



MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 28 JUNE 2011

(Held at the Waroona Health & Community Resource Centre)

TABLE OF CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENTS.....	4
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	4
3.	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
4.1	PUBLIC QUESTION TIME	4
4.2	PUBLIC STATEMENTS	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
6.	DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS.....	4
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS	4
8.	CONFIRMATION OF MINUTES	5
8.1	ORDINARY COUNCIL MEETING – 24 MAY 2011	5
9.0	REPORTS OF OFFICERS AND COMMITTEES	5
9.1	DIRECTOR TECHNICAL SERVICES.....	5
9.2	DIRECTOR COMMUNITY & PLANNING SERVICES	6
9.2.1	CALL FOR TENDERS – ADMINISTRATION CENTRE ROOF UPGRADE.....	6
9.2.2	CALL FOR TENDERS – LIQUID WASTE FACILITY.....	8
9.2.3	AMENDMENT TO THE 2010/11 ADOPTED BUDGET – COMMUNITY SAFETY AND CRIME PREVENTION CCTV STRATEGY FUNDS, OFFICE CRIME PREVENTION.....	10
9.2.4	PROPOSED ROAD NAME FOR NEWLY CREATED ROAD – LOT 133 WELLER ROAD, WAROONA.....	12
9.2.5	LOT 19 (NO.3236) OLD COAST ROAD, LAKE CLIFTON - APPLICATION FOR PLANNING CONSENT FOR BREWERY	16
9.2.6	LOT 4495 (NO.294) DOMAN ROAD, LAKE CLIFTON - APPLICATION FOR PLANNING CONSENT FOR TELECOMMUNICATIONS FACILITY.....	17
9.2.7	PROPOSED PEDESTRIAN ACCESS WAY CLOSURE – LOT 166 ON PLAN 6760, WAROONA (RESERVE 50609), LOCATED BETWEEN FITZPATRICK PLACE, EASTCOTT PLACE AND HILL STREET WAROONA	25
9.2.8	SOUTH WESTERN HIGHWAY (WAROONA DEVIATION) AND ASSOCIATED RAILWAY REALIGNMENT - PROPOSED PLANNING CONTROL AREA.....	35
9.2.9	THIRD PARTY ADVERTISING SIGNS ADJACENT TO PRIMARY REGIONAL ROADS POLICY.	40
9.3	DEPUTY CEO/DIRECTOR CORPORATE SERVICES	45
9.3.1	ACCOUNTS FOR PAYMENT	45
9.3.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2010 TO 31 MAY 2011	46
9.4	CHIEF EXECUTIVE OFFICER.....	47
9.4.1	COLLIE-SOUTH WEST CO2 GEOSEQUESTRATION HUB – LESUEUR COMMUNITY CONSULTATIVE COMMITTEE.....	47
10.	CONFIDENTIAL REPORTS.....	48
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING	48
12.	NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION	49

12.1 ELECTED MEMBERS..... 49
**12.1.1 PROPOSED ELECTED MEMBER DEVELOPMENT PROGRAM –
STRATEGIC PLANNING WORKSHOP IN WAROONA..... 49**
12.2 OFFICERS 49
13. CLOSURE OF MEETING49



1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Chairperson declared the meeting open at 4.00pm and welcomed Councillors and Staff to the meeting.

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

Cr M Walmsley	Shire President
Cr L Scott	Deputy Shire President
Cr N Dew	Councillor
Cr J Salerian	Councillor
Cr C Wright	Councillor
Cr C Germain (from 4.06 pm)	Councillor
Mr I Curley	Chief Executive Officer
Mr L Tilbrook	Deputy Chief Executive Officer
Mr S Cleaver	Director Community & Planning Services
Mr L Fouché	Manager Planning Services
Mr M Tamblyn	Manager Environmental Health & Building Services
Mrs S Cicolari	Executive Support Officer

APOLOGIES

Cr T Witney	Councillor
Cr L Snell	Councillor

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

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.1 PUBLIC QUESTION TIME

Nil.

4.2 PUBLIC STATEMENTS

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS

Nil.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.



8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 24 May 2011

COUNCIL RESOLUTION

OCM11/06/060

MOVED: Cr Wright

SECONDED: Cr Dew

That the Minutes of the Ordinary Council Meeting held 24 May 2011 be confirmed as being a true and correct record of proceedings.

CARRIED 5/0

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

Nil.

9.2 DIRECTOR COMMUNITY & PLANNING SERVICES

9.2.1 CALL FOR TENDERS – ADMINISTRATION CENTRE ROOF UPGRADE	
Reporting Officer / Officer's Interest:	MEHBS – Mark Tamblyn / Nil
Responsible Officer / Officer's Interest	<u>Steve Cleaver, Director Community and Planning Services</u> / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report:	16 June 2011 File No. 44/2
Previous Reference:	Nil
Statutory/Policy Implications:	Local Government (Functions and General) Regulations 1996
Strategic Implications:	Nil
Financial Implications:	\$112000 in 2011/2012
Voting Requirements	Simple majority

Proposal

To call for tenders for upgrade of the administration centre roof.

Background

The existing tiled roof of the old administration building requires replacement as the current tiled roof is in a poor condition. Water ingress into the building has caused significant damage and sections of ceiling now being required to be replaced. Further to this new Worksafe laws will possibly require air sampling when contractors are working on the existing asbestos eaves such as what exists on the existing building.

The project scope also includes removal of asbestos eaves, rendering, and replacement of fascia boards, electrical, painting and installation of two patios (carports). It is also preferable that the old building needs match to the additions.

Financial Implications

Cost estimates are \$112,000 (EX GST) and as the project is expected to exceed \$100,000, tenders must be called as per the Local Government Act 1995. Funding for the project is to come entirely from Royalties for Regions grant funding.

Community Consultation

Nil

Officer's Comments

Tenders require at least 14 days State-wide public notice and the matter will come back before Council at either the July Ordinary Council meeting or will form part of the 2011/2012 budget. Normally matters relating to tenders are simply presented to Council once being advertised if they are already adopted in the budget. Previous experience is that due to the large fluctuation in prices that may be submitted this process may result in funds being allocated to this project that may otherwise be allocated to other smaller projects. In the case that the Tender comes in over budget then it risks the budget being put into deficit or that the scope of works has to be reduced. It is therefore recommended that the matter be put to public tender now and that a firm price be obtained that will form part of the 2011/2012 budget.



COUNCIL RESOLUTION

OCM11/06/061

MOVED: Cr Scott

SECONDED: Cr Wright

That the Shire of Waroona call for tenders for the upgrade of the administration centre roof and ancillary works.

CARRIED 5/0

9.2.2 CALL FOR TENDERS – LIQUID WASTE FACILITY	
Reporting Officer / Officer's Interest:	Mark Tamblyn, Manager Environmental Health and Building Services / Nil
Responsible Officer / Officer's Interest	<u>Steve Cleaver, Director Community and Planning Services</u> / Nil
Proponent:	N/A
Landowner:	Shire of Waroona
Date of Report: 16 June 2011	File: 77/18
Previous Reference:	Waste Management Advisory Minutes 23.6.09 & 16.6.08
Statutory/Policy Implications:	Local Government (Functions and General) Regulations 1996
Strategic Implications:	
Financial Implications:	\$150000 (ex GST) in 2011/2012
Voting Requirements	Simple majority

Proposal

To call for tenders for construction of the Liquid Waste Facility (LWF) upgrade at the Buller Road Landfill Facility.

Background

The Shires liquid waste facility has been failing for a number of years with a number of improvement notices served on the Shire over the last five years. The current system is operating beyond its design capacity. Desludging by an excavator may have also resulted in damage to the clay lining. Contractors are often turned away because the facility is full, therefore losing potential income.

The Shires Waste advisory committee engaged IW Projects in 2007 to gain a works approval from the Department of Environment and conservation for upgrade of the existing LWF. A four year works approval was subsequently granted to the Shire in 2009. The system is 'environmentally friendly' as it uses HDPE pond liners to prevent leaching, and uses a biofilter wetland bed. This biofilter utilises vetiver grass to uptake the nutrients, preventing nutrient run-off.

This new upgraded system will cater for annual waste quantity of 750,000 L which is more than adequate for local demand. The system will require some additional maintenance.

Financial Implications

The estimated project cost is \$150,000 (EX GST). Funding for the project is from Royalties for Regions grant allocation. It is also expected that once operational the income received will be higher than previous years due to the ability to accept additional liquid waste through of the system.

As the project is expected to exceed \$100,000, tenders must be called as per the Local Government Act 1995.

Community Consultation

Nil

Officer's Comments

Tenders require at least 14 days State-wide public notice and the matter will come back before Council at either the July Ordinary Council meeting or will form part of the 2011/2012 budget. Normally matters relating to tenders are simply presented to Council once being advertised if they are already adopted in the budget. Previous experience is that due to the large fluctuation in prices that may be submitted this process may result in funds being allocated to this project that may otherwise be allocated to other smaller projects. In the case that the Tender comes in over budget then it risks the budget being put into deficit or that the scope of works has to be reduced. It is therefore recommended that the matter be put to public tender now and that a firm price be obtained that will form part of the 2011/2012 budget.

COUNCIL RESOLUTION**OCM11/06/062****MOVED: Cr Salerian****SECONDED: Cr Scott**

That the Shire of Waroona call for tenders for the upgrade of the Liquid Waste Facility at the Buller Road refuse site.

CARRIED 5/0

9.2.3 AMENDMENT TO THE 2010/11 ADOPTED BUDGET – COMMUNITY SAFETY AND CRIME PREVENTION CCTV STRATEGY FUNDS, OFFICE CRIME PREVENTION	
Reporting Officer / Officer's Interest:	Maree Ellis – Community Development Officer / Nil
Responsible Officer / Officer's Interest	Steve Cleaver – Director Community and Planning Services / Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 20 June 2011	File No.: 196/1
Previous Reference:	N/A
Statutory/Policy Implications:	An absolute majority decision of the Council is required to approve unbudgeted expenditure
Strategic Implications:	Nil
Financial Implications:	Income 2010/2011 budget \$20,000 from the Office Crime Prevention. Expenditure 2011/2012 budget \$20000.
Voting Requirements	Absolute Majority

Proposal

Council is requested to consider an amendment to the 2010/11 adopted budget in order to accept funding from the Office Crime Prevention towards an upgrade to the CCTV surveillance system.

Background

In April 2005, the Waroona Shire Council entered into a partnership with the Office of Crime Prevention as part of a new State Government initiative for reducing crime and improving community safety. The first element in this partnership was to develop a Community Safety and Crime Prevention Plan to highlight research-based issues in the community that needed to be addressed. In 2010, Shire Staff commenced a review of the plan which was completed in April 2011. Included in the review, was a strategy to upgrade the current CCTV surveillance system. As a result of the review, the Office of Crime Prevention has offered a grant of \$20,000 towards the implementation of the Security Surveillance Technology upgrade strategy.

Community Consultation

Community Safety and Crime Prevention Reference Group
Community Survey

Officer's Comments

The original system is now reaching its end usage date and is difficult to repair as new technology has now superseded the current system. This makes it difficult to manage or to add new cameras as they have a different operating system, (Analogue vs Digital) Considerable research has been conducted by the Office of Crime Prevention in recognition of these issues. The plan is to utilise as much of the



old technology as possible while upgrading to a more efficient and user friendly system.

The funding offer has occurred in the 2010/11 financial year and income will be received in this term however the funding agreement stipulated that the grant term was to run from 1 July 2011 – 30 June 2012. This requires council to ensure that this expenditure is budgeted for in the 2011/12 financial year. In this regard Income will be received in financial year 2010/2011 and expenditure will occur in financial year 2011/2012

COUNCIL RESOLUTION

OCM11/06/063

MOVED: Cr Dew

SECONDED: Cr Wright

That the 2010/2011 adopted budget be amended as follows.

- **Authorise unbudgeted income of \$20,000 from grants to A/C 109230**
- **That Council budgets in 2011/2012, expenditure from account 109340 (Furniture & Equipment – security system) \$20,000 for the 2010/2011 Office Crime Prevention Local Government Partnership funds – Security Surveillance Technology Upgrade and Implementation.**

CARRIED BY ABSOLUTE MAJORITY 5/0

9.2.4 PROPOSED ROAD NAME FOR NEWLY CREATED ROAD – LOT 133 WELLER ROAD, WAROONA	
Reporting Officers / Officer's Interest:	Nadine Aiberti - Planning Assistant / Nil Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Graeme & Sonia Watson
Landowner:	Tasgo Nominees Pty Ltd
Date of Report: 18 April 2011	File No.: SD142281
Previous Reference:	Nil
Statutory/Policy Implications:	Land Administration Act 1997 Town Planning Policy 16.0 Geographic Names
Strategic Implications:	Objective 1 – Prepare for Growth
Financial Implications:	Nil
Voting Requirements	Simple Majority

Proposal

A request was received from the landowner to name a new road created by the subdivision of Lot 133 Weller Road, Waroona. It is proposed to name the road '**Banber Road**'

A subdivision plan with the proposed road names is attached at **Appendix 9.2.4a**.

Background

On 30 July 2010, the Western Australian Planning Commission gave conditional approval to the 13 lot subdivision of Lot 133 Weller Road, Waroona. A condition of the subdivision endorsement required:

'those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost to the satisfaction of the Shire of Waroona'

As a consequence of the approval, two subdivisional roads were created and are required to be officially named. At this stage the landowner only wishes to name the road located to the west side of the property.

The name Bamber was approved on the Geographic Names Register on 17 December 2009, as a result of this Bamber is also listed on the Shire of Waroona reserved roads list. However this is a typographical error and the correct spelling is in fact **Banber**.

This typographic error has been made clear to the Geographic Names Committee who have indicated that the error will be amended on their records.

Statutory Implications

Land Administration Act 1997

26A. Names of roads and areas in new subdivisions

- (1) If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.
- (2) The local government may require the person so subdividing the land —
 - (a) To propose a name for the proposed road or, if a name has already been proposed, to alter that name; and
 - (b) To propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.
- (3) If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.
- (4) The Minister may —
 - Approve the proposed name;
 - Direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or
 - Refuse to approve the proposed name.
- (5) A person must not —
 - (a) Assign a name to the area or road unless the name is first approved by the Minister.

Strategic Planning Implications

Town Planning Policy 16.0 Geographic Names

The assignment of Geographic names is determined by the Geographic Names Committee (GNC), which is a branch of the Department of Land Information (DLI). In administering this responsibility the GNC has regard to an extensive set of criteria. With regard to road names, these may be summarised as follows-

1. Name duplication within local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
2. Names of living individuals shall not be used.
3. Names characterised as follows are to be avoided: incongruous; given/first names; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminatory names; company names; or, commercialised names.

4. Preferred sources of names include: Aboriginal names; Pioneers of the State or area; War Casualty lists; or thematic names e.g. fauna, ships etc.

Whilst ultimate responsibility for the naming of roads rests with the GNC, their officers undertake consultation with Local Authorities as part of the process of assigning names. To assist this process a Local Authority can develop policies to guide their advice to the GNC.

Community Consultation

Community consultation was not deemed necessary for the naming of the subject roads as the chosen name is already on Council's reserve road name list.

Officer's Comments

Under the Land administration Act 1997 the subdivider was required to propose a name for the proposed road. The owners originally recommended three names:

1. **Forest Rise**
2. **Forest Edge Rise**
3. **Watson Way**

However, as "Forest" has been used a total of 150 times within the state of Western Australia and with the Forrest Grove, Preston Beach and Forest Highway, both within the Shire of Waroona, the Geographic Names Committee (GNC) have advised that this will not be accepted.

The Geographic Names Committee have advised that "Double names" are unsuitable as they are known to cause problems in mapping and addressing, therefore, Forest Edge Rise will not be accepted.

As per the Policy 16.0 names of living individuals shall not be used, therefore the name of "Watson Way" will not be accepted as it is named after the owners of the land.

After further consultation the applicant recommended **Bamber Road**.

The **Banber** (correct spelling) is a Western Australian flowering plant (*Melaleuca teretifolia*). (Source: Common Trees of the South West by J. Wheeler)

Banber, or Honeysuckle Myrtle, is a small to medium shrub from 1 to 3 m high, usually erect in habit. The linear leaves are rounded in cross section (terete), 40-60 mm long and tapering to a sharp point. The flowers occur in globular-shaped clusters about 20 mm in diameter. The tree is native to South Western Australia. See photograph at **Appendix 9.2.4b** (Source Australian Native Plants Society)

This name is compliant with Planning Policy 16.0 as it is in keeping with the amenity of the area and in theme with the woodland area of the subdivision.

Consultation with the GNC confirmed that this name was acceptable and that it may be recommended to Council for approval.

Cr Germain entered the meeting, the time being 4.06 pm.

COUNCIL RESOLUTION

OCM11/06/064

MOVED: Cr Wright

SECONDED: Cr Germain

That Council resolves to recommend to the Geographic Names Committee that the name “Banber Road” be applied to the newly created road within the proposed subdivision of Lot 133 Weller Road, Waroona.

CARRIED 6/0

9.2.5 LOT 19 (NO.3236) OLD COAST ROAD, LAKE CLIFTON - APPLICATION FOR PLANNING CONSENT FOR BREWERY	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Starworld Investments PTY LTD
Landowner:	Tony Scolaro Family Trust
Date of Report: 7 May 2011	File No: TP1346
Previous Reference:	None
Statutory/Policy Implications:	Planning and Development Act 2005 Shire of Waroona Town Planning Scheme No. 7 Environmental Protection (Peel Inlet – Harvey Estuary) Policy (1992) Statement of Planning Policy No. 2.1 – the Peel-Harvey Coastal Plain Catchment (SPP 2.1) EPA's 'Guidance Statement No.28 'Protection of the Lake Clifton Catchment' Coastal and Lakelands Planning Strategy' EPA's 'Strategic Environmental Advice on the Dawesville to Binningup Area' Planning Policy 2.0 Lake / Clifton Herron Structure Plan Local Planning Strategy 2009
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 2 – Conserve our pristine environment
Financial Implications:	Nil
Voting Requirements	Simple Majority

The Manager Planning Services, Mr Louis Fouché advised that the applicant had requested this item be withdrawn from the agenda for the time being.

9.2.6 LOT 4495 (NO.294) DOMAN ROAD, LAKE CLIFTON - APPLICATION FOR PLANNING CONSENT FOR TELECOMMUNICATIONS FACILITY.	
Reporting Officer / Officer's Interest:	Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponent:	Aurecon Australia PTY LTD on behalf of Optus
Landowner:	John Spencer Snell and Leonard Griffin Snell
Date of Report: 12 May 2011	File No: TP1413
Previous Reference:	N/A
Statutory/Policy Implications:	Shire of Waroona Town Planning Scheme No. 7 Local Planning Strategy 2009 Town Planning Policy 19.0 Telecommunications Infrastructure Statement of Planning Policy No.5.2 Telecommunications Infrastructure Planning Bulletin No.64 Applications for Telecommunications Infrastructure
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 Objective 1 – Prepare for Growth Objective 2 – Conserve our pristine environment Objective 3 – Protect and conserve agricultural lands and rural land uses
Financial Implications:	Nil
Voting Requirements	Absolute Majority

Proposal

An application was received for a Telecommunications Facility at Lot 4495 (No.294) Doman Road, Lake Clifton. See site location plan and elevations at **APPENDIX 9.2.6a**.

The installation will include the construction of a 50m lattice tower, with six (6) – off panel antennas mounted on a triangular headframe, one (1) parabolic antenna and one equipment shelter all contained within a fenced compound.

See Artists impression of the facility at **APPENDIX 9.2.6b**.

Background

The subject site is located approximately 200m east of Doman Road, between the Forrest Highway and the Harvey River (approximately 7km south east of Lake Clifton town site). A single residential dwelling is located approximately 2.5km to the east of the site. The land is generally flat and there is a substantial amount of existing vegetation to the south of the access track. There is a State Forest Reservation on both sides of the Forrest Highway. The proposed site is adequately set back from the Highway and the will be partially screened by the remnant vegetation, minimising the impacts on the amenity of the area. Access to the site will be off Doman Road.

Optus is seeking to upgrade its digital mobile telephone coverage in the Shire of Waroona and to achieve this requires the installation of a new mobile phone base station.



The applicant has stated that in investigating its ability to meet customer demand in this area Optus has considered opportunities to co-locate on existing structures and/or public utilities; however they were unable to identify suitable opportunities that met radio frequency requirements of its customers in the locality. Optus' only option therefore was to proceed with a new site in an appropriate location that minimizes disturbance to the environment and loss of amenity in the provision of a telecommunications infrastructure.

Previous Approvals

A search of Council records indicates that a planning approval for a Home Occupation was issued on 8 November 2004 for the property.

Statutory Implications

The Telecommunications Act (1997)

The Telecommunications (Low-impact Facilities) Determination of 1997 made under the *Telecommunications Act 1997* requires local government planning consent for a development not defined as low-impact. A telecommunications tower that is not attached to a building and which is higher than five (5) metres is not a low-impact facility and therefore requires planning approval.

Peel Region Scheme (PRS) 2003

The subject lot is zoned rural under the Peel Region Scheme. Clause 5 (b) of the PRS states that it is the purpose of the Scheme to provided for the zoning of land for living, working and rural land uses.

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)

4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme area in the various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

4.2.5 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may -

- (a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the “SA” procedures of clause 8.2 in considering an application for planning approval; or
- (c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.14.1 Council's objective is to preserve the rural character of the District's farming lands and to ensure that they continue to contribute materially to the District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council's objective will therefore be to permit land uses consistent with achieving this objective.

8.2.1 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 with the provisions of this clause.

8.2.3 Where the Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out:

- (a) notice of the proposed development to be served on the owners and occupiers of the land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) A sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

8.2.4 If notices have been given, after expiration of twenty-one days from the publication of the notice, the erection of the notice or the posting of the notice to the owners and occupiers, whichever is the latter, the Council shall consider and determine the application.

2.4.3 A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Consent, but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

Strategic Implications

Shire of Waroona Strategic Plan 2005 – 2025

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



Strategic Planning Implications

Statement of Planning Policy 5.2 – Telecommunications Infrastructure

The objectives of this Policy are to:

- Facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to meet community needs;
- Facilitate the development of an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Western Australia as set out in the Planning and Development Act 2005 and the State Planning Strategy;
- Assist community understanding of the issues involved in the design and installation of telecommunications infrastructure and provide opportunities for community input to decision making;
- Promote a consistent approach in the preparation, assessment and determination of applications for planning approval of telecommunications infrastructure;
- Minimise disturbance to the environment and loss of amenity in the provision of telecommunications infrastructure; and Ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure.
- Ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure.

This Policy also provides Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure.

Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.

Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.

Planning Bulletin No.64 – Applications for Telecommunications Infrastructure

This Planning Bulletin lists the considerations which should be taken into account in considering applications for the development of telecommunications facilities.

These considerations include:

- The social and economic benefits of affordable and convenient access to modern telecommunications based services for people and businesses throughout the State
- Continuity of supply of telecommunication services
- Protection of the environment
- Safeguarding visual amenity.

Shire of Waroona Town Planning Policy 19.0 - Telecommunications

This Policy largely reflects State Planning Policy and is concerned with the siting and design of the proposed infrastructure. It emphasizes the importance of any new equipment being located outside environmentally sensitive areas, preferably in commercial, business, industrial and rural zones.

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Fact Sheet 4 Mobile Telephone Communication Antennas and Health Effects

Research undertaken by ARPANSA has reported that environment radiofrequency levels near base stations for the digital mobile phone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Australian Communications Authority's public exposure limits and concluded that *"given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research"*.

Local Planning Strategy (1999)

Under the Local Planning Lot 4495 is located within the General Agriculture sub-precinct of the Agricultural precinct. In this sub-precinct it is Council's objective to provide for the continued use of the area for a range of agricultural pursuits and low key tourist establishments.

A telecommunications facility is not listed as a primary or a discretionary use within the general agriculture sub precinct.

This Local Planning Strategy also lists the suitable setbacks for the general agriculture sub precinct. These setbacks are 20 metres from the road and 10 metres from the side and rear.

Community Consultation / Referrals

Community consultation / referral of the application has not been undertaken at this stage however if Council determines the use not listed to be consistent with the objectives of the rural zone, the advertising procedure required for a 'SA' use in Clause 8.2 of the Town Planning Scheme will be followed thereafter.

Officer's Comments

As a telecommunications facility is not listed as a land use under the Town Planning Schemes zoning table, applications for a use not listed are dealt with under Clause 4.2.5 of the Scheme.

In summary Clause 4.2.5 states that in order to determine a use not listed under the Scheme, Council must consider the objectives of the particular zone in which the use is proposed.

Clause 4.14.1 of the Town Planning Scheme lists the objectives and Policies for all rural zones and the proposed land use can be assessed against the objectives of zone.

The proposed development will not detract from the district farming lands as its siting will not prevent the balance of the land from being utilised for productive agricultural purposes. The proposed facility will be contained within in a 15m x 10m (150m²) fenced area within the 31.8Ha lot. The remainder of the lot can be utilised for agricultural production therefore the sustainable use of land for agriculture will not be conflicted. The proposal will not prevent the conservation and wise use of natural resources including water, flora, fauna and minerals. Also, as the location in which it proposed does not have any relation to a town site this proposal will not detract from a distinctive rural landscape setting for an urban area. Further to this a condition of approval will be added ensuring that the proposed facility shall be constructed of materials which blend with the natural landscape. This will further safeguard the amenity in which it is to be proposed.

Also the Shire of Waroona policy 19.0 emphasises the importance of any new telecommunications infrastructure being located in rural areas among others. Clause 2.4.3 of the Scheme states that Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

In accordance with Clause 4.2.5 (b) and taking into consideration the objectives of the Scheme for the 'Rural 1 General Farming' zone, it can be determine that the use may be consistent with the objectives of the Rural 1 zone and thereafter follow the "SA" procedures of clause 8.2 in considering an application for planning approval.

Town Planning Policy 19.0 / State Policy 5.2 / Planning Bulletin No.64

The proposed development is consistent with the intent of the Shire's and the States Policies in the following manner:

- The development will facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally sound manner to meet community needs.
- The proposal will also cause minimal disturbance to the environment and loss of amenity.
- The proposed facility will provide an effective and efficient mobile telephone network that has been located and designed to meet the communication needs of the community.
- It is located in a rural location, well removed from residential dwellings.
- The proposed facility has been designed and sited to minimise any potential adverse visual impact on the character and amenity of the surrounding area.
- The telecommunications tower has also been designed to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and complies with the health and safety standards.

Safety Concerns

The applicant has submitted a report calculated in accordance with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) prediction methodology and report format and an environmental Electro Magnetic Exposure (EME) report for the site.

This report advises that there are strict regulations in place that guide the permitted Electromagnetic Emissions (EME) relating to such towers. The regulations are regulated by the Australian Communications and Media Authority (ACMA) and all towers are required to perform below the maximum allowable EME. The proposed



tower has a predicted EME maximum of 0.08% within a radius of 200 to 300m. Beyond the 300m radius, the EME levels decrease further. The predicted EME levels are well within operational standards set by ACMA.

Conclusion

It should be noted that the Health Department of Western Australia considers there is currently no health basis for restricting either the siting of mobile telephone towers or ground level access to them. The proposed telecommunications tower will provide an additional public service by providing upgraded and competitive telecommunications services within the Shire.

The proposed tower will provide the general Shire population with more market choice in relation to mobile telecommunications services. The improved and new coverage would allow for the formation of a population with access to technology not previously experienced in most areas of the Shire. This has the potential to making the Shire a more attractive place to live. The proposal can also enhance security and safety through better means of telecommunications.

Given that there are no health risks associated with the proposed tower, and the social and economic benefits that could be gained from the tower, it is recommended that Council determine that the proposed use is consistent with the objectives of the rural zone and delegate powers of decision making to the Manager Planning Services subject to no adverse submissions being received during the specified advertising period.

(Should the delegation to the Manager Planning Services not be granted, a report will have be referred back to Council to determine the application, subsequent to the closure of the advertising period. Should adverse submissions be received, the application will be determined by Council regardless.)

COUNCIL RESOLUTION

OCM11/06/065

MOVED: Cr Salerian

SECONDED: Cr Dew

That Council, with respect to the application for Planning Consent for a Telecommunication Infrastructure at Lot 4495 (No.294) Doman Road, Lake Clifton, resolves to:

- 1. Determine in accordance with Clause 4.2.5 of the Shire of Waroona Town Planning Scheme No.7 1996, that the use is consistent with the objectives of the Rural 1 – General Farming zone.**
- 2. Follow the ‘SA’ procedures in accordance with Clause 8.2 of the Shire of Waroona Town Planning Scheme No.7. 1996, in considering an application for planning approval.**

- 3. Delegate authority to the Chief Executive Officer to approve the application provided no adverse submissions are received during the specified advertising period, subject to the following conditions:**
- a. The development shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.**
 - b. Building materials used for tower, antennas, equipment shelter and fencing are to be of a standard and colour scheme complementing and blending in with the amenity of the area. (See Advice Note A).**
 - c. All stormwater and drainage run-off to be contained on site to the specification and satisfaction of Council, or connected to a Council stormwater legal point of discharge.**
 - d. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

ADVICE TO APPLICANT:

- A. In relation to Condition 2, no highly reflective or white material is to be used. Colour schemes are to be of muted tones that will blend in with the natural environment.**
- B. The applicant is advised that no site works shall commence until a Building Licence has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed shed is to comply with the Building Code of Australia 2009.**

CARRIED BY ABSOLUTE MAJORITY 6/0

9.2.7 PROPOSED PEDESTRIAN ACCESS WAY CLOSURE – LOT 166 ON PLAN 6760, WAROONA (RESERVE 50609), LOCATED BETWEEN FITZPATRICK PLACE, EASTCOTT PLACE AND HILL STREET WAROONA	
Reporting Officers / Officer's Interest:	Nadine Aiberti – Assistant Planner / Nil Greg Delahunty – Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil
Proponents:	Sylvia Baird & Michael & Louise McDonald
Landowner:	Department of Regional Development and Lands
Date of Report: 10 March 2011	File No.: 132/1
Previous Reference:	Nil
Statutory/Policy Implications:	Planning & Development Act 2005 Land Administration Act 1997 Town Planning Scheme no.7 Planning Guidelines – Procedure for the closure of Pedestrian Accessways Liveable Neighbourhoods – Community Design Code Designing out Crime Planning Guidelines (June 2006) Community Safety and Crime Prevention Plan 2005-2010 Security and Safety Audit 2003 Local Planning Strategy (LPS)
Strategic Implications:	Objective 1 – Prepare for Growth
Financial Implications:	2011/2012 Budget (allocation to be quantified)
Voting Requirements	Simple Majority

Proposal

The Shire of Waroona has received two (2) letters from adjoining landowners requesting that the Pedestrian Access Ways (PAWs) at Lot 166 on Plan 6760, Waroona (Reserve 50609), located between Fitzpatrick Place, Eastcott Place and Hill Street, Waroona, be closed due to antisocial behaviour occurring in the PAW on a regular basis.

A copy of the survey plan of the subject PAWs is at **APPENDIX 9.2.7a** (page 5).

Having undertaken community consultation as a result of Council resolution **OCM 11/03/020**, the next step in the formal process for the closure of a PAW may be undertaken. Council may now resolve to close the PAW and submit a written request to close the pedestrian access way to the Western Australian Planning Commission.

Background

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

1. To publicly advertise the proposed closures of the PAW located at Lot 166 on Plan 6760, Waroona (Reserve 50609), between Fitzpatrick Place, Eastcott Place and Hill Street, Waroona, in accordance with Section 58 of the Land Administration Act 1997;



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

Council is required to follow the formal process of closing the existing PAWs as defined by the Land Administration Act 1997 and the associated practice manuals of the Department of Planning (DoP). The general practice for closing a PAW involves consideration of the broader pedestrian/cyclist access and permeability (where relevant) assessment. A previous assessment presented to Council covered the broad range of factors that must be considered in closing a PAW. See assessment at **APPENDIX 9.2.7a**.

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

Financial Implications

Written agreement has been attained from those wishing to purchase a portion of the pedestrian access way that they are prepared to meet all costs associated with the closure including the possible relocation of infrastructure and registration of easements, removal of improvements from the pedestrian access way and the cost of reinstatement of kerbing.

However Council may, if it so wishes, cover some of the costs associated with the removal of the 171 m of footpath (consisting of 60 cm x 60 cm concrete slabs) and the bollards at the entrance of the PAWs. This process has been estimated at \$3,500 - \$4,000 by the Shire of Waroona's Consulting Engineer. Other costs that would be incurred are advertising and officer time. If the Council is to endorse the closure of the PAW it will be necessary to allocate appropriate funds in the 2011/2012 budget to undertake the closure of the PAW.

Should the PAW be closed, Council will not incur any more costs for the maintenance of the PAW. This includes repair to damaged Council assets, removal of graffiti and general tidiness and upkeep of the PAW.

Statutory Implications

Planning and Development Act 2005

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

Land Administration Act 1997 (the Act)

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

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

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

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

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

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

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

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

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

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

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

Shire of Waroona Town Planning Scheme No. 7 / Residential design Code

The Lots adjoining the PAW are zoned 'Urban 4 – Residential' zone with a Residential Design Coding of R12.5.



Pursuant to the R-Codes the minimum lot size for a block in R12.5 is 700 m², with an average of 800 m². The current adjoining lot areas vary between 769 m² and 989 m². If the PAW was to be closed and amalgamated with adjoining lots, lot areas would increase to between 865 m² and 1024m².

The increase in lot area would not be so substantial that the lots would have potential for subdivision. Given that 31 of the 42 lots in Fitzpatrick Place and Eastcott Place are over 1,000 m², an increase in lot sizes for these four (4) lots in Fitzpatrick Place and Eastcott Place, would bring them in to line with the average lot size for the area.

Strategic Planning Implications

Planning Guidelines – Procedure for the Closure of Pedestrian Access Ways

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

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

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

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

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

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

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

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

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

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



Liveable Neighbourhoods – Community Design Code (Liveable Neighbourhoods)

Element 2 of Liveable Neighbourhoods deals with the 'Movement Network', in the headed up section 'Safe routes to schools, bus stops and stations' suggests that routes to these types of community facilities should have "*minimal gaps in surveillance*" and makes reference to the 'WAPC Designing Out Crime Planning Guidelines' as a document which can guide developers and Councils alike on ways to design areas to lessen crime.

This PAW is currently used by pedestrians walking to and from the Waroona Senior High School and with little to no surveillance within this PAW, it would indicate that this PAW is not a safe route, in the terms of the definition in Liveable Neighbourhoods.

Designing out Crime Planning Guidelines (June 2006)

Section 5.1 – 'Natural surveillance' deals with the issue of surveillance of PAWs a pertinent element of this section is the statement "*to encourage surveillance of spaces from surrounding buildings and land users*".

With high fences and little to no surveillance of this PAW and no way to redesign the PAW to "encourage surveillance of spaces from surrounding buildings and land users", it would seem that the option of closing the PAW altogether would be an option worth considering.

Section 5.8 – 'Management and maintenance' deals with the condition of the PAW which states:

- *"To discourage graffiti and vandalism by reducing blank canvases;*
- *To facilitate prompt reporting of any damage;*
- *To ensure prompt maintenance and repairs; and*
- *To promote the perception of a well cared for area".*

As was seen in photographs in the previously presented assessment report 'Management of maintenance' is an issue and has an impact financially on the Shire in the sense that it is necessary to remove the graffiti, repair damage to the footpath, clean up rubbish and glass, slash weeds and generally maintain the PAW. The closure of the PAW would end the need to maintain the PAW.

Section 5.18 – 'Pedestrian Routes, laneways, alleyways and access ways' deals with safety aspects and suggests that a 'factor to consider' is "*Consider appropriate closure techniques and alternative uses to remove unsafe parts of an existing network*". Section 5.18 also states:

- *"Design to maximize safe pedestrian and cyclist linkages, especially at night; and*
- *Design to encourage legitimate activity".*

Beyond the PAW issue this "route" via the PAW is not a "safe pedestrian and cyclist linkage" as once into the cul-de-sacs of Eastcott and Fitzpatrick Place, there is no footpaths and it is necessary for pedestrians and cyclists to travel on the road to get where they are going.

Consideration could be given to a designated broader pedestrian/access plan for the Shire.

Community Safety and Crime Prevention Plan 2005-2010

Part 7 of the Community Safety and Crime Prevention Plan 2005-2010, deals with Community Safety and Crime Prevention Strategies, Section 4 – ‘Promote Integrated Urban and Social Planning Responses to Crime and Safety Issues’, highlights the need to “investigate safety on walkways (lanes) within residential areas”.

Security and Safety Audit 2003

The Shire of Waroona Security and Safety Audit 2003, deals with overall issues of a Security and Safety aspects within the Shire and it was highlighted in this document, that the PAW adjoining Fitzpatrick Place, Eastcott Place and Hill Street had been the subject of many complaints of disorderly behaviour.

Local Planning Strategy (LPS)

The area in which the PAW is situated is indicated as Residential in the LPS and generally the average lot size is 800 m².

Local Structure Plan

On 18 June 2008, Council at its Ordinary Council Meeting resolved:

“To finally endorse the proposed Structure Plan over Lots 9001, 180 and 371 Elliott Street and Lot 386 Hill street, Waroona and advises the Western Australian Planning Commission accordingly”.

A Structure Plan Endorsed by Council and approved by WAPC can be seen at **Appendix 9.2.7a** (page 9).

On 19 March 2009, the Western Australian Planning Commission (WAPC) approved the Structure Plan as part of Scheme Amendment 16.

Although the Structure Plan has been endorsed by Council and the WAPC, no subdivision application has been submitted to date. However, it is pertinent that the proposed subdivision be taken into account in relation to the future development of the area.

A subdivision in this location would be directly affected, however, a desktop assessment undertaken has shown that the distance to be walked would not be increased significantly, approximately 100m, and therefore not greatly affects any future residents that may reside in this area.

Community Consultation

As a result of Council resolution **OCM 11/03/020** community consultation was undertaken in accordance with section 58 of the *Land Administration Act 1997*.

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

Further to this direct mail out to households likely to be affected by the closure was undertaken. This mail out sought to ascertain whether landowners would support the



closure of the PAW and if they were willing to purchase the PAW land adjoining their properties.

A copy of the Schedule of Submissions is at **Appendix 9.2.7b**.

Referrals

Western Power

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

Harvey Water

Advised, that there are no Harvey Water Assets at this location.

Water Corporation

Advised, that the area contains a critical sewerage pipeline (see plan in **Appendix 9.2.7a page 17**).

Telstra

Advised that there are no Telstra assets in this location (see plan in **Appendix 9.2.7a page 19**).

Waroono Police

Sgt. Jeff Taylor advised that there was a total of 14 offences in the three streets, being Fitzpatrick Place, Eastcott Place and Hill Street in the period of 6 months leading up to the date of 25 February 2011, varying from Burglary, Stealing and Drugs. Several homes nearby are frequented by Police on a regular basis and this area is on their list of areas to target patrols due to anti-social behaviour. It was also noted that the PAW in question is a well known spot for drug deals.

Internal Referral

Upon referral to Engineering Services the Shire of Waroono Consulting Engineer has estimated the cost of the removal of the concrete slabs, the bollards and the upgrading surface in the event of the PAW closure. This has been estimated at \$3,500 - \$4,000. This process will be labour intensive which is where the bulk of the cost comes from.

Officer's Comments

The PAW in question is a link between the three streets Fitzpatrick Place, Eastcott Place and Hill Street within the townsite of Waroono. The PAW runs behind and along the side of six (6) properties and is of a Y shape. The PAW offers no passive surveillance over the PAW and is not optimal as there is no line of sight from the entrance of the PAW to the exit. Even at the top part of the Y pedestrians are not able to view the exit from the entrance because of a slight angling at the middle.

Residents adjoining the PAW in Eastcott Place have reported considerable vandalism consisting of broken fences, rocks thrown into their yards and at their animals as well



as anti-social behaviour in and around the PAW. It is also evident that vandalism is prevalent throughout the entire PAW as per the pictures in **Appendix 9.2.7a** on (pages 20-28).

The PAW has 60cm x 60cm square concrete slabs approximately 2.5 metres in width lining the 171 metres of footpath. It is considered that the formal closure of the PAW would require the removal of the concrete slabs and bollards at the entrances of the access ways.

Schedule of Submissions

In total eight (8) submissions were received from members of the general public. Five (5) in support of the closure and three (3) opposed to the closure.

Support

Of the five (5) submissions in support of the closure four (4) were from landowners whose property abuts the PAW, there was also a submission in favour of closure from a landowner living close to the PAW whose property does not abut it.

These submissions in favour of closure report considerable vandalism consisting of broken fences, rocks thrown into their yards and at their animals as well as anti-social behaviour in and around the PAW. A site visit has confirmed this vandalism. Further to this the Waroona Police department have confirmed that 14 offences have taken place in and around the PAW in the last six (6) months.

The four (4) submissions in favour of the closure also stated intent to purchase half / full width of the PAW that abuts their property.

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

These landowners will need to be in agreement to purchase the land or alternatively the Shire can decide whether an adjoining owner could purchase all of the land which adjoins their land if the other adjoining land owner is not willing to purchase the land.

Opposed

Of the three (3) submissions received opposed to the closure two (2) were from landowners whose property abuts the PAW, there was also one submission opposed to the closure from an individual who uses the PAW during exercise.

Some of the legitimate objections to the closure:

- Utilised daily as a shortcut.
- Utilised when carrying shopping bags.
- Children use it in getting to school.
- Adds variety to an exercise program.

Although the closure of the PAW would add distance to some individual's daily routine however it has been calculated that the route through Millar Street (to IGA) is not significantly longer, approximately 300m. It is considered that the reasons provided in favour of the closure outweigh this concern.

The fears that this closure will instigate the closure of the few remaining PAW's in Waroona is not valid as there is a specific process that must be followed in order to close a PAW. The Shire of Waroona does not have the final decision making powers in this instance. The decision making authority in this process is the Department of Planning.

Concerns that abutting properties will be gifted extra land increasing their lot sizes at the expense of rate payers is not a valid grounds for objection. Adjoining landowners have been notified that if the closure of the Paw is to proceed they must purchase the land at a value determined by the Valuer General. Adjoining landowners will also incur costs such as surveying, removal of pavers etc.

Although three submissions received were opposed to the closure only one had substantial claims for opposition. Of the other two submissions, one simply objected and failed to list reasons and the other one cited invalid claims of objection although it did include that the PAW adds variety to an exercise routine.

The submissions received in favour of the closure offer a substantially stronger argument. Reports of anti social behaviour, criminal damage and theft have been verified with photographs, a site visit and also from the Waroona Police. In both numbers and substance, the submissions in favour of closure outweigh those opposed.

Internal Referral

It has been recommended, as a result of the Shires Consulting Engineer's estimation, that Council allocate appropriate funds in the 2011/2012 budget to undertake the closure of the PAW.

Conclusion

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

Given the assessment above, the comprehensive assessment report (attached at **Appendix 9.2.7a**) and the result of community consultation, it is therefore recommended that Council resolve to close the PAW and submit a written request to the WAPC stating its request for closure.

COUNCIL RESOLUTION

OCM11/06/066

MOVED: Cr Wright

SECONDED: Cr Scott

In relation to the request to close Pedestrian Access Way Lot 166 on Plan 6760, Waroona (Reserve 50609), Located between Fitzpatrick Place, Eastcott Place and Hill Street, Waroona, Council resolves to:

- 1. Close the Pedestrian Access Way.**
- 2. Submit a written request to close the Pedestrian Access Way to the Western Australian Planning Commission.**
- 3. Allocate appropriate funds in the 2011/2012 budget to undertake the closure of the Pedestrian Access Way .**

CARRIED 6/0

9.2.8 SOUTH WESTERN HIGHWAY (WAROONA DEVIATION) AND ASSOCIATED RAILWAY REALIGNMENT - PROPOSED PLANNING CONTROL AREA.	
Reporting Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Ni
Proponent:	Western Australian Planning Commission
Landowner:	Various (38)
Date of Report: 17 June 2011	File No: 95/6, 122/1.
Previous Reference:	TP7A13
Statutory/Policy Implications:	Planning and Development Act 2005 Heritage of Western Australia Act 1990 Environmental Protection Act 1986 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme 1996 Shire of Waroona Local Planning Strategy (2009)
Strategic Implications:	Shire of Waroona Strategic Plan 2005 – 2025 • Community Infrastructure • Land Use Planning
Financial Implications:	Budgeted operational costs.
Voting Requirements	Absolute Majority

Proposal

Correspondence has been received from the Department of Planning stating that the Department is preparing a new Planning Control Area (PCA) to protect the land required for the South Western Highway (Waroona Bypass) deviation and the associated railway realignment from development for other purposes.

The PCA is an interim measure until such time as an amendment to the Peel Region Scheme is in place. The purpose of the PCA is to:

- Provide a statutory planning mechanism to protect the proposed alignment and land required for the proposed South Western Highway (Waroona Deviation) and associated rail realignment.
- Allow the continuation of any existing legal land use.
- Create a statutory requirement for the approval of the Western Australian Planning Commission (WAPC) of any development within the PCA.

A plan of the proposed PCA is at **Appendix 9.2.8a** and a plan of the proposed realignment is at **Appendix 9.2.8b**.

Background

Following Council's meeting of 26 June 2001, a ballot poll was held in Waroona to determine whether the community supported the deviation of the South Western Highway and if so, which of the four alternative alignment options they preferred.



At its meeting of 11 February 2003 Council resolved to support Option 2 of the alternative alignments provided by the WAPC in relation to the South Western Highway deviation subject to:

- the gazettal of the Peel Region Scheme and
- the preparation of an “Alignment Definition Report” to the satisfaction of Council.

A copy of this alignment is at **Appendix 9.2.8c.**

On 16 February 2006 the Western Australian Planning Commission advised the Shire that Regional Planning Control Area No.1 – South Western Highway (Waroona Bypass) and Associated Railway Realignment was declared. The correspondence also stated that when the design of the future road is finalised in the future, the WAPC will consider an amendment of the Peel Region Scheme (PRS) to include the bypass and associated railway realignment within the Primary Roads and Railway reservations under the Scheme. This amendment to the PRS has not occurred to date.

Community Consultation

The Department of Planning has referred letters to all 38 landowners affected by the latest proposed Planning Control Area. Submissions on this proposal close on 25 May 2011.

A Summary of the submissions received by the Department of Planning on the Proposed Planning Control Area (PCA) is at **Appendix 9.2.8d.**

The submissions from landowners on the PCA understandably focus on issues such as the uncertainty related to the PCA and PRS Amendment processes, the loss of land and investments already made on affected properties. Private landowners are generally not in favour of the proposed PCA and new alignment of the South Western Highway and railway line.

Financial Implications

There are no known direct costs to Council other than budgeted operational costs.

Statutory Implications

Planning and Development Act 2005

Section 112 of the Act refers to the declaration of Planning Control Areas by the WAPC where land may be required for purposes specified in Schedule 6. After notification in the Government Gazette, the Planning Control Area is approved by the Minister for Planning.

Section 115 requires the approval of the WAPC for development within a Planning Control Areas.

Section 186 makes provision for compensation by the State Government in respect of land injuriously affected by the declaration of Planning Control Areas.

Part 4 of the Act deals with the making and amendment of a Region Scheme.



Part 9 of the Act deals with the relationship between Region Schemes, Local Planning Schemes and Planning Control provisions.

Section 126 of the Act states that *“If a region planning scheme delineates land comprised in a local planning scheme as a reserve for any public purpose, then the local planning scheme, in so far as it operates in relation to that land, is, by force of this section and without any further action under this Act, amended to such extent (if any) as is necessary to give effect to the reservation under the region planning scheme”*.

Heritage of Western Australia Act 1990

Part 5 of the Act makes provision for a State Register of Historic Places as well as a requirement of Local Government to *“...compile and maintain a an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance”*.

It should be noted that the Railway Cottages located within the proposed Planning Control Area are reflected in both the State Register of Historic Places and the Shire of Waroona Municipal Heritage Inventory.

Environmental Protection Act 1986

Part IV of the Act deals with Environmental Impact Assessment including the assessment of Town Planning Schemes. Part V of the Act deals with the clearing of native vegetation.

Peel Region Scheme 2003 (PRS)

Clause 10 of the PRS makes provision for the reservation of Primary Regional Roads and Railways.

Clause 18 of the PRS requires the approval of the WAPC for the development of land reserved under the scheme.

Shire of Waroona Town Planning Scheme 1996

Part III of the Scheme deals with reserved land. The Scheme makes provision for the reservation of land proposed for a range of public purposes including Highways, Major Roads and Railways.

Strategic Planning Implications

Shire of Waroona Local Planning Strategy 2009 (LPS)

The South Western Highway is reflected as a Significant Road, while the Waroona Bypass is reflected as a Future Significant Road under the LPS. The Waroona Railway Line and Station are both denoted on the Town Precinct map.



Officer's Comments

Although Lot 51 McNeill Road is owned by the Shire, and this lot abuts the proposed Waroona deviation, there is no change to the alignment of the road at this location.

When comparing the previous alignment and the current proposal, it is clear that the new alignment is relatively similar to the previous alignment, however the current proposal affects larger portions of private land to the west of the current railway line. This is due to the realignment of the railway line to the west in order to protect the Railway Cottages, an Aboriginal Historic site, wetland and remnant vegetation located within the proposed Planning Control area (between the proposed Waroona Deviation and the rail realignment). These sites were adversely affected by the previous alignment and advice from the Heritage Council of Western Australia and Environmental Agencies led to the formulation of the new alignments.

Given the above, it is acknowledged that the new alignment is necessary in order to achieve the relevant strategic infrastructure, heritage and environmental objectives. Should the reservation of the necessary alignments not be achieved, then the future of the Waroona Deviation is likely to be compromised.

Nevertheless, the new alignment adversely affects landowners given the relocation of the railway line as well as the proposed provision of service roads abutting the new railway line. Impacts in terms of the use / loss of land as well as adverse amenity impacts related to rail and road noise are expected.

It is therefore imperative that affected landowners be adequately compensated by the State Government in relation to land injuriously affected by the declaration of the Planning Control Area.

It is also important that the necessary reservation of the railway line and South Western Highway deviation be completed by the WAPC in the Peel Region Scheme without delay subsequent to the declaration of the Planning Control Area, in order to provide certainty to landowners in relation to the use and development of their land.

COUNCIL RESOLUTION

OCM11/06/067

MOVED: Cr Dew

SECONDED: Cr Scott

That in relation to the proposed new alignments by the Western Australian Planning Commission of the South Western Highway Deviation and Waroona railway line Council resolves:

- 1. That in order to adopt the proposed adjustment to the location of the railway line in the previously agreed to Option 2 of the South Western Highway deviation, Council, revoke its resolution of 11 February 2003, and replaces it with -**

2. That Council advises the Western Australian Planning Commission that it continues to support Option 2 of the South Western Highway deviation with the inclusion of the moving of the railway line to a more westerly position as reflected in *Attachment 9.2.8.c* to protect the Railway Cottages, an Aboriginal Historic site, wetland and remnant vegetation.
3. That Council advises the Western Australian Planning Commission that it is imperative that affected landowners be adequately compensated by the State Government in relation to land injuriously affected by the declaration of the Planning Control Area.
4. That Council requests that the Western Australian Planning Commission commence the necessary reservation of the railway line and South Western Highway deviation in the Peel Region Scheme without delay subsequent to the declaration of the Planning Control Area, in order to provide certainty to landowners in relation to the use and development of land.

CARRIED BY ABSOLUTE MAJORITY 5/1

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

9.2.9 THIRD PARTY ADVERTISING SIGNS ADJACENT TO PRIMARY REGIONAL ROADS POLICY.	
Reporting Officer / Officer's Interest:	Louis Fouché – Manager Planning Services / Nil.
Responsible Officer / Officer's Interest	Louis Fouché – Manager Planning Services / Nil.
Proponent:	N/A.
Landowner:	Various
Date of Report: 20 June 2011	File No: TPS 7 General.
Previous Reference:	Previous Reference if any
Statutory/Policy Implications:	Planning and Development Act 2005 Main Roads Act 1930 Road Traffic Act 1974 Main Roads (Control of Advertisements) Regulations 1996 Road Traffic Code 1975 Peel Region Scheme 2003 Shire of Waroona Town Planning Scheme 1996 Shire of Waroona Local Planning Strategy (2009) Planning Policy 6.0 – Advertising Signage
Strategic Implications:	Shire of Waroona Strategic Plan 2005-2025 <ul style="list-style-type: none"> • Land Use Planning
Financial Implications:	Officer time and advertising costs (approx. \$700.00)
Voting Requirements	Simple Majority

Proposal

Council is requested to consider the preparation of a new draft Local Planning Policy for Third Party Advertising Signs adjacent to Primary Regional Roads.

Background

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

Council has approved two third party advertising signs (hoardings) located along the Forrest Highway, while refusing a similar application along the South Western Highway. It is intended that the policy will provide specific direction to applicants, officers and Council in dealing with third party advertising signage applications at highway frontage locations.

Financial Implications

The proposed draft policy is expected to attract newspaper advertising costs of approximately \$350.00. A staff cost in relation to the preparation of the policy has been budgeted.

Statutory Implications

Planning and Development Act 2005

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

Main Roads Act 1930

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

Road Traffic Act 1974

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

Main Roads (Control of Advertisements) Regulations 1996

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

Regulation 7 states that the Commissioner's approval for a hoarding, advertising structure or advertisement may be given on any condition set out in the notification of approval. The Commissioner is not to give approval unless the Local Government has approved the application and each condition imposed by the Local Government is consistent with an approval under the regulations.

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

Road Traffic Code 1975

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

Peel Region Scheme (PRS) 2003

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



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

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

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

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

Strategic Planning Implications

Shire of Waroona Local Planning Strategy 2009 (LPS)

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

Planning Policy 6.0 – Advertising Signage

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

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

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

According to this policy a hoarding shall not –

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

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

Community Consultation

In terms of Clause 2.4.1 of the TPS a Draft Planning Policy is to be advertised for two consecutive weeks in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

It is also appropriate to consult with relevant government Agencies such as Main Roads WA, the Department of Planning, the Department of Environment and Conservation, as well as adjoining local governments (City of Mandurah and the Shires of Harvey and Murray).

Officer's Comments

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

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

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

Although Council's Advertising is still applicable to all signage, this policy seeks to specifically address Third Party Signage adjacent to the Forrest and South Western Highway as well as the Old Coast Road. Council's existing Advertising Signs Policy addresses hoardings, but does not address specific locations where these signs are to be located. It is appropriate that Council's Planning Policies give clear direction in relation to the size, location and design criteria to be addressed with proposed third party advertising signs in prominent locations along the highways in the Shire.

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

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

In conclusion it is recommended that Council resolves to advertise the Draft Third Party Advertising Signs Adjacent to Primary Regional Roads Policy for public comment.



COUNCIL RESOLUTION

OCM11/06/068

MOVED: Cr Scott

SECONDED: Cr Germain

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

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

CARRIED 5/1

For the Motion: Cr's Dew, Scott, Germain, Walmsley & Wright

Against the Motion: Cr Salerian

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: 13/6/2011	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**COUNCIL RESOLUTION****OCM11/06/069****MOVED: Cr Wright****SECONDED: Cr Salerian****That Vouchers numbered:**

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>AMOUNT \$</u>	<u>TOTAL \$</u>
Municipal	6521 – 6543	\$12,872.74	\$12,872.74
Trust	10979	\$3,142.55	\$3,142.55
	EFT 12481 & 12491		
Electronic Transfers	EFT 12482 – 12600	\$346,400.38	\$346,400.38
Direct Wages	4/5/2011 – 18/5/2011 inclusive	\$134,587.60	\$134,587.60
	TOTAL:		<u>\$497,003.27</u>

and attached at Appendix 9.3.1 be endorsed.**CARRIED 6/0**

9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2010 TO 31 MAY 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: 21.06.2011	File No.: 1/1
Previous Reference:	N/A
Statutory/Policy Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Simple Majority

APPENDIX 9.3.2**COUNCIL RESOLUTION****OCM11/06/070****MOVED: Cr Dew****SECONDED: Cr Germain**

That the Monthly Statements of Financial Activity for the period 1 July 2010 to 31 May 2011 Appendix 9.3.2 be received and noted.

CARRIED 6/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 COLLIE-SOUTH WEST CO2 GEOSEQUESTRATION HUB – LESUEUR COMMUNITY CONSULTATIVE COMMITTEE	
Responsible Officer / Officer's Interest:	Mr Ian Curley, Chief Executive Officer / Nil
Proponent:	Minister for Mines & Petroleum, Norman Moore
Landowner:	Affected areas in the Shires of Harvey & Waroona
Date of Report: 28 June 2011	File No: 48/11
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	N/A
Financial Implications:	N/A
Voting Requirements	Absolute Majority

Proposal

To nominate 2 Council representatives to join the Lesueur Community Consultative Committee.

Background

The project to sequester carbon dioxide underground in an area extending from the south of the Shire of Waroona into the Shire of Harvey has been selected by the Federal Government as one of four potential National Flagship Carbon Capture and storage initiatives. Whilst the project has Federal support it is being led by a State Government/Industry steering committee.

The next stage of the proposed project is to confirm the suitability of the selected site by undertaking further seismic surveys and conduct a drilling program.

Community Consultation

A community consultative committee is to be formed for the project to assist with the dissemination of information to the local communities and to obtain community views and opinions to inform the decision making process.

The Shire of Waroona is invited to nominate 2 representatives to join the committee.

Officer's Comments

The committee will comprise:

- An independent chairperson
- A person nominated by the Federal Member of Forrest
- A person nominated by the State member for Murray-Wellington
- 2 members each from the Shires of Harvey and Waroona
- 3 community members
- An officer of the department of Mines and Petroleum, and
- A representative of the Collie Hub joint venture.



COUNCIL RESOLUTION

OCM11/06/071

MOVED: Cr Germain

SECONDED: Cr Salerian

That Council nominates the Director Community and Planning Services and Cr Snell as its delegates on the “Lesueur Community Consultative Committee” responsible for the collection and dissemination of information in regards to the proposed project to sequester carbon dioxide underground in areas of the Shires of Waroona and Harvey. Cr Walmsley is nominated as the proxy delegate.

CARRIED BY ABSOLUTE MAJORITY 6/0

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 PROPOSED ELECTED MEMBER DEVELOPMENT PROGRAM – STRATEGIC PLANNING WORKSHOP IN WAROONA**

Responsible Officer / Officer's Interest:	Mr Ian Curley, Chief Executive Officer / Nil
Proponent:	Cr Christine Germain
Landowner:	N/A
Date of Report: 28 June 2011	File No: 35/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	N/A
Financial Implications:	Cost of Training to be determined
Voting Requirements	Simple Majority

COUNCIL RESOLUTION**OCM11/06/072****MOVED: Cr Germain****SECONDED: Cr Dew**

That the possibility and cost of holding a Strategic Planning Workshop (Elected Member Development Program) in Waroona following the 2011 Local Government Week be investigated. If the workshop is to be held neighbouring Councillors and Staff are to be invited to attend.

CARRIED 6/0**12.2 OFFICERS**

Nil.

13. CLOSURE OF MEETING

There being no further business the Chairperson closed the meeting the time being 5.55 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 26 JULY 2011 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

