION

11/10/120

MOVED: Cr Wright

SECONDED: Cr Salerian

That Council resolves:

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, to adopt for initiation and advertising the proposed rezoning of Lot 10 Invarell Road, Waroona from 'Rural 5 – Darling Range' to 'Rural – Hills Landscape Protection' subject to the:
 - a) Preparation of five (5) sets of amending documentation to the satisfaction of the Manager Planning Services.**
 - b) Shire President and Chief Executive Officer being authorised to sign the documentation.****
- 2. Prior to public advertising pursuant to Section 84 of the Act, the documents be referred to the Environmental Protection Authority in accordance with Section 81 of the Act.**
- 3. At the conclusion of public advertising, a further report including all submissions received be presented to Council for consideration and final adoption.**

CARRIED 8/0

9.2.4 PROPOSED TOWN PLANNING POLICY 25: OUTBUILDINGS	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – A/ Director Community and Planning Services / Nil
Proponent:	N/A.
Landowner:	N/A
Date of Report: 13 October 2011	File No.: TPS 7 General, 111/1
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme No.7 1996. Residential Design Codes Local Planning Strategy 2009 Planning Policy 8: Moyanup Heights and Lake Moyanup Estate
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth.
Financial Implications:	Cost of advertising policy
Voting Requirements	Simple majority

Proposal

It is proposed to develop a Local Planning Policy to guide the construction of outbuildings within the Shire of Waroona.

The objective is to achieve a balance between providing for the legitimate garaging, storage and other domestic needs of residents and to minimise the adverse impacts that outbuildings may have on the amenity, appearance and character of neighbourhoods and on neighbours.

The key planning issues relating to the further areas include the following:

- The relationship between lot size and outbuilding size (also taking into consideration floor area and height).
- Preservation of the amenity of the streetscape, neighbouring landowners and of the local area.
- Illegal use of outbuildings as residences.

Background

Domestic outbuildings are a necessary and desirable form of incidental development to dwellings. As lifestyle patterns and domestic storage needs have changed there is a trend toward the construction of larger outbuildings within the Shire. If not sensitively located and designed, or where they are used for inappropriate purposes, outbuildings can impact on the amenity of nearby residents, the streetscape, character and environmental attributes of the area.

In recent years, outbuildings have been progressively increasing in area and height. At the same time, there has been a trend towards smaller residential lots. This has



resulted in greater visual impacts from outbuildings, a reduction in usable yard space, increased pressure for inappropriate uses, and increased pressure for uses at an inappropriate scale in residential and rural living areas.

Statutory Implications

Under the Shire of Waroona Town Planning Scheme No.7 outbuildings are classified as a single house. The definition of an outbuilding is as follows:

“means an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling

An out building is a discretionary use in Urban 1 Town Centre zone and the Urban 3 Service Commercial zone. It is not permitted as a land use in the Urban 7 Industrial zone. It is a permitted use in all other zones.

Clause 6.11.1 of the Scheme states that unless otherwise approved by Council, the size and height of outbuildings shall comply with the provisions of Table 3.

TABLE 3 TPS		
Zone	Maximum Total Area of Outbuildings (m²)	Maximum Roof Height Above Natural Ground Level (m)
URBAN ZONES		
Urban 2 – Community and Civic	100	4.2
Urban 4 – Residential	100	4.2
Urban 5 – Special Residential	100	4.2
Urban 6 - Rural Living	200	5.0
Urban 8 – Hamel	100	4.2
Urban 9 – Preston Beach	100	4.2
RURAL ZONES (LOTS LESS THAN 2HA IN SIZE)	200	5.0

Clause 6.11.2 states that no restriction on size is placed on outbuildings within the Rural zones for lots of 2ha and above.

Clause 6.11.3 states that unless otherwise approved by Council, no outbuilding in the Urban 4 Residential, Urban 5 Special Residential, Urban 8 Hamel or Urban 9 – Preston Beach Zone shall be erected within the front building setback.

In terms of Clause 2.4 of the Scheme, once a Draft Town Planning Scheme Policy has been developed, Council needs to resolve to adopt the draft policy and then advertise the policy for a minimum period of 21 days. All submissions to the draft policy need to be considered by Council and then Council can resolve to adopt the policy, amend it or not proceed with the policy.

Although a town planning scheme policy does not bind Council, it shall have regard for the policy when making a decision.

Strategic Implications

Shire of Waroona Strategic Plan 2005 – 2025

Council's planning will need to reflect the complexities of the fast-moving urban growth of the Shire, the needs of rural settlements and the highly sensitive and variety of environmental settings within which this is taking place.

Strategic Planning Implications

Residential Design Codes

Clause 6.10 of the R Codes deals with incidental development requirements. Here it is the objective of the R Codes to ensure that outbuildings do not detract from the streetscape or the amenity of the development or that of adjoining residents.

Planning Policy 8: Moyanup Heights and Lake Moyanup Estate

The objectives of the Policy are to maintain the bushland setting, promote a high standard of building development which utilises materials and colours which will not detract from the visual appeal of the bushland environment and will complement the existing standard of development.

Clause 8.0.3 of this policy deals specifically with outbuildings.

The size, height and location of outbuildings are to comply with provision 6.11.1 and Table 3 - Outbuildings, of the Scheme.

No outbuilding exterior wall may be constructed of zincalume, vivid white or off white (Colorbond) colour.

The use of some second-hand materials may be considered by Council where such material is not the primary material and the condition and appearance of such material appears new or is demonstrated to meet the objectives and intent of the Policy.

Community Consultation

Once drafted, Council would seek public comment on the draft policy for a minimum period of 21 days.

Internal Referrals

The draft policy will be referred to internal Departments, prior to being submitted to Council for consideration.

Officer's Comments

Some of the issues that are associated with outbuildings are as follows:

- Adverse impacts on the visual character of streets and neighbourhoods through the construction of large and/or high outbuildings.
- When outbuildings incorporate reflective materials such as zincalume and are sited in visually prominent locations, there is greater potential for



adverse impacts on the landscape, and in some instances reflection can cause a nuisance for surrounding/nearby residents.

- Outbuildings, unlike most dwellings, are usually very bland metal clad structures devoid of architectural features such as windows, verandahs, etc.
- Illegal use of outbuildings as residences, which can incorporate inadequate health and building standards for human habitation.
- Use of outbuildings for illegal commercial, industrial or purposes which may result in adverse noise, traffic and visual impacts for neighbours and the locality.

A number of recent development applications for oversized outbuildings, that are not compliant with the Town Planning Scheme, have highlighted the necessity for a Town Planning Policy addressing the issue. This is especially apparent in the Urban 5 - Special Residential zone and the Urban 6 - Rural Living Zone where there examples can be found of large variations in lot sizes within the same zone.

For this reason a case can be made for the relaxation of standards for some outbuildings once a number of factors are considered. However the criteria used, when relaxing the standards of the town planning scheme, should be structured so that the outbuildings do not detract from the essential functions of private open space, the visual amenity of neighbours and the streetscape.

There may be scope for larger outbuildings or a greater aggregate can be approved provided the development meets the certain requirements such as:

- No adverse impact on adjoining properties.
- Height restriction.
- The outbuilding/s being suitably screened by existing vegetation or can be adequately screened by additional landscaping with appropriate planning condition.
- The outbuilding/s being constructed of materials consistent with the character of the area and where necessary a non-reflective building condition shall be imposed.
- The proposal is advertised in accordance with council's consultation policy.

The proposed policy will therefore seek to ensure that outbuildings are constructed to a high quality and design, are suitably sized for their context, appropriately located and used so they do not adversely impact on the surrounding area.

It is also proposed that during the formulation of the policy, research can be undertaken into the illegal use of outbuildings as residences.

At this stage it is not proposed to employ a Planning Consultant or other technical expert to develop the Draft Policy as it can be dealt with by Shire Officers. It is therefore recommended that Council endorse the preparation of a draft policy on outbuildings.

COUNCIL RESOLUTION

11/10/121

MOVED: Cr Scott

SECONDED: Cr Salerian

That Council resolves, with respect to the proposed Outbuildings Policy, to endorse the development of a Draft Policy to be considered at a future Council meeting.

CARRIED 8/0

9.2.5 PROPOSED TOWN PLANNING POLICY 26: SHORT TERM HOLIDAY ACCOMODATION	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – A/ Director Community and Planning Services / Nil
Proponent:	N/A.
Landowner:	Various
Date of Report: 17 October 2011	File No.: TP 7 General, 111/1
Previous Reference:	N/A
Statutory/Policy Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme No.7 1996. WAPC Planning Bulletin 99 – Holiday Homes Guidelines WAPC Guidelines. Holiday Homes - short stay use of residential dwellings Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth.
Financial Implications:	Cost of advertising policy
Voting Requirements	Simple majority

Proposal

It is proposed to develop a Local Planning Policy to guide the development of short term holiday accommodation within the Shire of Waroona.

Initial objectives of this Policy are as follows:-

- (a) To establish clear guidelines for Holiday Homes related to tourism;
- (b) To ensure that short stay use of dwellings occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity; and
- (c) To ensure that all Holiday Homes are in accordance with relevant legislation, the Town Planning Scheme requirements and this Policy.

Some key issues that will be addressed in the policy are:

- Location of the short term holiday homes.
- Protecting the Residential Character of Neighbourhoods.
- Ongoing Management of the short term holiday homes.
- Car Parking.

Background

Holiday homes are a component of the short stay accommodation sector in some parts of Western Australia and an important aspect of the overall mix of tourism accommodation, particularly in popular tourist destinations within the State. Over the past decade a growing number of holiday homes have been made commercially



available, resulting in an increasing trend to purchase or build homes for holiday home use.

The informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation, resulting in an uncertain legal environment, issues of inequity with other service providers and land use conflict. The issue of impact on neighbouring residential amenity has caused particular concern in the community.

In response to these issues the Minister for Planning and Infrastructure formed the Holiday Homes Working Group in 2005. The role of the working group was to investigate issues surrounding the operation of holiday homes and matters raised by the group have been taken into consideration to prepare WAPC Guidelines titled 'Holiday Homes - short stay use of residential dwellings'.

Statutory Implications

Planning and Development Act 2005

Clause 162 of the Act deals with Development that requires approval

- (1) Subject to this Act, where a planning scheme or interim development order provides that development referred to in the planning scheme or interim development order is not to be commenced or carried out without approval being obtained upon the making of a development application, a person must not commence or carry out that development on land to which the planning scheme or interim development order applies unless.
 - (a) The approval has been obtained and is in force under the planning scheme or interim development order.
 - (b) The development is carried out in accordance with the conditions subject to which the approval was granted.

Town Planning Scheme No.7

Under the Scheme holiday homes are classified as holiday accommodation with the definition being as follows:

“means buildings constructed in accordance with the provisions of Model By-Law No 18 (Holiday Accommodation) and used for the short term accommodation of tourists and holiday makers and includes small scale convention centres, halls and other buildings for the amenity of the residents but does not include a Hotel or a Motel”

The Scheme defines the following land use permissibility for holiday accommodation across the zones as follows:

Zone	Permissibility
Urban 4 - Residential	SA
Urban 8 - Hamel	SA
Urban 9 - Preston Beach	AA
Rural 1 – General Farming	AA
Rural 3A & 3B	AA



Rural 4 – Hills Face	SA
Rural 5 – Darling Ranges	AA

Where an application is made for Planning Consent to commence or carry out development which involves “AA” use, Council may, at its discretion, permit the use.

Where an application is made for Planning Consent to commence or carry out development which involves “SA” use, the Council shall not grant consent to that application unless notice of the application is first given in accordance the advertising clause of the Scheme.

In terms of Clause 2.4 of the Scheme, once a Draft Town Planning Scheme Policy has been developed, Council needs to resolve to adopt the draft policy and then advertise the policy for a minimum period of 21 days. All submissions to the draft policy need to be considered by Council and then Council can resolve to adopt the policy, amend it or not proceed with the policy.

Although a town planning scheme policy does not bind Council, it shall have regard for the policy when making a decision.

Strategic Implications

Shire of Waroona Strategic Plan 2005 – 2025

An extract from the Strategic Plan states: “Improved transport links will bring pressure to the coastal areas and there will be a drift of people to the coastal settlements of Preston Beach and Lake Clifton.

Our planning will need to reflect the complexities of the fast-moving urban growth of the Shire.”

Strategic Planning Implications

Planning Bulletin 99 – Holiday Home Guidelines

The objectives of this planning bulletin are:

- To facilitate a consistent, equitable and efficient planning process for the regulation of holiday homes in Western Australia.
- To support the tourism industry by the promotion of voluntary accreditation of holiday homes.
- To encourage good quality, well managed holiday homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of holiday homes as part of the tourism industry.

WAPC Guidelines: Holiday Homes - Short Stay Use of Residential Dwellings

The objectives of these guidelines are:



- To establish clear guidelines for the short stay use of holiday homes for tourism accommodation. The policy excludes short term accommodation where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.
- To ensure that short stay use of residential homes occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- To ensure that all new holiday home rental accommodation is in accordance with relevant legislation, local planning schemes and policies, and management plans.

Local Planning Strategy

The LPS recognizes that currently there is a limited range of tourist accommodation within the Shire. In order to address this, the strategy identifies that the Shire will give consideration to resort or similar accommodation on appropriate sites.

The strategy estimates that there are a total of 26,200 visitors per annum to the Shire. There are 71,000 visitor nights and an average length of stay of 2.7 nights.

Encourage the development of low scale tourist accommodation in the Rural zones throughout the Shire, but particularly in the Scarp and in proximity to Lake Navarino.

Community Consultation

Once drafted, Council would seek public comment on the draft policy for a minimum period of 21 days.

Internal Referrals

The draft policy will be referred to internal Departments, prior to being submitted to Council for consideration.

Officer's Comments

A number of recent development applications for Short Term Holiday Accommodation have highlighted the necessity for a Town Planning Policy addressing the issue. In the Preston Beach zone there have been reports received about unregulated, illegal short term holiday accommodation operating without a Planning Consent.

The aforementioned WAPC Planning Bulletin 99 states that as well as including holiday homes as a controlled use in local planning schemes, local governments are encouraged to develop a local planning policy on holiday homes.

The Department of Planning has prepared guidelines to assist local governments in the preparation of local planning policies.

Location

To reduce conflict between holiday homes and residential dwellings, particularly in residential zones, ideally they should be located in preferred areas identified either



through the tourism component of the relevant local planning strategy, or in a local planning policy.

As a guide, holiday homes are more appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas, but may not be appropriate in suburban locations.

Protecting the Residential Character of Neighbourhoods

In order to protect and retain the predominant residential nature and character of neighbourhoods, Council shall consider the cumulative impact thereof on a location's residential character, functioning and amenity as a criterion in the assessment of planning applications. Holiday homes should not become the predominant use within neighbourhoods.

Ongoing Management

It is considered that the responsibility for appropriate on-going management rests with the proponent to ensure that visitors are responsible and do not create inappropriate impacts (including noise) to adjoining/nearby properties.

Suitable on-going management is, of course, more difficult if owners live a considerable distance from the application site. Accordingly, as part of the planning application, the local government will require the proponent to outline how the site will be managed, especially if the owners do not live nearby.

One way of addressing this is requiring a management statement to be submitted to address matters including:

- The amenity of adjoining/nearby land uses.
- Managing noise impacts of visitors.
- The submission of a code of conduct for guests which shall, amongst others, list what is considered acceptable and unacceptable behaviour.
- Outlining how the premises will be managed on a day-to-day basis (including how keys are easily available for late entry, providing onsite assistance and confirming arrangements for cleaning/waste management).
- Relevant site specific matters including fire management/emergency response plans for visitors and managing risks for visitors.
- The handling of complaints (it is expected that the tenant be contacted by phone immediately and the proponent or their representative visit the property, preferably within 12 hours).

Car Parking

One major issue that has been flagged in complaints received has been that of car parking. The new policy will address this issue specifically. All car parking is to be contained on-site and no verge area should be used for car parking. At a minimum, it will be necessary to provide 2 on-site car parking bays for up to 6 guests. Tandem parking will only be permitted for a maximum of two parking bays.



Phasing In

The WAPC Planning Bulletin recommends that local governments allow owner operators up to 12 months, after a local planning policy has been adopted, to apply for and obtain approval for the operation of existing holiday homes and implement the recommended regulatory measures.

As this is a new approach to the management of Holiday Homes, operators of existing commercial holiday homes will be provided with the opportunity to obtain a planning consent within this 12 month period. Council may also consider not charging existing operators retrospective planning consent fees.

Conclusion

At this stage it is not proposed to employ a Planning Consultant or other technical expert to develop the Draft Policy as it can be dealt with by Shire Officers. It is therefore recommended that Council endorse the preparation of a draft policy on short term holiday accommodation.

COUNCIL RESOLUTION

11/10/122

MOVED: Cr Mason

SECONDED: Cr Wright

That Council resolves, with respect to the proposed Short Term Holiday Accommodation Policy, to endorse the development of a Draft Policy to be considered at a future Council meeting.

CARRIED 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: 18.10.11	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>		
11/10/123		
MOVED: Cr Witney		
SECONDED: Cr Scott		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal Trust	Cheques 6648 - 6676 EFT 13086 - 13087	\$28,293.10 \$2,596.40
Electronic Transfers Municipal Fund	EFT 13088 - 13232	\$316,199.83
Direct Wages	07/09/11 – 21/09/11 inclusive	\$145,812.00
GRAND TOTAL:		<u>\$492,901.33</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 30 SEPTEMBER 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: 19.10.11	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**

11/10/124

MOVED: Cr Witney**SECONDED: Cr Wright**

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

CARRIED 8/0

9.3.3 LOCAL GOVERNMENT ELECTIONS 2012-2017 INCLUSIVE	
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: 18.10.11	File No.: 6/1
Previous Reference:	OCM11/08/096
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	See below
Voting Requirements	Absolute Majority

Background

The Council at its Ordinary Council meeting held on 23 August 2011 resolved by absolute majority as follows:

“That the Council seeks written agreement in accordance with Section 4.20(4) of the Local Government Act 1995 for the Electoral Commission to conduct all elections, polls and referendums until the end of the 2017.”

Financial Implications

Financial estimates for each election are provided by the Commission during the budget process leading up to each election.

As a guide the estimate for the 2011 election is \$14,000 which is inclusive of all advertising, Returning Officer expenses etc.

Officer's Comment

The Western Australia Electoral Commissioner has subsequently advised of his approval by letter dated 10 October 2011.

In order to finalise the appointment and electoral process the Council is required to pass the following motions by absolute majority.

1. declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of all ordinary elections until the end of 2017; and
2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the ordinary elections will be postal.

COUNCIL RESOLUTION

11/10/125

MOVED: Cr Witney

SECONDED: Cr Wright

That the Council resolves to:

- 1. declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of all ordinary elections until the end of 2017; and**
- 2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the ordinary elections will be postal.**

CARRIED BY ABSOLUTE MAJORITY 8/0

9.3.4 ANNUAL AUDIT 2010/2011	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Responsible Officer / Officer's Interest:	Laurie Tilbrook – Deputy Chief Executive Officer / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 18.	File No: 15/1
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government Act 1995 and Audit Regulations
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

The on-site component of the Council's Annual Audit was held September 22 & 23, 2011.

The Auditor has advised that the accounts have been presented in a very high standard with no areas of concern in relation to statutory compliance.

Normally details of management issues are contained with the "Management Report". This report provides suggestions for improvements which are addressed on an ongoing basis. Staff are pleased to advise that no issues requiring Council attention were identified during the audit.

The audit report is attached at **Appendix 9.3.4**.

Following adoption of the official audit report the document will be presented to Electors together with detailed financial statements.

It is also a requirement that a copy of the Audit be forwarded to the Department of Local Government.

Background

The Council is required to prepare its Annual Accounts by September 30 each year. This is followed by formal acceptance of the Audit Report and subsequent incorporation of the Audit Report into the Annual Report which is to be presented to the Electors.

Community Consultation

In accordance with Statutory requirements of both the Local Government Act and Audit Regulations.

Officer Comments

A full set of the audited Annual Financial Statements will be included within the “Annual Report” which will be presented to Electors at the Annual Electors meeting, which is proposed to be held on Tuesday 20th December 2011 (following the December Ordinary Council meeting).

The Councils Finance and Audit Committee are also required to meet with the Auditor on an annual basis. This is likely to be in February 2012.

COUNCIL RESOLUTION

11/10/126

MOVED: Cr Germain

SECONDED: Cr Look

- 1. That the Audit Report for the books of account for the Shire of Waroona, for the 2010/11 financial year, as appended be received.**
- 2. That the Council records its appreciation to the Manager Financial Services and all Finance staff on the excellent presentation of the Council’s accounts.**

CARRIED 8/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 DECEMBER, JANUARY & FEBRUARY COUNCIL MEETINGS /ANNUAL ELECTORS MEETING	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer/Nil
Date of Report: 07.10.2011	File No: 35/1
Previous Reference:	OCM 10/10/162 (October 2010)
Statutory/Policy Implications:	Council policy 1.13
Strategic Implications:	Nil
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

To set the date and time for the December 2011 Council meeting and the 2011 Annual Electors Meeting, and consider the need for a January 2012 meeting.

Background

The December 2011 Council meeting is scheduled for Tuesday 27 December 2011 which is a public holiday, it is recommended that an alternative date be set. Christmas falls on a Sunday with Boxing day on Monday and Tuesday 27th being a public holiday in lieu of Christmas Day. It is therefore suggested that the December Council meeting be brought forward by 1 week to Tuesday 20th December 2011 at 4:00pm, which would allow enough time after the meeting for any actions from decisions at the meeting to be enacted prior to the Christmas and New Year period.

It is suggested that the Annual Electors Meeting be held at 6.00pm on the same day as the December Council meeting, as occurred last year. The previous year it was held at 3.30pm the same day.

The January 2012 Council meeting is scheduled for Tuesday 24 January 2012. Council, generally, does not hold a January meeting and brings forward the February meeting. If urgent business arising during this period a Special Council meeting can be held.

COUNCIL RESOLUTION

11/10/127

MOVED: Cr Scott

SECONDED: Cr Wright

That Council give public notice of the following schedule for coming meetings:

- 1. December 2011 Council meeting to be held on Tuesday 20 December 2011 commencing at 4:00pm.**
- 2. 2010/11 Annual Electors meeting to be held on Tuesday 20 December 2011 commencing at 6:00pm.**
- 3. No January 2012 Council meeting be held.**
- 4. February 2012 Council meeting to be held on Tuesday 14 February 2012 commencing at 4.00pm.**

CARRIED 8/0

9.4.2 BUSINESS GRANTS SCHEME: TOWNSCAPE DEVELOPMENT GRANTS PROGRAM 2011	
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:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	17th October 2011 File No.: 98/1
Previous Reference:	
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The allocation in the 2011/2012 budget is a total of \$16,000 inclusive of the Business Incentive Grants.
Voting Requirements	Simple Majority

Proposal

Council is asked to approve the Townscape Development Grant applications for 2011/2012.

The program has attracted a positive response from the business community with a total of four (4) applications received.

The budget of \$16,000 includes provision for the Business Incentive Grants of which \$4,000.00 has already been committed. This leaves \$12,000.00 remaining for the Townscape fund and applications totalling \$12,342.80.

Enquiries have been made from a potential applicant under the Business Incentive Grants currently considering occupying a vacant shop.

Townscape Development Grants Applications

Natalie & Kurt Hay: The Angry Snappa	\$1926.00
Margaret Russell: Waroona Post	\$1080.00
Clinton Atkinson: group of shops 9, 10, 11; comprising part of lot 61 South Western Highway on the corner Coronation Rd and Fouracre St.	\$5947.33
Natasha Keen: Shop 1, 61 South Western Highway	\$3,389.47
Total funds applied for:	\$12,342.80
Total funds remaining in budget:	\$12,000.00

Background

The Shire of Waroona has established a Business Grants Scheme to provide small amounts of discretionary funds to commercial business owners in the Waroona town site. The scheme has two streams being the annual Townscape Development



grants and the Business Incentive grants. The Townscape Development Grants are designed to assist with upgrades to external areas of Business premises to enhance the aesthetics of the area and compliment the recent works in the town centre.

Council resolved to provide an amount of Sixteen Thousand dollars (\$16,000) in the 2011/12 budget for the Business Grants Scheme.

Community Consultation

The grants were advertised through a media release, community sundowner, on council's website and sent directly to businesses. Hard copies of the application forms were available from the Shire Office. Consultation and assistance where required for applicants was made available through the Shire of Waroona Community Development Officer.

Officer's Comments

All projects were deemed to be eligible under the criteria set out in the Guidelines and application form. The information provided to the applicant's states that *"Generally grants to individuals will be between \$500.00 to \$3,000.00 dollars on a \$1 for \$2 basis. The applicants must contribute a minimum of 2/3rds the overall cost of the works."*

The program was oversubscribed with two applicants applying for more than the maximum amount of \$3,000.00.

The applicants for the shops that form a part of the large group of shops at 61 South Western Highway have received a prior grant of \$4000 in 2009 for shops 3, 5 & 6.

A summary of the applications has been provided at **APPENDIX 9.4.2**.

COUNCIL RESOLUTION

11/10/128

MOVED: Cr Wright

SECONDED: Cr Scott

That Council approve the following 2011/12 Townscape Development Grants.

Natalie & Kurt Hay: The Angry Snappa \$1926.00

Margaret Russell: Waroona Post \$1080.00

Clinton Atkinson: group of shops 9, 10, 11; \$3,000.00

Natasha Keen: Shop 1, 61 South Western Highway \$3,000.00

CARRIED 8/0



Cr Witney declared an interest affecting impartiality in Item 9.4.3 as a member of the Senior Citizens Committee.

9.4.3 ADOPTION OF COUNCIL POLICY – SENIOR CITIZENS ANNUAL CHRISTMAS FUNCTION	
Reporting Officer / Officer's Interest:	Ian Curley, Chief Executive Officer / Nil
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer / Nil
Date of Report: 14.10.2011	File No: 111/1 & 73/1
Previous Reference:	
Statutory/Policy Implications:	Council Policy proposed
Strategic Implications:	N/A
Financial Implications:	\$500 per annum
Voting Requirements	Absolute Majority

Proposal

To adopt a Council Policy in relation to an annual donation of \$500 towards the provision of a Christmas function for the benefit of senior residents of the Waroona shire.

Background

Council has included in its annual budget the amount of \$500 which has been paid to a community group to subsidize the cost of providing an annual Christmas function to senior residents of the shire. This practice has been in existence for over 10 years and the amount has historically been paid to the Waroona Senior Citizens, on application by them, each year, with the exception of a short period of time when the funds were split equally between the Senior Citizens group and Pensioner's Social club.

Community Consultation

N/A

Officer's Comments

It is understood that when the original funding was provided there was only 1 group representing the interests of all seniors. With the efluxion of time an additional group has been formed and now both organisations are requesting a \$500 contribution for the same purpose. It is likely that there are other groups in the community that support the interests of local senior citizens and could also claim eligibility for the funds.

As time elapses it is evident that the \$500 is viewed as a "general as of right" contribution, when in fact, it has a specific purpose - to subsidize a Christmas function, and if not spent on that purpose, it is not paid out.

It is proposed for Council to adopt a policy on the matter to preserve the original intent of the funding.



COUNCIL RESOLUTION**11/10/129****MOVED: Cr Witney****SECONDED: Cr Wright****That Council adopt the following Council Policy:****Senior Citizen's Annual Christmas Function**

The Council will provide the amount of \$500 in its yearly budget towards the provision of a (one only) suitable Christmas function for the senior citizens of the Waroona shire. The contribution is to subsidize the cost of providing such a function and the function must be readily accessible to the wider community of senior citizens or senior citizen groups.

The funds will be paid to a local group representing senior citizens of Waroona, following applications which will be received up to 30 November each year. The application is to include details of how the contribution will benefit the senior citizens of Waroona.

The amount may be varied in accordance with the annual budget.

Applications to be assessed and approved by the Chief Executive Officer.

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 Application for Leave of Absence (35/1)**

Cr Mason applied for a Leave of Absence from 15th to 30th December 2011 inclusive.

COUNCIL RESOLUTION**11/10/130****MOVED: Cr Wright****SECONDED: Cr Witney**

That leave of absence be approved for Cr Mason from 15th December to 30th December 2011 inclusive.

CARRIED 8/0**12.2 OFFICERS****12.2.1 Peel Pipeline Project (121/1)**

The Chief Executive Officer tabled documents pertaining to the Peel Pipeline project and briefed Councillors on the project.

Representatives of the Peel Development Commission and the Finance Manager from City of Mandurah are available to address Councillors on matters relating to the project. Councillors agreed to hold a Special Council meeting on 7 November 2011 to formally consider the matter.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 6.25 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 22 NOVEMBER 2011 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

