AGENDA FOR
ORDINARY MEETING OF COUNCIL
Wednesday 20 February 2019

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.
Procedure for Public Question Time, Petitions, Deputations and Presentations at Council Meetings

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<table>
<thead>
<tr>
<th>Petitions</th>
<th>Deputations</th>
<th>Presentations</th>
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</thead>
<tbody>
<tr>
<td>A formal Process where members of the community present a written request to the Council.</td>
<td>A formal process where members of the community request permission to address Council or Committee on an issue.</td>
<td>An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.</td>
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</tbody>
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Procedures for Deputations
The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9576 4600 or email chatter@chittering.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:
(a) is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
(b) is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
(c) additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer’s report on that subject in a later Council agenda.

Procedure for Presentations
Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9576 4600 or email chatter@chittering.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received/awarded by the Shire President or an appropriate Councillor.
Procedure for Petitions
Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

Procedure for Public Question Time
The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the Local Government Act 1995) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the Shire of Chittering Local Government (Council Meetings) Local Law 2014:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following “Responses to Previous Public Questions Taken on Notice”.
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to two (2) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the “question will be taken on notice” and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.
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* indicates separate attachments
Notice is hereby given that the next Ordinary meeting of the Shire of Chittering will be held on Wednesday, 20 February 2019 in the Council Chambers, Bindoon commencing at 7.00pm.

NEIL HARTLEY
Acting Chief Executive Officer

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS
   The Presiding Member to declare the meeting open.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS
   2.1 Attendance
   2.2 Apologies
   2.3 Approved leave of absence
   2.4 Announcements

3. DISCLOSURE OF INTEREST
   Councilors must declare to the President any potential conflict of interest they have in a matter before the Shire Council as soon as they become aware of it.
4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice
   Nil

4.2 Public question time

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

5.2 Presentations

5.3 Deputations

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Cr Peter Osborn

   Council is requested to approve leave of absence for Cr Peter Osborn for the period inclusive of Thursday 28 February to Friday 8 March 2019.

6.1 OFFICER RECOMMENDATION

   That the Council grant Cr Peter Osborn leave of absence for the period inclusive of Thursday 28 February to Friday 8 March 2019.
7. CONFIRMATION OF MINUTES

7.1 OFFICER RECOMMENDATION
That the minutes of the Ordinary Meeting of Council held on Wednesday 12 December 2018 be confirmed as a true and correct record of proceedings.

7.2 OFFICER RECOMMENDATION
That the minutes of the Special Meeting of Council held on Tuesday 29 January 2019 be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

9. REPORTS

9.1 DEVELOPMENT SERVICES
9.1.1 Proposed Local Structure Plan - Lot 8 Buckthorn Drive, Lower Chittering*

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<tr>
<td>Applicant</td>
<td>Rowe Group</td>
</tr>
<tr>
<td>File ref</td>
<td>A3038; 18/02/29</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Executive Manager Development Services</td>
</tr>
<tr>
<td>Supervised by</td>
<td>Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Voting requirements</td>
<td>Simple Majority</td>
</tr>
<tr>
<td>Documents tabled</td>
<td>Nil</td>
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| Attachments       | 1. Local Structure Plan documentation  
|                   | 2. Schedule of submissions  
|                   | 3. Revised lot layout |

**Executive Summary**

Council is requested to endorse the Local Structure Plan (LSP) for Lot 8 Buckthorn Drive, Lower Chittering. This LSP follows the approved rezoning of the subject property in 2017 to Rural-Residential. The LSP generally conforms to the requirements placed upon the property by the Minister as part of the Scheme Amendment approval. The LSP has been advertised, with a small number of submissions received. One submission has cited concerns with the Bushfire Management Plan (BMP). While detailed discussions have occurred with the applicant regarding the acceptability of the LSP as a result, a slightly modified lot layout has resulted in the need to update the BMP regardless. Council is recommended to endorse the LSP subject to conditions.

![IMAGE 1: LOCALITY PLAN](image-url)
Background
The subject land is located in Lower Chittering, approximately 45km north-east of Perth and 30km from Bindoon town-site. The site has direct frontage to Polinelli Road on its eastern boundary and connection to Buckthorn Drive along its northern boundary. The site is surrounded by existing rural residential development to the north, east and south. The subject land is 39.9849ha in area and is currently improved with a single dwelling and three associated outbuildings. There is remnant vegetation throughout the site, identified in the Shire’s Local Biodiversity Strategy as a Local Natural Area (“LNA”). These remnant vegetation complexes are subject to a clause by the Minister requiring further study prior to finalising a structure plan, and avoiding locating property boundaries within the complexes.

The proposed Scheme Amendment was initiated by Council for advertising purposes at its Ordinary Meeting of 17 February 2016, and later endorsed by Council at its 20 July 2016 meeting following referral to State and other regulatory authorities, and community consultation. An Indicative Subdivision Plan was originally included in the amendment documents, demonstrating a yield of 12 lots ranging in size from 2.6ha-4.0ha. Upon reviewing the layout, modifications were required by the Minister, and were affixed to Local Planning Scheme No.6 as Schedule 12.

Accordingly the subject Local Structure Plan has been submitted to satisfy these requirements in addition to the regular requirements.

Consultation
Advertising was undertaken to adjoining landowners, published in the local newspaper and displayed on the Shire’s webpage. In total, three public submissions were received along with responses from Department of Water and Environment Regulation (DWER), and Department of Fire and Emergency Services (DFES).

Of the public responses received, all are in favour of the proposal.

Of the state agencies, DWER chose to not make comment, while DFES has significant concerns in regard to the level of detail provided to support the proposal from a bushfire perspective. Full detail of the submissions is located in attachment 2.

State
The proposed LSP has been forwarded to the Department of Planning as required under clause 18(1)(c) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

Statutory Environment
State
- Planning and Development Act 2005
- Planning and Development (Local Planning Scheme) Regulations 2015

Schedule 2 Part 4 of the Regulations sets out the process and requirements for local structure plans. In short the Regulations provides the form and timelines for the local authority to execute the initiating and advertising process before providing its recommendation to the WAPC.
Local

- **Shire of Chittering Local Planning Scheme No. 6**
  The objectives of the 'Rural Residential' zone are:
  - To designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area;
  - To meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare;
  - To maintain and enhance the rural character and amenity of the locality.

Ultimate development of the site is capable of consistency with these objectives, although Schedule 12 expands upon the first point, which is to limit impact on the environment. The site is otherwise bound on three sides by existing/approved rural residential development and the proposed zone would be harmonious with the rural-residential character of the area. The quality of existing vegetation and other environmental values has been assessed, where the subdivision design has responded to protecting these.

In addition to the above, Schedule 12 contains requirements for the structure planning stage, as follows:

1. These conditions are to be read in conjunction with the Scheme requirements for the Rural Residential zone. Where conflicts exist, these conditions prevail.
2. The minimum lot size shall be 2 hectares.
3. The structure plan is to respond to the significant environmental features of the site and is to contain the following:
   a) the provision of a lot layout that minimises impact on areas of (remnant) vegetation in excellent and very good condition;
   b) the identification of building envelopes in locations that minimise the need for clearing of vegetation including for asset protection zones, access, firebreaks and fencing;
   c) the identification of measures for the protection and retention of existing and potential Black Cockatoo habitat trees and priority flora species;
   d) lot boundaries that do not dissect areas of remnant vegetation that are in excellent condition.
4. The structure plan is to provide for a road network that connects Buckthorn Drive and Navelina Drive.
5. The (structure) plan is to be supported by a Bushfire Management Plan prepared to the specifications and satisfaction of the local government and the Department of Fire and Emergency Services.
6. All lots are to be provided with a demonstrated sustainable fit-for-purpose water supply in accordance with Scheme requirements, including the provision of a 120,000L tank

The applicant did not address these points in the original submission, and when asked how the outline plan satisfies the clauses, the applicant subsequently updated the plan, and provided the following additional feedback:

*This (updated) plan directly responds to Clauses 3b) and 3c) of the Rural Residential provisions within the Shire’s LPS6 through the following changes:*

1. The building envelope for Lot 10 has been repositioned closer to the Navelina Drive extension, in an area which is partly cleared;
2. The subdivision boundaries for Lots 2 - 5 are reconfigured to reposition the building envelope for Lot 5 outside of the area of Excellent vegetation;
3. The building envelope for Lot 11 is to be positioned further north to clear the existing Black Cockatoo habitat tree; and

4. The cul-de-sac road reserve is slightly adjusted and road pavement shown which demonstrates that the existing Black Cockatoo habitat tree can be retained within the road reserve.

With respect to items 1-3 above, we request that any endorsement of the Structure Plan by the Shire be subject to a suitably worded condition requiring the updating of the Bushfire Management Plan to show the asset protection zones for the repositioned building envelopes. Given that the envelopes are now positioned in locations which incorporate less vegetation, this should not present a concern.

With respect to item 4 above, based upon the intended road construction consisting of a 20m reserve with 6.5m pavement width and open drainage system, we are confident that it would be possible to retain the identified habitat tree within the road verge. We envisage that this would be resolved as part of the subdivision process for the subject site.

The applicant originally held discussions with the Department of Planning Lands and Heritage regarding the optimum lot layout following gazettal of the scheme amendment. The discussions concluded with the advice that the general outlay provided in support of this application is preferred.

Policy Implications

State

- State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)

The subject site is a designated bushfire prone area on the Map of Bushfire Prone Areas, therefore the provisions of SPP3.7 apply.

SPP3.7 provides a range of requirements for planning processes where a moderate BHL applies, as follows:

6.3 Any strategic planning proposal to which policy measure 6.2 applies is to be accompanied by the following information prepared in accordance with the Guidelines:

a) (i) the results of a BHL assessment determining the applicable hazard level(s) across the subject land, in accordance with the methodology set out in the Guidelines. BHL assessments should be prepared by an accredited Bushfire Planning Practitioner; or

(ii) where the lot layout of the proposal is known, a BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines. The BAL Contour Map should be prepared by an accredited Bushfire Planning Practitioner; and

b) the identification of any bushfire hazard issues arising from the relevant assessment; and

c) clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.

This information can be provided in the form of a Bushfire Management Plan or an amended Bushfire Management Plan where one has been previously endorsed.

The submitted Bushfire Management Plan highlights the dangers in developing the lot in relation to the existing native vegetation. It furthermore states “Given that the differing slope influences and small areas of post development clearing surrounded by vegetation (i.e. building envelopes and APZs) would result in overlapping contours, it would be unfeasible to produce an accurate and legible BAL contour map.” Accordingly, the BMP does not accurately identify how the lots will be able to be made safe from a bushfire event.
The initially proposed lot layout resulted in the removal of the vegetation, which would be at the
detriment of the Scheme objectives, and the Shire’s *Local Biodiversity Strategy 2010*. Accordingly the
layout has been modified to minimise clearing *(Attachment 3 refers)*. This however will require the
BMP to be updated.

Therefore in light of the above, if the application is to be supported, the BMP is recommended to be
updated to accurately reflect the revised lot layout; and is to include an updated assessment on the
BAL requirements. This is consistent with the DFES requirements, which provide greater detail.

Fundamentally, a subdivision of this property will provide for strategic linkages that improve safety for
existing surrounding developments in an emergency event. Thus while the BMP does not directly
alleviate concerns that the new properties can and will be relatively safe from a bushfire event, there
is not sufficient justification or merit to refuse the application based on the BMP, and the feedback
associated from DFES.

- **State Planning Policy 2.5: Land Use Planning in Rural Areas (SPP2.5)**
  
  The objectives of SPP2.5 are to protect priority agricultural land, invest in economic growth in rural
areas, security of basic raw materials, minimise land use conflict, improve environmental and
landscape assets and promote sustainable settlement.

  In this instance, the lots are proposed at a minimum 2.16 hectares, which is consistent with the
requirements of LPS6 despite not having provision for a reticulated water service. The applicant has
demonstrated through an Urban Water Management Plan that the provision of a 120,000 litre water
tank for each lot is a sufficient supply of water for each Lot proposed. This is consistent with all almost
all other Rural Residential subdivisions within the Shire and with SPP2.5 and is thus satisfactory.

  In relation to lot layout and protection of the natural habitat, there are no lots within the very high and
excellent vegetation areas, meaning there will not be a significant loss of vegetation within this area
from that which currently exists. The proposed road layout will likely require the removal of some
vegetation, however none of which is considered to be a significant detriment to the natural habitat.

- **State Planning Policy 3.0**

  *State Planning Policy 3.0 (SPP3.0)* sets out the guiding principles and consideration which apply to
urban growth and settlement in Western Australia. Clause 5.6 of SPP3.0 specifically relates to
managing rural-residential growth. Many of the clauses within relate to the settlement patterns and
locations relative to productive agricultural land or basic raw materials, and the potential conflicts that
are posed.

  In this instance, the land has been identified for rural-residential subdivision as it maintains little to no
land-use conflicts and provides for a strategic linkage between Navelina Drive and Buckthorn Drive.
The proposed layout has demonstrated that it avoids high bush fire risks in addition to managing the
environmental sensitivities. Questions remain in relation to drainage infrastructure as this has not
been addressed in detail by the applicant, notwithstanding that the applicant affirms that the height
of the land above the water table means no groundwater management or drainage has been proposed.

- **Development Control Policy 1.1**

  *Development Control Policy 1.1 (DCP1.1)* is the general overarching mechanism controlling subdivision
in Western Australia. It provides for basic principles such as the requirement for each new, green title
lot being created only where frontage to a constructed public road is available. In addition, DCP1.1
requires confirmation that the land in question is physically capable of sustaining development. The
applicant has not prepared a land-use capability study which demonstrates the land is capable of the intended development purposes. There is some information contained within the supporting documents – including the BMP – indicate the soil profile is consistent with the surrounding developed areas and is located well above the water table. However as the site is partially within the sewage sensitive area, a soil capability study is recommended to be undertaken prior to approval of the LSP.

Figure: sewage sensitive area (orange hash refers)

Local

- **Local Planning Policy 16 – Roads and Drainage**
  
  Local Planning Policy 16 – Roads and Drainage designates road reserve widths and associated infrastructure. The applicant has addressed this – an allocation of 25 metre road reserve widths has been provided for to match in with connecting roads, and clause 5.4 – Drainage – has been addressed within the 360 Environmental report.

Financial Implications

Nil

Strategic Implications

Local

- **Strategic Community Plan 2017–2027**
  
  Focus area: Our built environment
  Objective: S3 Improved infrastructure and amenities
  Strategy: S3.3.1 Improved asset management across all asset classes
• **Shire of Chittering draft Local Planning Strategy**
  The subject land is identified for ‘Rural Residential’ development on the Local Planning Strategy map. It is also marked as a “Priority Development Area” for bushfire safety. The site is located within a corridor of existing/approved rural residential development, thus the subdivision is not unusual for the locality, and in fact with the ability to provide linkages between Navelina and Buckthorn Drives, the intended subdivision layout has a net improvement to the locality.

• **Shire of Chittering Local Biodiversity Strategy 2010**
  There is some existing vegetation on site. The Local Biodiversity Strategy identifies the site as a “Local Natural Area” but not a “High Conservation Value Area”. The Strategy identifies “Mogumber” vegetation complex within the subject site, which is marked for retention targets. Accordingly, further environmental studies have been undertaken to fully assess the environmental assets of the site and make provision for protection and conservation where appropriate.

**State**
Nil

**Site Inspection**
The property is largely cleared sandy soils and is extensively grazed in parts. There are a number of pockets of remnant vegetation throughout the site, and a small soak in the north east portion of the site.

**Triple Bottom Line Assessment**

**Economic implications**
The creation of additional lots in the Lower Chittering area will consolidate the existing rural residential pattern of development, creating potential small business opportunities, increasing infrastructure efficiencies, and creating additional rateable properties to the Shire.

Additional rates revenue may be gathered by the subdivision of the property, however maintenance of road reserves and strategic firebreaks will likely result in most of this revenue being offset.

**Social implications**
Rural residential development of the site will consolidate the local settlement pattern and community. Adding linkages between what are currently cul-de-sac roads will increase safety and accessibility between properties.

**Environmental implications**
The applicant has provided detailed environmental reports, which provide clear evidence as to the natural environment.

Due to the natural gradient, the location of surrounding properties and the existing roadside drainage services available, stormwater drainage will require a detailed design outcome via a Local Water Management Plan. The submitted Urban Water Management Strategy suggests that all stormwater flows will be directed via natural gradients, and that roads will be equipped with swales within the drainage basins.

**Comment**
The submitted Local Structure Plan generally satisfies the requirements of the Shire. There is remaining outstanding the bushfire management plan, however the applicant has accepted that the plan requires updating.
Local Planning Scheme
The site has been demonstrated that it is designed to be capable of being developed in accordance with the Scheme objectives and provisions for the Rural Residential zone.

Access
Development of the site will provide opportunity to connect Buckthorn Drive and Navelina Drive, improving the local road network within this rural residential area. The site also has frontage to Polinelli Road, creating opportunity for further connectivity and safe vehicle access during bushfires.

Bushfire Management
The applicant has submitted a Bushfire Management Plan (BMP) in accordance with the Planning for Bushfire Guidelines (Guidelines). The BMP indicates the overall hazard to be extreme due to woodland vegetation on site and adjacent to the site. As such only a level 1 assessment has been undertaken, which generally details the APZ and BAL 29 clearing zones. This assessment however has not taken into account natural topography, and thus requires a level 2 assessment to reduce the FZ rating to a maximum BAL29 rating. This is recommended to be a condition of endorsement.

Soil Capability
No specific study has been undertaken regarding soil capability. The surrounding subdivision developments are noted precedents for the subject site – that is to say that poor soil conditions are highly unlikely – the application of the draft Government Sewerage policy as a recently seriously entertained document requires further study to be undertaken to ensure the policy is not undermined or ignored.

Accordingly, endorsement of the Local Structure Plan is recommended subject to conditions.

9.1.1 OFFICER RECOMMENDATION
That Council:
1. Resolves in accordance with Clause 20(2)(e) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, to recommend approval to the Western Australian Planning Commission for the Local Structure Plan on Lot 8 (RN100) Buckthorn Drive, Lower Chittering, subject to following:
   a. The Bushfire Management Plan within the Local Structure Plan being amended to the requirements of the Department of Fire and Emergency Services, in accordance with the response provided within attachment 2, and in accordance with the updated lot layout plan in attachment 3.
   b. The Local Structure Plan being updated to include a soil capability study in accordance with the requirements of Development Control Policy 1.1; and the draft Government Sewerage Policy.
2. Forwards the proposed Structure Plan to the Western Australian Planning Commission for their determination.
9.1.2 Repeal of Moratorium to Scheme Amendments to Rezone Local Planning Scheme No.6.

Report date 20 February 2019
Applicant Shire of Chittering
File ref 18/01/3
Prepared by Executive Manager Development Services
Supervised by Chief Executive Officer
Disclosure of interest Nil
Voting requirements Simple Majority
Attachments Nil

Executive Summary
In November 2015, Council resolved to place a moratorium on any future proposed map amendments to Local Planning Scheme No.6 in order to allow the writing of the draft Local Planning Strategy to occur. The moratorium was placed with the intention of eliminating ad-hoc development and maintaining the existing zonings within the Shire, with the exception of land located within the Muchea Employment Node Structure Plan (now MIP) boundaries.

Given the Shire has progressed with the draft Local Planning Strategy beyond advertising, the status of the moratorium is recommended to be reviewed.

Background
In line with the requirement for a Local Authority to maintain a Local Planning Strategy, Council in 2015 acknowledged the need to place a hold on initiating new scheme amendments in order to allow staff to prepare a new Strategy. This took the form of a moratorium.

Accordingly, Council at its Ordinary Meeting of 15 July 2015 resolved as follows:
That Council instructs the Executive Manager Development Services to:
1. prepare a report for the introduction of a moratorium on all Scheme Amendments, except those within the Muchea Employment Node, until the LPS has been formalised; and
2. prepare a draft Local Planning Policy in relation to Transport Depots.

A report was subsequently submitted for Council’s consideration at its Ordinary Meeting of 18 November 2015, where a grace period to allow interested parties the opportunity to add comment prior to the moratorium taking effect was added, as follows:

That Council:
1. Place a moratorium on any future proposed amendments to rezone the Shire of Chittering Town Planning Scheme No.6 (TPS6) effective from 29 February 2016 in order to avoid any potential delays to the finalisation of the Local Planning Strategy with the exclusion of the Muchea Employment Node Structure Plan; and
2. Advertise its intention to place a moratorium on any future rezoning amendments to the Shire’s current operative local planning scheme (TPS6) in local newspapers to give all interested parties an opportunity to finalise and submit any proposed amendments to the Shire for consideration prior to the moratorium taking effect from 29 February 2016.

A search of Shire records indicates that no submissions were received during this comment period. Hence the moratorium has been in place since 29 February 2016 – approximately two years.

The draft Local Planning Strategy is likely to be presented to Council for endorsement in 2019, henceforth the moratorium on scheme amendments is the subject of further review.
Consultation/Communication Implications

Local
Nil

State
The moratorium does not apply to any other agency.

Legislative Implications
Nil

Policy Implications
Council does not otherwise have a policy position on accepting applications for rezoning. Such policy positions are not common, and are generally not recommended because of the existence of a Local Planning Strategy.

Financial Implications
There may be costs associated with advertising the lifting of the moratorium. However advertising of the lifting of the moratorium is not recommended as it will not likely achieve any economic or social benefits.

Strategic Implications
Lifting the moratorium to allow rezonings outside of the MIP is unlikely to affect the ongoing drafting of the advertised draft Local Planning Strategy.

Site Inspection
Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications
Lifting of the moratorium will allow the Shire to be more open to accepting development investment, thus boosting the Shire’s economy, in line with Council’s strategic intent

Social implications
There are no known significant social implications associated with lifting the moratorium.

Environmental implications
There are no known significant environmental implications associated with this proposal.

Officer Comment/Details
Council, as a result of the moratorium, has been able to begin to fulfil its statutory requirements by initiating and advertising a new draft Local Planning Strategy. The timing of this process has been made possible due in part to the placement of the moratorium.

While it is not possible to provide a precise number of scheme amendment initiation requests that have been rejected – such requests that do not proceed to Council are not recorded – only one scheme amendment affected by the moratorium was initiated. This amendment, which relates to tourism development, was initiated as a modification to the text only (it has since been modified on the mapping aspect), hence it had no implications on the drafting of the Local Planning Strategy.
Lifting the moratorium does not mean that scheme amendments that are submitted for initiation and would otherwise be subjected to the moratorium prior to the approval of the Local Planning Strategy will force the Shire to allow the rezonings. In fact discretion to initiate scheme amendments lies entirely with the Shire.

Regardless, for the reasons discussed in the report, the Shire is now in a position to be certain of its longer term land-use patterns. As such the moratorium is now considered a setback to the economic growth of the Shire despite having well served its purpose. Accordingly, it is recommended that Council lift the moratorium.

9.1.2 OFFICER RECOMMENDATION
That Council, having regard to its resolution 091115 at the Ordinary Council Meeting of 18 November 2015:
1. Acknowledges the Moratorium no longer needs applying to regulate the submissions for Scheme Amendments; and
2. Lifts the Moratorium on Scheme Amendments with immediate effect.
9.1.3 Review of Local Planning Scheme No.6*

Report date: 20 February 2019
Applicant: Shire of Chittering
File ref: 18/02/0023
Prepared by: Executive Manager Development Services
Supervised by: Chief Executive Officer
Disclosure of interest: Nil
Voting requirements: Simple Majority
Attachments: 1. Shire of Chittering Regional Land Supply Assessment 2018

Executive Summary
In accordance with the Planning and Development Regulations (Local Planning Schemes) 2015, Council is required to advise the Western Australian Planning Commission (WAPC) its intentions for reviewing Local Planning Scheme No.6. From time to time the Scheme has been updated and modernised, in order to accommodate market demands, such that 23 amendments have been made since gazettal, with more anticipated. Notwithstanding this, upon approval of the Local Planning Strategy, the current Local Planning Scheme No.6 is recommended to be reviewed in its entirety with a view to incorporating a new Local Planning Scheme following the review.

Background
Local Planning Scheme No.6 District Zoning Scheme (LPS6) was first gazetted on 30 November 2004, following a lengthy review process which occurred in the years preceding. A fundamental change from the previous Town Planning Scheme No.5 was greater emphasis on landscape and natural environment protection through the application of ‘Special Control Areas’.

In the time since gazettal in 2004, LPS6 has undergone a number of amendments, as detailed below, however has not been reviewed in totality since its inception. This is because fundamentally the Scheme has been effective in its application and even significant developments have resulted in arguably minimal sustainability impacts. However due to the changing nature of development, and the near impossibility of being able to manage all impacts, LPS6 has not always been successful.

Local Planning Strategy Amendments
The Local Planning Strategy 2001-2015 was endorsed by the WAPC on 29 June 2004. An attempt to amend the strategy was undertaken in 2009 – which primarily included insertion of greater detail for the area identified as ‘New Town’ – was refused to be advertised by the WAPC.

Subsequently, the Shire was advised to review the Local Planning Strategy in its entirety.

Development Activity in the Shire of Chittering
In the time since LPS6 was gazetted, 16 Structure Plans have been endorsed under LPS6. At least two more Structure Plans are expected to be submitted prior to the end of 2019, and will relate to commercial and industrial development.

Within these 16 Local Structure Plans, approximately 566 new lots have been created (until June 2017). Additional lots within subdivision applications approved by the WAPC post June 2017 will likely result in the delivery of further lots.
As to dwelling numbers by the number of building permits issued since November 2004, no specific figure is immediately available since the Shire’s records system changed in 2008. Notwithstanding, the Shire’s current records system has been updated where possible, and indicates that approximately 1800 dwellings have been approved and built in this time.

Over the decade until 2016, the Shire has averaged a population growth rate of 4.2%. This figure, in accordance with the Regional Land Supply Assessment (2018) undertaken by the Department of Planning Lands and Heritage (Attachment 1 refers), is expected to fall to 3.2% until 2026. However other intensifications and land-use demands such as industrial development will result in the need for the Shire to avoid complacency its regulatory practices.

Accordingly, and in line with the Planning and Development Regulations (Local Planning Schemes) 2015, the Shire is required to maintain a Local Planning Strategy. In line with the gazettal of LPS6, the Shire maintained a Local Planning Strategy from 2001-2015, which has subsequently been reviewed with a new strategy expected to be endorsed by Council in 2019 for approval to the WAPC.

Consultation/Communication Implications

Local
Nil

State
Nil

Legislative Implications

State

Planning and Development (Local Planning Schemes) Regulations 2015

This report has been prepared in accordance with the Report Template contained within Appendix 1 of Part 6, Division 1, r.66(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations).

Under the provisions of the Regulations, all local planning schemes are to be reviewed within six months of the five year anniversary of the date the scheme is approved (r. 65). That is, within the first six months of the sixth year of operation of the scheme. As the Shire’s Scheme has been in operation for more than 14 years, a review is required in the form of a report submitted to the WAPC.

Regulation 65(3) requires that the report is to consider whether the local planning scheme is up-to-date. In accordance with Regulation 66(2), this report subsequently includes:

- the date the local planning scheme was gazetted;
- a list of amendments to the scheme including dates they were gazetted;
- when the scheme was last consolidated under Part 5 of the Act;
- an overview of subdivision and development activity, lot take up and population change in the scheme area since the scheme gazetral / last review; and
- details of any amendment to the scheme that have been undertaken to bring it into line with other legislation, region scheme or State planning policy (r. 64(2)).

The report is to make a recommendation to the WAPC on how to proceed in accordance with Regulation 66(3).

To provide consistency in structure and content, the form and manner of reports that review local planning schemes is set by the WAPC under Part 6, Division 1, Regulation 66(2).
The level of information provided in this report is intended to commensurate with the amount of development occurring in the Shire and the complexity of the Scheme being reviewed.

Local
Nil

Policy Implications
State
Nil

Local
Nil

Financial Implications
A review of the Local Planning Scheme is a complex matter that requires significant resources. Such resources are not available to internal staff. Accordingly, a full review up unto gazettal, including advertising is expected to cost upwards of $100,000 over the course of 3-5 years. This figure contemplates inflation and consultants’ fees. Council subsequently may wish to revisit its long term financial plan to factor in the costs associated with the Scheme review.

Strategic Implications

Local Planning Scheme No.6 Amendments

LPS6 has been modified a number of times to include amendments that relate to particular developments, or for general updates to modernise with relevant legislation, as follows:

<table>
<thead>
<tr>
<th>Amendment No.</th>
<th>Amendment Summary</th>
<th>Gazettal date</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Rezoned 20 Gray Road, Bindoon from Agricultural Resource to Rural Residential</td>
<td>30/01/2009</td>
</tr>
<tr>
<td>10</td>
<td>Rezoned Lot 1 Julimar Road from Agricultural Resource to Rural retreat and Public Open Space</td>
<td>15/01/2010</td>
</tr>
<tr>
<td>16</td>
<td>Schedule 5 - modifying Special Use Area 1 for Lot 9003 Muchea East Road&quot; together with special uses and conditions of use.</td>
<td>30/09/2008</td>
</tr>
</tbody>
</table>
| 17            | Within Clause 5.8.5 –  
- Changed the title from ‘Non-Potable Water Supply’ to ‘Water Supply’  
- Inserted a new paragraph following the first one | 21/09/2012 |
| 18            | Part 5 - modifying clause 5.8.1 by inserting words "and the Western Australian Planning Commission" following the word "Council" in first sentence | 29/04/2008 |
| 21            | Omnibus amendment to update several definitions and standards. | 03/04/2009 |
| 23            | Inserted Schedule 12.  
Added No.1 Lot 101 Tea Tree Road, Bindoon to Schedule 12 | 15/01/2010 |
| 24            | Rezoned Lots 600 and 601 from Agricultural Resource to Rural residential and Public Open Space. | 20/02/2009 |
| 29            | Created a new schedule, Schedule 13.  
Inserted new Clause, clause 6.7. | 20/05/2011 |
| 35            | Modified Schedule 2 – Zoning Table.  
Modified Clause 4.2.4 | 13/05/2011 |
| 39            | Modified Schedule 2 – Zoning Table use class “Land Refuse Centre”.  
Inserted “No. 3 – Lot 16 Wandena Road, Muchea” into Schedule 5 – Special use Zones. | 20/07/2010 |
<table>
<thead>
<tr>
<th>No.</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Inserted new Clause “4.2.8 – Residential R2 Zone”. Inserted new zone “Residential R2” into Schedule 2 – Zoning Table.</td>
</tr>
<tr>
<td></td>
<td>27/04/2010</td>
</tr>
<tr>
<td>42</td>
<td>Inserted Additional Use No. 15 into Schedule Three (3) – Additional Uses.</td>
</tr>
<tr>
<td></td>
<td>23/08/2011</td>
</tr>
<tr>
<td>47</td>
<td>Inserted A16 into Schedule 3 – Additional uses.</td>
</tr>
<tr>
<td></td>
<td>18/01/2013</td>
</tr>
<tr>
<td></td>
<td>05/12/2014</td>
</tr>
<tr>
<td>50</td>
<td>Inserted Additional Use No. 17 into Schedule 3 – Additional uses.</td>
</tr>
<tr>
<td></td>
<td>15/11/2013</td>
</tr>
<tr>
<td></td>
<td>26/06/2015</td>
</tr>
<tr>
<td>54</td>
<td>Rezone Lot 300 Settlement Road, Bindoon from Agriculture Resource to Rural Smallholdings. Amend the Scheme Map accordingly.</td>
</tr>
<tr>
<td></td>
<td>17/03/2017</td>
</tr>
<tr>
<td>55</td>
<td>Rezoning Lot 2 Reserve Road, Chittering from ‘Rural Residential’ to ‘Residential R2 Zone’. Rezoning Lot 9001 Rosewood Drive, Chittering from ‘Rural Residential’ to ‘Rural Conservation’. Amending the Scheme Map accordingly Amending ‘Schedule 12 – Rural Conservation’ to include Lot 9001 Rosewood Drive, Chittering. Inserting a new clause in Part 5 of the Scheme - 5.21 Development provisions - Residential R2 zone.</td>
</tr>
<tr>
<td></td>
<td>18/03/2016</td>
</tr>
<tr>
<td>58</td>
<td>Amended the Scheme Map by rezoning Lot 8 Buckthorn Drive, Lower Chittering from ‘Agricultural Resource’ to ‘Rural Residential’. Inserted a new schedule, ‘Schedule 12 - Rural Residential’ into the Scheme Text. Inserted No. 1, Lot 8 Buckhorn Drive, Lower Chittering into new Schedule 12 – Rural Residential. Replaced Clause 4.8.1.</td>
</tr>
<tr>
<td></td>
<td>03/11/2017</td>
</tr>
<tr>
<td></td>
<td>01/08/2017</td>
</tr>
</tbody>
</table>
Schedule 5 – Special Use – inserted Lot 4 Great Northern Highway, Bindoon.
Schedule 3 – deleted Use 5.
Scheme Maps amended accordingly

60 Replaced clauses 3.2.2, 4.9, 4.14 and 5.7.
Inserted new clause 4.20.
Amended Schedule 2 – Zoning Table by:
• deleting Builders Storage Yard from the Zoning table and renumbering the
use classes accordingly; and
• changing the permissibility for Stock Yards in the ‘Light Industrial’ and
‘General Industry’ zones from ‘X’ to ‘A’ and ‘P’ to ‘A’ respectively.
Amended Schedule 3 – Additional Use by:
• under additional use ‘A17’ replaced the text ‘Builders Storage Yard’ with
‘Warehouse / Storage’ and renamed the description to Lot 802 and Lot 803
Great Northern Highway.
Amended the Scheme Map by:
• extending the Muchea Employment Node Special Control
• Area around the boundary of the Employment Node, as identified in Figure
8 of the Muchea Employment Node Structure Plan (2011); and
• Reclassified Lot M1606 Great Northern Highway, Muchea from
‘Agricultural Resource’ to ‘Light Industry’.
Renumbered clauses as required and ensured consecutive numbering.
Updated the table of contents.

62 A significant omnibus amendment centred around the mandatory changes
resulting from the Planning and Development (Local Planning Schemes) 2015. 14/02/2017

66 Rezone Lot 22 Great Northern Highway, Muchea from “Agricultural Resource”
to “General Industry”; and general minor updates to LPS6. 05/10/2018

The amendment numbers not identified were amendments initiated by Council, however for various reasons
were not gazetted, and as such their numbers cannot be re-used.

Site Inspection
Site inspection undertaken: Not applicable

Triple Bottom Line Assessment
Economic implications
A new Local Planning Scheme may provide more certainty for non-industrial based ventures such as tourism
or land settlement investments.

Social implications
A continuing growth rate will result in population increases in the Shire. This may take the form of increasing
densities, which can impact upon social values. While not anticipated, the review of the existing LPS6 will
need to consider this aspect.

Environmental implications
The review of the Local Planning Scheme will likely prioritise the environmental values within the Local
Biodiversity Strategy, as well as State Planning Policy and other legislation. The result of the research may
cause greater restrictions on development where environmental values are present.
Officer Comment/Details
Since 2004, the Shire has undergone a significant phase of development. This development primarily pertains to residential based subdivision, which has occurred mostly in the south of the Shire, but also in Bindoon, however more recently relates to the allocation and creation of industrial based lots in Muchea.

With the advent of the construction of the Tonkin Highway northern extension, the subsequent demand for industry, and the growing interest in tourism, LPS6 will shortly require significant improvements to remain adaptable to controlling such development in a manner befitting the Shire’s strategic intent.

This strategic intent is currently the subject of review with the Local Planning Strategy, and its ‘soon-to-be’ approval from the WAPC, where additional measures that will replace the existing protections for the Shire’s natural land forms, have been recommended. This also includes new measures for the protection of land against mining; facilitation of tourism to help provide economic stimulus to the region, and protecting the natural habitat.

Accordingly, a full review of LPS6 is recommended, with a view towards adopting a new Scheme, perhaps to be referred to as LPS7. Such reviews and adoptions on average take a number of years. Accordingly, the need to begin such a review is pertinent to the Shire’s built form future.

9.1.3 OFFICER RECOMMENDATION
That Council:

1. Pursuant to Regulation 66(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 recommend to the Western Australian Planning Commission that the Shire of Chittering Local Planning Scheme No.6 be reviewed and:
   a. A new scheme should be prepared and the current one repealed upon the approval of the new scheme; and
   b. The timing of the review of the existing Local Planning Scheme No.6 is intended to occur in the financial year following the approval of the endorsed draft Local Planning Strategy.

2. Acknowledges that it will need to provide funding for the purpose of the review over the financial years 2019/20 to 2021/22, of approximately $33,333 per financial year.
9.1.4 Proposed Free-Range Egg Farm (Animal Husbandry/Intensive) – Lot 367 Chittering Road, Lower Chittering*

Report date 20 February 2019
Applicant Mr. Tom Coates (on behalf of C. & D. Sloan - landowners)
File ref A11233
Prepared by Senior Planning Officer
Supervised by Executive Manager Development Services
Disclosure of interest Nil
Voting requirements Simple Majority
Attachments 1. Application Plans
2. Schedule of Submissions

Executive Summary
Council is requested to consider an Application for Development Approval for the establishment of a free-range egg farm (Animal Husbandry-Intensive) on Lot 367 Chittering Road, Lower Chittering. The proposal consists of 10 mobile chicken caravans each capable of housing 450 chickens with a moveable 2,500m² pen area. The application is required to be determined by Council due to objections being received during the advertising period.

Location Plan
Background
An Application for Development Approval was submitted to the Shire for the establishment of a free-range egg farm on Lot 367 Chittering Road, Lower Chittering. The proposal consists of mobile chicken housing units (chicken caravans) to house up to 6,000 chickens in total. It was proposed that approximately 13 chicken caravans would be required, each having the ability to cater for 450 chickens and surrounded by a 50m x 50m pen constructed of a moveable electric fence. Eggs would be collected from each caravan and then be processed/packaged in an existing outbuilding in the south-east portion of the property. No sale of eggs is proposed to occur directly from the property. The caravans are proposed to be restricted to no closer than 50m from the property’s boundaries.

Following a period of mandatory advertising where concerns were raised (discussed later in the report), the applicant worked with Shire officers and voluntarily revised the proposal to consist of the following:

- A maximum number of 4,500 chickens to be kept on the property at any one time (10 chicken caravans);
- A minimum buffer setback of 300m from all boundaries of Lot 367 in addition to exclusion areas that will not be used for the egg farming (50m buffer from creeks and areas too steep to house caravans), resulting in area of 160ha to be used for the egg farming activities; and

The above has been put forward for Council’s consideration and approval. The revised site plan and management plans are contained within Attachment 1.

Lot 367 is zoned as ‘Agricultural Resource’ under the Shire’s Local Planning Scheme No. 6 (LPS6) and is located within the LPS6 Special Control Area for Landscape Protection. The proposal is categorised as an ‘Animal Husbandry-Intensive’ use class under LPS6 which is has an ‘A’ permissibility in the Agricultural Resource zone (not permitted unless the Local Government grants Development Approval following a period of advertising).

Lot 367 is approximately 442ha in area and is currently used for the raising of stock and growing of crops. The land consists of large flat areas that are primarily used for agricultural activities, and moderately undulating areas that contains a moderate to thin dispersal of native vegetation. Two creeks commence within the property and are regarded as tributaries to the Brockman River which lies to the east of the subject property. The land immediately surrounding Lot 367 to the north, west and east is similarly zoned Agricultural Resource and appears to be used for agricultural practices, with Chittering Road bounding the property’s southern boundary. Properties within the Maryville Estate (Rural Residential) exists within 600m from the property’s western boundary. Additionally, a future expansion of the Maryville Estate exists within approximately 400m of the property’s western boundary.

Consultation/Communication Implications

Local
In accordance with Sch. 2, Pt. 8, Cl. 64 of the Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations), the application was advertised to surrounding landowners for a period of 21 days. A total of nine submission were received, all objecting to the proposal. The main concerns outlined in the objections are listed below:

- Encouragement of stable-fly to the area;
- Odour issues; and
- Natural waterway contamination.

The above issues have been addressed in the ‘officer comment’ section of this report.
Copies of all nearby landowner submissions received is included in the Schedule of Submissions provided in Attachment 2 of this report and includes the applicant’s response to the concerns raised and Shire officer comment to each submission.

**State**

In accordance with Sch. 2, Pt. 9, Cl. 66 of the Regulations, the application was referred to the following government agencies for comment:

- Department of Primary Industries and Regional Development;
- Department of Water and Environmental Regulation; and
- Department of Health

Responses from all three agencies were received with none objecting to the proposal, only matters for consideration were raised. These submissions are provided in the Schedule of Submissions provided in Attachment 2 of this report.

**Legislative Implications**

**State**

- *Planning and Development (Local Planning Schemes) Regulations 2015;*

In considering an application for development approval the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67 of the Regulations – ‘Matters to be Considered’. The matters of consideration relevant to the application have been discussed below:

*(c) any approved State planning policy.*

State Planning Policy 2.5 – Rural Planning and associated guidelines and fact sheet are addressed later in this section of this report.

State Planning Policy 4.1 – State Industrial Buffer Policy is linked to the EPA’s ‘Separation Distances between Industrial and Sensitive Land Uses’ which is addressed later in this section of the report.

*(g) any local planning policy for the scheme area.*

Local Planning Policy No. 3 – ‘Poultry Farming and Processing’ is addressed later in this section of the report.

*(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*

The development is proposed in a rural setting on ‘Agricultural Resource’ zoned land. The activities proposed are considered rural-type activities. All lots abutting Lot 367 are also zoned ‘Agricultural Resource’ and undertake rural activities. The appearance of the mobile chicken caravans is not considered to be out character for the area notwithstanding the fact that the applicant has agreed to a 300m buffer from property boundaries, reducing any adverse visual impacts that may have been created.
(n) the amenity of the locality including the following –

(i) environmental impacts of the development;
(ii) the character of the locality;
(iii) social impacts of the development;

The amenity of the locality can be described as a rural area in which rural and tourist based activities are conducted in conjunction with rural living. The proposal can generally be categorised as consistent with these surrounding activities. Impacts that are typically associated with any poultry based activity such as odour, waste and water contamination do however, have the potential to cause adverse impacts on the amenity of the locality. These can in turn create social impacts and affect the character of the locality. The potential impacts of the development are proposed to be minimised through implementation of management plans. If the management plans are implemented effectively, these identified potential impacts are considered unlikely to adversely affect the amenity of the locality.

(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resources.

The proposed activity is expected to create an accumulation of a certain amount of waste product (chicken manure) which has the potential to adversely affect the health of tributaries of the Brockman River, which traverse the property, and also the environment at large through excessive concentration of nutrients in the waste. The Department of Water has advised that a 50m setback from these tributaries would reduce the risk of contamination of the water ways, which have been proposed by the applicant and indicated in the site plan. Additionally, a rotation of the chicken caravans as indicated in the application (and Nutrient Management and Rotational Grazing Plan), is expected to reduce the accumulation and concentration of waste in any one location.

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

Lot 367 is currently used for the growing of broad-acre crops and raising stock. From the aerial photography and the site visit conducted by Shire officers, there did not appear to be any signs of land degradation or erosion through mismanagement. The heavy grazing of chickens in an area for a long period of time could create land degradation issues including reduction of grass coverage and subsequent erosion. The application includes a management plan for the rotation of the chicken caravans around the useable areas of the property and a statement that 50% grass coverage will be maintained at all times. Adherence to the management plan and maintenance of the grass coverage to the level prescribed are considered to be appropriate and suitable measures to ensure that land degradation and erosion do not occur.

Local
- Shire of Chittering Local Planning Scheme No. 6 – Land Use Permissibility

The activity of free-range egg farming is classified as ‘Animal Husbandry-Intensive’ under LPS6 which is defined as:

‘premises used for keeping rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens’.
Pursuant to Schedule 2 – Zoning Table of LPS6, ‘Animal Husbandry-Intensive’ is an ‘A’ permissibility in the ‘Agricultural Resource’ zone and as such, can be considered for approval following the period of advertising.

- Shire of Chittering Local Planning Scheme No. 6 – Special Control Area (Landscape Protection)

Lot 367 is located within a Special Control Area (SCA) for Landscape Protection as defined by the LPS6 Scheme map. Clause 5.2.4 of LPS6 lists the following planning requirements for the Landscape Protection Area:

‘5.2.4 Planning Requirements

In dealing with an application for Development approval, the local government will not support:

a) a dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;
b) land uses which are not related to the general objectives of the zone;
c) the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;
d) the removal of any natural vegetation from any ridgeline;
e) the removal or lopping of trees other than for –
   i. fire fighting or fire protection purposes;
   ii. the removal of dead or dying trees;
   iii. clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;
   iv. if the vegetation is posing a risk to public safety;
   v. the vegetation is part of an area planted for fodder, timber plantation, or any other crop;
   vi. in association with the establishment of a Building Envelope.

The local government may require, where appropriate, as a condition of any development approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.’

The proposed free-range egg farming activity is considered to be consistent with all of the above provisions, where relevant. The application does not propose to alter the landscape, add to the built form of the property or remove any natural vegetation. The vehicles associated with the proposal (chicken caravans) are regarded as agricultural vehicles due to their intended purpose, and as such if they are visible from a public road (Chittering Road), will not contravene the provision of the landscape protection area requirements.

Further to the above, Clause 5.2.5 of LPS6 lists the following considerations that need to be given regard when determining this application:

‘5.2.5 Relevant Considerations

In considering an Application for Development approval, the local government shall have regard to:

a) the statement and the nature of the key elements of the landscape and its character;
b) the conservation and enhancement of the landscape values;
c) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;
d) the requirement for all roofing of any building to be of a non-reflective nature;
e) a change of land use where in the opinion of the local government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.

The above considerations place a focus on the preservation of the landscape values and the environment. The application is not proposing any physical alterations to the landscape, only the use of such land of which the potential environmental impacts can be appropriately managed through operational procedures. These have been presented in the form of management plans with the application and are considered to be sufficient to ensure the landscape and environmental values of the Landscape Protection Area are upheld.

**Policy Implications**

*State*

- State Planning Policy 2.5 – Rural Planning (and Guidelines);

State Planning Policy 2.5 – Rural Planning Guidelines (SPP 2.5) is a Western Australian Planning Commission (WAPC) Policy which provides broad guidance in preserving rural land assets whilst achieving compatibility with other land uses. It notes that a poultry farm is not a ‘prescribed premises’ under the Environmental Protection Regulations 1987 and as such, their impacts are regulated entirely by the planning process. The Policy alerts the decision makers to the need to consider the potential off site impacts and protection of the amenity whilst supporting the establishment of ‘animal premises’ on rural land. One means of achieving these objectives is the implementation of buffers.

SPP 2.5 does not explicitly address the planning requirements for a ‘poultry farm’ however, the subsidiary Rural Planning Guidelines – Version 3 (SPP 2.5 Guidelines) provides guidance on acceptable buffer distances. It provides the industry standard and Environmental Protection Authority’s (EPA) recommended buffer distances both of which, state a minimum of 300 metres. A review of the EPA’s ‘Separation Distances between Industrial and Sensitive Land Uses’ document indicates that a range of 300m to 1000m can be applied to poultry industries, depending on the size. As provided in the EPA document, the buffer distance is to be applied from the boundary of the poultry industry to the boundary of the area that may be used by a sensitive land use.

In the context of Lot 367, the land surrounding the property is zoned ‘Agricultural Resource’ and although could be expected to be farmed into the future, the development of a sensitive premises (farm dwelling, chalet, tourist activity etc.) could occur in close proximity to the boundary. The Shire needs to be conscious of not sterilising the development potential of land outside of the property boundaries through potential off-site impacts. As such, officers consider it appropriate to impose a minimum 300m buffer within the boundaries of Lot 367. This is consistent with the minimum industry standard and the EPA’s recommended buffer distances. The 300m buffer distance was recommended by officers to the applicant, who agreed to its imposition.

- State Planning Policy 2.5 – Rural Planning (Poultry Farm Fact Sheet)

SPP 2. 5 Poultry Farm Fact Sheet (Fact Sheet) was prepared by the WAPC to provide considerations relevant to the establishment of poultry farms. The Fact Sheet is geared towards the establishment of poultry operations that consist of a fixed built structure to house the birds and as such, not all of the matters for consideration may be relevant to the subject application given the mobile and free-range nature of the proposal. Of relevance in the Fact Sheet is the importance placed on waste management including disposal of unwanted eggs, dead birds, manure, spent litter and waste water. These aspects of a poultry operation were raised by officers as a matter that needed to be addressed by the applicant prior to a determination. In response the applicant has provided a Waste Management Plan which identifies the means of dealing with
the different wastes generated from the proposed operation, including disposal of dead birds (on mass if required) and means of managing the manure from the birds.

The Shire’s Principal Environmental Health Officer has reviewed the Waste Management Plan provided and is satisfied with its content.

Local Planning Policy No. 3 – Poultry Farming and Processing

Local Planning Policy No. 3 – Poultry Farming and Processing (LPP 3) was adopted by Council in 2005 and similarly to the SPP 2.5 Fact Sheet, is primarily prepared for those poultry operations that consist of a fixed built structure (i.e. laying shed, broiler shed etc.) and the control of impacts associated with these. The subject application is regarded as a contemporary proposal for egg production (mobile caravans with free-range hens) that may not align with the standards of the traditional egg industry upon which it is assumed LPP 3 was designed for. In accordance with the Regulations, due regard is to be given to LPP 3 when determining the application.

LPP 3 provides the following general requirements:

5.3.1 Council is not to grant planning consent for any poultry establishment if the proposal is:

a) Within any Water Prone or Landscape Protection Special Control Areas specified in the Scheme;
b) Within any proclaimed public drinking water source area;
c) Within one kilometre of any existing or approved poultry farm;
d) Within two kilometres of any zoned Townsite;
e) On any lot not served by a sealed road;
f) Within 200 metres of any wetland classified for conservation or resource enhancement in *Wetlands of the Swan Coastal Plain Volume 2, 1996*;
g) Within 50 metres of any other streamlines, water supply bores or reservoirs;
h) Within 500 metres of any site boundaries.

Compliance with the above general requirements is achieved with the exception of a) and h).

In response to requirement a), it is acknowledged that Lot 367 is located within the LPS6 Special Control Area—Landscape Protection. The requirements of the Landscape Protection Area have been listed previously in this report and officers are confident that the proposal achieves compliance with these requirements. It is understood how a large built structure associated with the poultry industry would not conform to the Landscape Protection Area requirements and why this type of development would be listed as not permitted under LPP 3. Officers consider however, that significant differences are apparent between the typical poultry industry establishment to the mobile, free-range setup proposed. As such, given the proposal’s compliance with the Landscape Protection Area requirements, it is considered that the subject application can be considered for approval within this special control area.

For Council’s knowledge, it is noted that three poultry operations currently operate within Muchea, all of which are within the Water Prone Special Control Area. Strict adherence to LPP 3 would result in all three of these operations not being permitted. This Policy is to be given the same level of regard as its relevance to the subject application, with each application assessed on its merits.

In response to requirement b), the 500 metre buffer is above the minimum standard prescribed by the poultry industry and the EPA recommended buffer distances. The 500 metre buffer is considered to be more appropriate for the larger poultry industry operations that are concentrated and the off-site impacts are
potentially enhanced, in comparison to the mobile, free-range setup proposed. Additionally, the three existing poultry industries within Muchea, although within a future industrial area, do not conform to this requirement.

It is considered that the imposition of a 300m buffer within Lot 367 is appropriate for the scale, nature and location of the operation.

LPP 3 provides the following further general requirements:

5.3.2 Subject to 5.3.1 above poultry farming and produce processing establishments are to be sited and constructed in accordance with the Western Australian Planning Commission’s State Planning Policy No. 4.3 Poultry Farms Policy, September 2003 and the Department of Environment and others’ Environmental Code of Practice for Poultry Farms in WA, May 2004;

In response to the above, it is advised that State Planning Policy No. 4.3 was repealed and replaced with SPP 2.5 which has been addressed earlier in this report. The ‘Code of Practice for Poultry Farms in WA’ was reviewed by officers and found to guide the development of the traditional form of the poultry industry with hens housed in fixed structures. As such, many elements of the Code Practice are not relevant to the application at hand however, does list noise, waste (manure and dead birds), odour, dust and transport as potential impacts that are considered relevant to Lot 367. These are addressed further in this report.

Further to the above, LPP 3 provides the following additional general requirements:

5.3.3 Any poultry farm or poultry processing establishment is to be managed in accordance with:
   a) Odour and Waste Management Plan
   b) Chemical Management Plan
   c) Fire Management Plan
   d) Shire’s Health Local Laws
   e) Environmental Protection (Noise) Regulations 1997

The subject application has been submitted with an Odour Management Plan and Waste Management Plan, both of which officers are satisfied with the content. With regard to the Chemical Management Plan officers did not consider that this was necessary given the nature of the proposed operation as no chemicals will be used or stored on the property. A fire management plan was not requested of the applicant as the primary legislation governing fire risk (State Planning Policy 3. 7 – Planning in Bushfire Prone Areas) does not require any fire mitigating measures for non-habitable buildings. The movement of the caravans during a ‘total vehicle movement ban’ can occur under the Bushfires Act 1954 as the welfare of animals is dependent on the caravans moving however, fire risk mitigating measures have been put in place by the applicant in the submitted Nutrient Management and Rotational Grazing Plan.

The proposal has demonstrated that compliance with the Shire’s Health Local Law 2017 will be achieved in relation to the keeping of poultry. The Environmental Protection (Noise) Regulations 1997 (noise regulations) are required to be complied with regardless of any development approvals issued for any activity. It is considered however that due to the nature of the proposed operation and the buffer distance of 300m from all boundaries, any noise emissions generated from the proposal will not be sufficient to breach the noise regulations.

Financial Implications

Nil
Strategic Implications

- **Strategic Community Plan 2017-2027**
  
  **Focus area:** Economic Growth
  
  **Objective:** S4.2 Local Business Growth
  
  **Strategy:** S4.2.1 Encourage and support local businesses and new investments for the future

Site Inspection

A site inspection of Lot 367 was undertaken by the Senior Planning Officer and the Principal Environmental Health Officer on 27 November 2018. Officers inspected all locations of the property that were proposed to be utilised for the free-range egg farming activity.

At the time of inspection the pasture was relatively dry however, appeared to have good coverage in all areas of the property. The tributaries to the Brockman River were slowly flowing at the time of inspection. The applicant had set up a 50m x 50m electric fence compound for the purpose of demonstrating to officers the scale of each chicken caravan free-range area. Photos of the site inspection are provided in Attachment 3 of this report.

**Triple Bottom Line Assessment**

**Economic implications**
The establishment of small businesses such as the one proposed can provide economic benefits to the Shire with it generating economic activity in the locality.

**Social implications**
Offsite impacts have the potential of disrupting the social environment that currently exists within the locality due to loss of quality of living, particularly through odour. The potential impacts will need to be appropriately managed as to protect the living quality of the neighboring rural properties and also the rural residential area to the west.

**Environmental implications**
The proposal, if not managed properly, has the potential to increase the nutrient load deposited in the creeks that traverse the property and flow into the Brockman River. Over grazing of particular areas can also cause erosion of the land. Proper management of waste needs to be implemented in addition to a rotation regime to avoid overgrazing in particular areas.

**Officer Comment/Details**

- **Little Creek Pastured Eggs – Shire of Toodyay**

It is acknowledged that the proposal on Lot 367 is not specifically catered for in policies or guiding documents as it is a relatively contemporary concept for commercial egg farming. Taking this into consideration, the reporting officer and the Shire’s Principal Environmental Health Officer (PEHO) conducted a site visit in January 2019 of Little Creek Pastured Eggs (Little Creek) within the Shire of Toodyay that operates a similar proposal, albeit on a smaller scale.

Little Creek has obtained the approval from the Shire of Toodyay to operate 900 hens in two mobile chicken caravans that rotate around their rural property, in conjunction with other grazing stock. A 300m buffer is imposed on the operation with the buffer commencing from the residential dwellings of neighbouring properties, and not the boundaries of Little Creek. Each caravan is bound by a mobile electric fence which creates a pen of approximately 5,000m². Images of this setup are provided below.
The owners of Little Creek showed officers the areas where the caravans had been previously located to
gauge the amount of waste (manure) that was generated and the recovery of the land after the caravan had
been moved. The caravans were typically in one location for 2 to 3 days at a time and the resultant waste was
considered by officers to be quite minimal. The below photo illustrates the amount of waste generated from
the caravan being positioned in 2 locations in close proximity to one another for 2-3 days following 3 months
without any chickens on the area.
During the site visit, officers had the opportunity to observe the two caravans with the full contingency of chickens in the allotted grazing area. At the time of the inspection, there was a slight breeze blowing and a light rain had fallen prior to officers arriving at the site. Standing approximately 50m downwind of one of the caravans, a slight odour was detected. The odour was earthy in nature and would not be regarded as pungent. It is acknowledged that chicken manure does have a more pungent odour (from the release of ammonia) when moisture is present and as such, a true representation of the odour impacts could not be witnessed on the site visit as only a light rain had fallen. Despite this, officers gained confidence that the free-range style of egg farming combined with appropriate buffer distances is unlikely to create odour nuisances to neighboring properties, when appropriate rotations of the caravans is implemented avoiding excessive manure build up.

The owners of Little Creek advised officers that they had very little bird deaths over the time they had been operating (average 17 per year). In the event of a bulk deaths, an arrangement is in place with Avon Waste for the birds to be disposed of in landfill. A small amount of bird deaths are dealt with on site through incineration or landfilling. They also advised officers that any unused eggs are fed back to the chickens as this aids the chickens with their nutrient requirements.

With regard to fly-breeding, particularly stable fly which is a declared pest under the Biosecurity and Agriculture Management Act 2007, the site visit did not reveal an unusual amount of fly activity. Inspections were undertaken of areas where the caravan had been situated and a small build-up of manure was present but not reveal any presence of stable-fly. When queried about stable-fly, the owners of Little Creek advised that they had observed the chickens scratching through old manure and eating any fly larvae that were present. From this, officers gained confidence that in the context of Lot 367, stable fly is less likely to become an issue due to the ability of the chickens to manage the fly population themselves from eating any fly larvae present.

Overall, the site inspection to Little Creek has given Shire officers the confidence that the potential impacts created from such an operation are likely to be minor in nature and can be effectively mitigated through appropriate management measures. There is still an element of unknown, particularly in regard to odour as it is suggested that odour impacts are at their worst when moisture is present, typically in the winter months.

- **Principal Environmental Health Officer Comment**

The proposed free range egg farm has the potential to create off-site impacts that could cause a nuisance to nearby residents. In response to these potential impacts and following the site visit of Little Creek, the Shire’s PEHO has provided the following comments:

- The build-up of manure within the chicken caravans (attached to the metal framework and mesh floor) is not considered an issue as it will be dry and protected from rain, reducing its likelihood to cause excessive odours;
- The Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016 (SFMP) approved under the Biosecurity and Agriculture Management Act 2007 stipulates the density of spreading untreated poultry manure to no more than 10 tonnes per hectare in order to minimise fly breeding, in particular stable fly. It has been recommended to the applicant that the manure deposits be scarified or raked out to comply with the SFMP. Manure management in accordance with the SFMP has been included in the Waste Management Plan provided.
- Fly breeding is envisaged to be also self-managed by the hens eating the fly larvae within the compounds. From this and implementation of the Waste Management Plan, fly breeding is not expected to be an issue;
Bird deaths are proposed to be catered for by burial on site. A contingency for mass bird deaths has been arranged with Avon Waste as indicated in the Waste Management Plan. Mass bird deaths would be an unlikely scenario if the birds are well cared for in a healthy environment;

Due to the proximity of rural dwellings, a restaurant and a nearby rural residential area a buffer distance of 500m from the odour sensitive receptors is recommended. This is consistent with the SFMP for the spreading of untreated poultry manure (UPM) in non-irrigated pastures whereby the UPM is not to be spread within 500m of commercial or residential areas in order to reduce the impact of odours. A 300m buffer from the boundaries of Lot 367 as recommended by the planning assessment should satisfy the recommended 500m buffer from odour sensitive receptors.

It was recommended to the applicant that the paddocks towards the interior of the property and further away from odour sensitive receptors are used during the wet months. This has been included in the Odour Management Plan;

It is acknowledged that summer rain downpours do occur and could create odour issues in these instances. Also, it is not known what the effect of prevailing winds will be on nearby residences either in wet or dry conditions.

The processing shed for the egg cleaning and packaging would need to be fitted out to an appropriate standard in accordance with the requirements of the Food Act 2008 and related Food Safety Standards. A Food Safety Management Plan will be required as part of the registration under the Food Act 2008 which controls all aspects of production;

It is recommended that the onus is placed on the applicant to address any nuisances created and the Development Approval, if granted, should enable legal action to be taken for non-compliance.

**Issues Raised from Advertising**

As indicated in the background of this report, advertising to nearby landowners was conducted as part of the assessment process with nine (9) objections being received. The main concerns that were raised from the advertising were stable-fly, water contamination and odour. Each of these will be addressed separately below.

**Stable fly**
The potential for the development to encourage and create breeding opportunities for stable fly was raised as an issue by several submissions. Stable fly is a declared pest under the Biosecurity and Agriculture Management Act 2007 and cause health impacts on livestock and humans due to their tendency to bite and draw blood. It is understood that the collection of animal manure can create ideal breeding habitats for the stable fly, particularly in the warmer months.

In order to mitigate the potential for stable fly breeding on Lot 367, officers have liaised with the applicant and recommended that the management measures prescribed in the SFMP be incorporated into the Waste Management Plan. The strategic control and manual spreading of chicken manure following a caravan being parked in one location for 2 to 3 days, will assist in deterring the breeding of stable fly. Breaking up the chicken manure into small particles reduces the opportunities for stable fly to breed, interrupting the stable fly life cycle and in turn reducing the total amount of stable fly in the area. In addition to these measures, it is understood that chickens will eat the stable fly larvae within the chicken manure as part of their typical foraging habits.

During the site visit to Little Creek, officers did not witness any stable fly being present which gave officers the confidence that the chickens have the ability to manage stable fly breeding to a degree. In conjunction
with the management measures prescribed within the Waste Management Plan, it is considered that issues relating to stable fly will not be created.

**Water contamination**

Water contamination and in particular the contamination of the Brockman River was highlighted as a potential issue within several of the submissions received. There is a risk that excessive nutrients, primarily from the chicken manure, either washes directly into the creeks on the property (tributaries of the Brockman) or infiltrates into the ground and leaches into the waterways. Excessive nutrients in waterways can have adverse impacts on the ecology of these environments and affects water users down-stream.

This application was referred to the Department of Water and Environmental Regulation (DWER) and the Department of Primary Industries and Regional Development (DPIRD) who both indicated the industry standard 50m buffer from waterways was appropriate. The DWER further indicated that a biophysical assessment can be undertaken to determine the appropriate setback distance for this particular scenario however, discussion with the DWER officers indicated that may be beneficial for the applicant if they wanted to reduce the 50m buffer.

Given the above, the applicant has provided an amended site plan that includes a 50m buffer from the two small waterways (creeks) that traverse the property which serve as tributaries to the Brockman River. Additionally, the applicant’s Nutrient Management and Rotational Grazing Plan provides measures to dilute the opportunities for excessive waste to build up in one location and cause excessive nutrients leaching into the environment. Soil testing is provided in the Plan which will assist the applicant manage nutrient loads and will indicate if management measures are required to be altered at any stage. Soil testing results and logs will be available to the Shire if the Shire is made aware of, or has reason to suspect that issues have arisen.

**Odour**

Odour was highlighted as the primary issue of nearby residents with most submissions indicating this was a concern. The collection and concentration waste in one location and its proximity to odour sensitive receptors has the potential to cause a nuisance to people in the area, and impact on the amenity of the locality. Although the Shire’s Health Local Law 2017 prohibits the creation of odours of a nature that are offensive (and compliance action can be taken), it is difficult to qualify what a nuisance is, as the experience of smell is subjective. The issue of odour is therefore best dealt with through the planning process.

Officers acknowledge that odour is the primary element of this proposed development that has the potential to cause the greatest impact on nearby residents and the locality at large. Chicken manure contains uric acid, and particularly when moist, releases ammonia into the air which is regarded as having a pungent and unpleasant smell. Officers site visit to Little Creek however, allayed these concerns to a degree given the small amount of smell that was experienced 50m from a chicken caravan, on a warm day that held some moisture from a recent light rain. The quantity and nature of the waste that was generated from 450 chickens in one caravan over a 2 to 3 day period was considerably less than what was expected.

In consultation with the applicant, officers have recommended taking a cautious approach to the application due to uncertainties of the odour element. This approach has included increasing buffer distances from the applicant’s original 50m setback from boundaries to 300m, and incorporating additional measures in the Rotational Grazing Plan which pays specific respect to the location of the nearest odour sensitive receptors (typically to the south and west of Lot 367). Furthermore, the Plan includes opportunities for nearby landowners to register concerns with the applicant directly if odour is believed to be causing an issue and for remedial action to be taken.
Although the level of potential odour generated from the development is, to a degree, unknown at this stage, officers are satisfied that the cautious approach taken with the management measures and extensive buffer will allow this proposal to operate without causing adverse effects on nearby properties.

It is recommended that the application be approved subject to appropriate conditions.

### 9.1.4 OFFICER RECOMMENDATION

That Council grants Development Approval for a free-range egg farm (Animal Husbandry-Intensive) on Lot 367 Chittering Road, Lower Chittering subject to the following conditions:

1. All development shall be in accordance with the approved development plans.
2. Operation of the proposed development shall be in accordance with the approved Waste Management Plan, Odour Management Plan and, Nutrient Management and Rotational Grazing Plan at all times to the satisfaction of the Shire.
3. Chicken caravans and chicken enclosures shall not be used outside of the designated ‘boundary of egg farming activities’ as illustrated on the approved site plan at any time to the satisfaction of the Shire.
4. Chicken caravans and chicken enclosures shall not be used within the designated ‘50m buffer from waterway’ as illustrated on the approved site plan at any time to the satisfaction of the Shire.
5. A maximum of ten (10) chicken caravans and a maximum of 4,500 chickens shall be used on the property at any one time to the satisfaction of the Shire.
6. The proposed development shall not create odours that become a nuisance to other landholders at any time to the satisfaction of the Shire.

**ADVICE NOTES:**

1. With regard to Condition No. 4, the applicant is recommended to demarcate on the property the ‘50 metre buffer from waterway’ with markers or fencing to assist with compliance with this condition.
2. A Food Business Registration Certificate under the Food Act 2008 is required to be obtained from the Shire prior to the operation commencing. The applicant is recommended to contact the Shire’s Principal Environmental Health Officer for further information.
9.1.5 Retrospective Application for Development Approval - Earthworks Within Landscape Protection Area - Lot 103 (#186) Kay Road, Bindoon*

Report date 20 February 2019
Applicant David Prosser
File ref A1543
Prepared by Senior Planning Officer
Supervised by Executive Manager Development Services
Disclosure of interest Nil
Voting requirements Simple Majority
Attachments 1. Development Plans

Executive Summary
Council is requested to consider a retrospective Application for Development Approval for earthworks on Lot 103 (#186) Kay Road, Bindoon. The proposal consists of a driveway upgrade, levelling of the land for holding yards and a private horse jumping area and terracing for fruit trees. As the application is retrospective and has a level of public interest, it has been brought to Council for determination.

Location Plan
Background

The Shire was made aware of earthworks being conducted on Lot 103 (#186) Kay Road, Bindoon in conjunction with other issues such as dividing fence disruption and native tree clearing. Upon investigation, it was discovered that earthworks were being conducted without the necessary Development Approval in place. The owner of the property was advised of the requirement to obtain Development Approval to which they indicated that they were not aware of the requirement to obtain approval for earthworks on an ‘Agricultural Resource’ zoned property. Officers made them aware that any development, including earthworks, was required within the Shire of Chittering Local Planning Scheme No. 6 (LPS6) Special Control Area for Landscape Protection, within which Lot 103 is located.

Subsequently the landowner submitted an Application for Development Approval soon after being notified of the approval requirements which entails the following works:

- An upgrade to the existing gravel driveway to a bitumen seal with adjacent drainage and culverts directing storm water back into Lot 103;
- Upgrade of existing crossover and creation of new crossover;
- Upgrade of existing access track to a gravel standard;
- Levelling of land adjacent to Kay Road for a private horse jumping area;
- Levelling of land adjacent to existing outbuilding for future horse yards;
- Levelling of land south of existing outbuilding to accommodate future shed or other minor development;
- Contouring of land in two locations for future fruit tree planting.
The application details and plans illustrating the above proposal is contained in Attachment 1.

The applicant has been made aware that pursuant to Section 214 of the Planning and Development Act 2005 (the Act) and in the instance that retrospective Development Approval is not granted for the works, the applicant/landowner may be given direction from the local government that the land has to be restored as nearly as practicable to its original condition. At the time the landowner was made aware of the requirement to obtain Development Approval, the major component of the earthworks appeared to have been completed.

Lot 103 is zoned ‘Agricultural Resource’ under LPS6 and is located within a Special Control Area for Landscape Protection. The property is approximately 118 ha in area and consists of severely undulating land with steep slopes and is used for rural activities.

Consultation/Communication Implications

Local

Pursuant to Sch. 2, Pt. 8, Cl. 64(3)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) if an Application for Development Approval is required to be advertised, notice is to be given of the development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval...’

Although the Shire was alerted to the earthworks occurring on Lot 103 by other landowners in the locality, the proposed development as illustrated in the development plans is not considered to affect owners or occupiers in the vicinity, once complete.

It is understood that the construction phase of the development may have created concern for nearby landowners however, the proposed development as illustrated in the application is required to be assessed for its ultimate form.

State

Nil.

Legislative Implications

State

- Planning and Development (Local Planning Schemes) Regulations

In considering an application for development approval the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67 of the Regulations – ‘Matters to be Considered’. The matters of consideration relevant to the application have been discussed below:

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.

The development is proposed in a rural setting on ‘Agricultural Resource’ zoned land. The earthworks being undertaken on the land are to improve accessibility and use of the property due to the steep nature of the land, particularly within the northern portion of the property. The surrounding land is also rural land and it is considered that the re-shaping of Lot 103 to better facilitate rural use of the land does not adversely impact adjoining properties.
It is considered that the earthworks that have been undertaken so far are visually offensive however, it is the ultimate development proposed that assessment is against and as such, the completed development is not expected to have this negative visual effect.

(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.

The proposed development, in particular the upgrade of the existing driveway, includes the management of stormwater collected on the property. The development plans indicate that swales will be used either side of the driveway, connected to culverts where the stormwater will be directed to a rock lined basin and infiltrated back into the land and directed into the paddock. It is expected that the proposed drainage infrastructure will have net benefit to the environment as it will reduce the potential impacts of erosion to the land. The contouring terracing is also expected to assist in reducing the impacts of water erosion in the areas where this is proposed.

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.

Officers believe from aerial photography that some vegetation on the property has been cleared as a result of the earthworks that have already been undertaken. The quality of this vegetation is not known however, it was estimated that six trees had been cleared. This information has been provided to the Department of Water and Environmental Regulation as it is the primary authority regarded the clearing of native vegetation. Nonetheless, it is considered that additional tree planting, particularly adjacent to the areas affected by earthworks, to compensate for the loss of trees is appropriate.

If approved, Council can impose a condition of approval that requires a landscaping plan to be submitted to the Shire and implemented at a season appropriate time to compensate for the loss of trees from the property and to also provide any necessary visual relief from the earthworks.

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risks.

As noted previously, the earthworks, drainage and contouring of the land is expected to provide a net benefit to the land, curbing the potential impacts of water erosion, which typically presents as an issue on land that has steep topography.

(s) the adequacy of –
(i) the proposed means of access to and egress from the site; and
(ii) arrangements for the loading, unloading, maneuvering and parking of vehicles.

As noted in the background of this report, remedial work has been conducted on the existing crossover to the property and an additional crossover has been partially constructed. The Shire requires that any new crossover be approved prior to it being constructed.

It is therefore recommended that if Council approve the application, a condition be imposed that requires the modified and new crossover be designed and approved by the Shire prior to their use.

- Planning and Development Act 2005
Pursuant to Section 164 of the Act, a responsible authority may grant its approval under a planning scheme for development already commenced or carried out. Although the earthworks on Lot 103 have been substantially commenced, Council can still grant development approval for the works, which will then render the development lawful.

If Council refuse to grant approval to the development and pursuant to Section 214 of the Act, the applicant/landowner can be given direction from the local government that the land has to be restored as nearly as practicable to its original condition.

Local

Shire of Chittering Local Planning Scheme No. 6 – Special Control Area – (Landscape Protection)

Lot 103 is located within a Special Control Area (SCA) for Landscape Protection as defined by the LPS6 Scheme map. Clause 5.2.4 of LPS6 lists the following planning requirements for the Landscape Protection Area:

‘5.2.4 Planning Requirements

In dealing with an application for Development approval, the local government will not support:

f) a dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;

g) land uses which are not related to the general objectives of the zone;

h) the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;

i) the removal of any natural vegetation from any ridgeline;

j) the removal or lopping of trees other than for –

i. fire fighting or fire protection purposes;

ii. the removal of dead or dying trees;

iii. clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;

iv. if the vegetation is posing a risk to public safety;

v. the vegetation is part of an area planted for fodder, timber plantation, or any other crop;

vi. in association with the establishment of a Building Envelope.

The local government may require, where appropriate, as a condition of any development approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.’

The proposed development is considered consistent with the above provisions however, there is some uncertainty over the removal of native vegetation that appears to have occurred on the property. As the trees have already been removed and their health cannot be quantified, it is considered appropriate to impose a condition requiring additional tree planting to occur on the property, in the instance Council resolve to approve the application.

Tree planting could provide adequate environmental compensation for the six trees that were cleared from the property. Tree planting could also provide some visual relief from the development as viewed from the road.

Further to the above, Clause 5.2.5 of LPS6 lists the following considerations that need to be given regard when determining this application:
5.2.5 Relevant Considerations

In considering an Application for Development approval, the local government shall have regard to:

f) the statement and the nature of the key elements of the landscape and its character;
g) the conservation and enhancement of the landscape values;
h) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;
i) the requirement for all roofing of any building to be of a non-reflective nature;
j) a change of land use where in the opinion of the local government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.

The above considerations place a focus on the preservation of the landscape values and the environment. The proposed earthworks has and will alter the natural landform of the property with the works being visible from neighboring properties and Kay Road. The ultimate development however, as presented in the development plans, is considered to be of a nature that will not deter from the character of the area and the landscape values that are present.

The site at present is visually offensive due to the bare earth that can be seen from the road and the lack of grass and other vegetation. The ultimate development however, coupled with additional landscaping is expected to have a negligible impact on the character of the landscape and is considered acceptable.

Policy Implications

State
Nil.

Local
Nil.

Financial Implications
Nil.

Strategic Implications
Nil.

Site Inspection
Site inspection undertaken: Yes

A site inspection was undertaken by the reporting officer and the Shire’s Governance Support Officer on 3 January 2019 following the Shire being made aware of the earthworks being conducted on the property. At the time of the inspection, it appeared that the majority of the earthworks had been completed.
Triple Bottom Line Assessment

**Economic implications**
Large scale improvements to private property such as is the case on Lot 103, offers opportunities for local contract businesses to engage in local work, providing indirect economic benefits to the Shire.

**Social implications**
The construction phase of any landform alterations includes unsightly earthworks which can be regarded as visually offensive to nearby landowners. The ultimate development is not expected to have an extensive visual impact that could affect the character of the area and impact the amenity and the lives of the nearby landowners.

**Environmental implications**
Earthworks on steep slopes has the potential to create soil erosion and land degradation issues. The earthworks proposed on Lot 103 in conjunction with the drainage infrastructure and land contour is considered to reduce the likelihood of erosion and land degradation occurring.

**Officer Comment/Details**
The application for earthworks approval on Lot 103 Kay Road is retrospective in nature as the majority of the works have already been conducted. This does not however, extinguish Council’s opportunity to approve the development subject to any conditions that are deemed appropriate. Nor does it prevent Council from refusing the application and the landowner being instructed to return the land to its original state.

In addition to the earthworks proposed, activities such as fruit tree planting, construction of horse yards and horse jumping were detailed in the application. Activities and minor works such as stock yards and fencing that occur in association with the general rural use of the land, do not typically require any Development Approval. As these activities are occurring at a minor scale, and are associated with the primary rural use of the land, they do not require Development Approval and are not considered as part of this application.

The final development as illustrated in the development plans is considered to reduce the risk of erosion and general land degradation from occurring on the land. In conjunction with additional landscaping of the property, it is considered that the development will have negligible impact on the visual amenity of the locality.

It is recommended that the application be approved subject to the imposition of appropriate conditions.
9.1.5 OFFICER RECOMMENDATION
That Council grants Development Approval for earthworks on Lot 103 (#186) Kay Road, Bindoon subject to the following conditions:

1. All development shall be in accordance with the approved development plans;
2. A landscaping plan shall be submitted to and approved in writing by the Shire within three months of this approval. The Landscaping Plan shall detail the planting of vegetation adjacent to the areas subject to the earthworks and shall provide visual relief of the development from Kay Road;
3. The approved Landscaping Plan shall be implemented within six months of this approval to the satisfaction of the Shire, and maintained in perpetuity;
4. All crossovers to the property shall be constructed in accordance with Shire specifications to the satisfaction of the Shire, prior to the use of the proposed development; and
5. Stormwater from the proposed development shall at all times be contained on site in accordance with the approved development plans, to the satisfaction of the Shire.

ADVICE NOTES:
1. With regard to Condition No. 1, the applicant is advised that all works shall be contained within the property boundaries of Lot 103 as indicated on the approved development plans.
2. With regard to Condition No. 2, the applicant is recommended to use native species in the Landscaping Plan and seek advice from Chittering Landcare as to the most appropriate native species for the area and landform.
3. With regard to Condition No. 4, the applicant is advised that an application to construct a crossover is required.
9.1.6 Retrospective Application for Development Approval – Storage of Equipment and Vehicles – Lot 38 Great Northern Highway, Chittering*

Report date 20 February 2019
Applicant Rod Pearce
File ref A10885
Prepared by Senior Planning Officer
Supervised by Executive Manager Development Services
Disclosure of interest Nil
Voting requirements Simple Majority
Attachments 1. Development Plans
2. Schedule of submissions
3. Site inspection photos

Executive Summary
Council is requested to consider a retrospective Application for Development Approval for storage of non-rural equipment and vehicles on Lot 38 Great Northern Highway, Chittering. The proposal consists of the storage of equipment and vehicles typically used for industrial type operations, in a rural shed. As the application was advertised and received an objection, it has been brought to Council for determination.

Location Plan
Background
The Shire was made aware of unauthorised storage of non-rural equipment and vehicles occurring on Lot 38 Great Northern Highway, Chittering in the second half of 2018. Upon a subsequent site visit by Shire Planning staff, it was discovered that drilling related vehicles and equipment were being stored within a large shed in conjunction with other personal items and farming equipment. The owner of the property was advised of the requirement for Development Approval for the storage of vehicles and equipment that do not relate to the rural use of the land. The owner was also made aware that a draft Scheme Amendment was endorsed by the Shire that prohibits industrial style storage and transport depots in the rural areas and such, any application for Development Approval is unlikely to be supported by the Shire. Despite this advice, the applicant submitted an application to continue storing the equipment and vehicles on the property.

The application, as submitted to the Shire, is for the storage of drilling equipment, off-road caravans and trucks within the existing shed of 2016m² in area. Following lodgement of the application, officers endeavoured to contact the applicant on numerous occasions and means (telephone and email) to obtain further information regarding the items being stored and the length of time they intended to store them. The applicant has not contacted officers to assist in the assessment process and as such, the application is required to be determined on the information provided.

Lot 38 is zoned ‘Agricultural Resource’ under the Shire’s Local Planning Scheme No. 6 (LPS6) and is approximately 430ha in area. The property contains a dwelling and several outbuildings (farm sheds) one of which is 2016m² in area, the use of which, is the subject of this application. The shed was granted Development Approval and Building Permit in 2015 and is located 50m from the neighbouring property boundary of Lot 2.

Consultation/Communication Implications
Local
The application was advertised to the adjoining landowner (Lot 2) given the proximity of the proposed activity to the boundary (50m) and the two properties sharing an access way through an access easement burdening Lot 38. As a result of the advertising, an objection was received. A summary of the key concerns raised are provided below with the complete submission contained within the Schedule of Submissions provided within Attachment 2 of this report:

- An industrial use of rural land;
- Impact on shared access way.

The concerns raised are addressed further within this report.

State
Nil.

Legislative Implications
State
- Planning and Development (Local Planning Schemes) Regulations

In considering an application for development approval the local government is to have due regard to Sch. 2, Pt. 9, Cl. 67 of the Regulations – ‘Matters to be Considered’. The primary matter of consideration relevant to the application has been discussed below:
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.

At present, LPS6 lists a ‘Warehouse/Storage’ and ‘Transport Depot’ land uses as ‘D’ (can be approved by the local government) within the ‘Agricultural Resource’ zone. However, Scheme Amendment No. 65 proposes to limit these industrial type land uses from the ‘Agricultural Resource’ zone by making them an ‘X’ (prohibited) under LPS6. Amendment 65 has been endorsed by Council and is currently being considered by the Minister for Planning. Discussions with officers from the Department of Planning, Lands and Heritage have raised no issues with the change in permissibility to the ‘Warehouse/Storage’ and ‘Transport Depot’ land uses.

Officers consider Scheme Amendment 65 to be a ‘seriously entertained’ document and should be given the highest level of regard in determining the subject application. It is on this basis that officers cannot recommend anything other than refusal of this application, due to the proposed land uses permissibility of ‘X’ within the ‘Agricultural Resource’ zone.

**Local**

- Local Planning Scheme No. 6 - Schedule 2 (Zoning Table)

Lot 38 is zoned ‘Agricultural Resource’ under LPS6. The proposed activities of storing drilling equipment and associated vehicles in an outbuilding can be regarded as falling within the land use categories of ‘Transport Depot’ and ‘Warehouse Storage’ which are respectively defined as;

**Transport Depot**

‘means premises used or intended for use for the parking or garaging of:

(a) two or more motorised commercial vehicles with or without any number of non-motorised commercial vehicles; or

(b) two or more non-motorised commercial vehicles with or without any number of motorised commercial vehicles

**Warehouse/Storage**

‘means premises including indoor or outdoor facilities used for –

(a) the storage of goods, equipment, plant or materials; or

(b) the display or sale by wholesale of goods.

As indicated above, Scheme Amendment No. 65 is a seriously entertained document and proposes to classify both the above land uses as an ‘X’ within the ‘Agricultural Resource’ zone. It is on this basis that the application is recommended to be refused.

**Policy Implications**

*State*

Nil

*Local*

Nil

**Financial Implications**

Nil
Strategic Implications
Approval of the application could set a precedent for other industrial type businesses to be established within the rural areas of Shire until Scheme Amendment No. 65 receives the final approval of the Minister and is formally gazetted.

The intent of Scheme Amendment No. 65 is to deter industrial development from occurring in an ad-hoc manor throughout the rural precincts of the Shire and direct them to a central location within the Muchea Industrial Park (MIP).

Site Inspection
Site inspection undertaken: Yes

An inspection was undertaken by the reporting officer and the Planning Officer, which confirmed that the drilling plant and off-road caravans were being stored within the subject outbuilding. Photos of the items being stored are provided in Attachment 3 of this report.

Triple Bottom Line Assessment

Economic implications
Approval of the application may set a precedent while Amendment No. 65 is unfinalised for industrial development to occur in the rural areas, reducing the potential economic activity within the MIP.

Social implications
The development itself is not considered to have an impact on the social environment of the area as the off-site impacts are minimal.

Environmental implications
The storage of drilling equipment and vehicles in a covered area is not considered to have a notable impact on the environment as the application does not entail any servicing or maintenance of the equipment and/or vehicles.

Officer Comment/Details

As a result of the advertising, concerns were received regarding the application with the primary concerns listed below and subsequently addressed.

- Industrial Use of Rural Land

The storage of equipment/plant and parking of vehicles associated with a drilling business is regarded as industrial type activities and categorised as ‘Warehouse/Storage’ and ‘Transport Depot’ land uses under LPS6. These activities were considered acceptable with discretion under land use permissibilities table within LPS6, however the inception of Scheme Amendment No. 65 in 2018 (near final approval) now regards them as unacceptable activities in the rural area.

- Impact on Shared Access way

The endorsed Deposited Plan for Lot 38 illustrates that the land is burdened by an easement for the purpose of access rights, benefitting the neighbouring Lot 2. The access way is a gravel standard and provides access to the two properties from Great Northern Highway. Although the maintenance of the access way is not the responsibility of the Shire, it is appropriate to consider the impacts the proposed development may have on this access way. Based on the application details and the preliminary discussions Shire staff had with the owner of Lot 38, the equipment/plant and vehicles were proposed to be stored on site for the long-term. This
indicates that vehicle movements, outside of those conducted for farming activities, would be limited and are unlikely to have a great effect on the maintenance requirements of the access way. Officers are satisfied that the potential impacts the development may have on the access way are minimal.

It is the position of officers that the potential impacts of the development on the amenity of the surrounding locality are minimal. The storage of the equipment/plant and parking of the vehicles creates minimal off-site impacts, is not expected to have environmental impacts and is unlikely to cause a nuisance to nearby landowners greater than the typical agricultural activities permitted on the land. The development however, is of a scale that cannot be regarded as incidental use to the predominant agricultural activities on the land and needs to be considered as ‘development’ in its own right. Consistent with the outcomes of Scheme Amendment No. 65, the development will be listed as a prohibited land use in the ‘Agricultural Resource’ zone and officers therefore, recommend refusal of the application.

If Council refuses the application, the issue of unauthorised development will also need to be addressed as the storage of the items are already occurring on site. It is recommended that a further resolution be made that requires all the equipment/plant and vehicles not associated with the agricultural activities on Lot 38, be removed from the property within three (3) months of this resolution.

9.1.6 OFFICER RECOMMENDATION
That Council:
1. Refuse to grant Development Approval for the storage of non-rural equipment, plant and vehicles on Lot 38 Great Northern Highway, Chittering for the following reason:
   a. The activities proposed are considered to be categorised as ‘Warehouse/Storage’ and ‘Transport Depot’ under the Shire’s of Chittering Local Planning Scheme No. 6. Consistent with Scheme Amendment No. 65, ‘Warehouse/Storage’ and ‘Transport Depot’ are ‘X’ uses within the Agricultural Resource zone.
2. Advise the landowner of Lot 38 Great Northern Highway, Chittering that all equipment/plant and vehicles not associated with the agricultural activities on Lot 38 Great Northern Highway, Chittering shall be removed from the property within three months of this resolution.
9.1.7 Additional Dog Application – Lot 434 (RN 283) Maine-Anjou Drive, Lower Chittering*

Report date 20 February 2019
Applicant Luke Starkey
File ref I18100620, A10600
Prepared by Ranger
Supervised by Executive Manager Development Services
Disclosure of interest Nil
Voting requirements Simple Majority
Attachments Map of consultation area (confidential attachment).

Executive Summary
Council’s consideration is requested to determine an Application for Exemptions of Limitation of Number of Dogs to allow the applicant to keep three dogs at Lot 434 (RN 283) Maine-Anjou Drive, Lower Chittering. Because an objection received, Council’s determination is required.

Background
The applicant owns the property, Lot 434 (RN 283) Maine-Anjou Drive in Lower Chittering, and has lived in the Shire for several years, owning several dogs in this time. The property is 2.35 hectares and is zoned ‘Rural Residential’. The boundary fencing consists of standard rural fencing along the common boundaries.

One of applicant’s dogs, “Pippa”, recently became pregnant to an allegedly stray or wandering dog. Subsequently, “Pippa” had a litter of puppies, one of which the applicant has decided to keep – “Ted” and is subject of this application. This decision was made as one of their other dogs, “Freddie”, is now 15 years old and not expected to survive another year.

This is the second time the applicant has made an application under Part V, Section 26 of the Dog Act 1976 and Part 3, Section 3.2 of the Shire of Chittering’s Dogs Local Law 2011. The previous approval is no longer valid as one of dogs that was subject of the approval has deceased.

When reviewing the comments made by submitters for the previous Application for Exemptions of Limitation of Number of Dogs in 2012, it was determined that the complaints made were regarding one of the dogs wandering consistently, hanging around chicken coops and barking. The description of the dog in these complaints matches “Freddie”. Further to this, it was determined that this complaint was made by the same submitter who opposes the new Application for Exemptions of Limitation of Number of Dog.

In response to feedback from Ranger Services as part of the application made in 2012, the applicant constructed a second fence surrounding his house, creating a suitable containment area, in line with the Shire’s Dogs Local Law 2011. This fence remains in place.

Consultation/Communication Implications

Local
The Shire sent letters to eight adjacent and adjoining land owners giving them the opportunity to comment on the Application for Exemptions of Limitation of Number of Dogs. Advertising was conducted on 8 November 2018, ceasing 29 November 2018, being 21 days. During this time, five submissions were received:
<table>
<thead>
<tr>
<th>Submitter</th>
<th>Summary of Submission</th>
<th>Officer’s Comment</th>
</tr>
</thead>
</table>
| 1         | Oppose: Complaints of barking and dogs running fence line.                              | • Tried to make contact in January 2019, no response was received despite leaving a voicemail message.  
• A business card was left at the submitter’s property again in January, days after the phone call, no response was received.  
• No barking or other complaints received regarding these dogs. |
| 2         | Support: Neutral opinion “Doesn’t bother us 1 or 4 dogs”                                 | Noted                                                                            |
| 3         | Support                                                                                | Noted                                                                            |
| 4         | Support                                                                                | Noted                                                                            |
| 5         | Support                                                                                | Noted                                                                            |

**State**
Nil

**Legislative Implications**

**State**

**Dog Act 1976**

**Part V — The keeping of dogs**

**Limitation as to numbers**

(1) A local government may, by a local law under this Act —

(a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government’s district; or

(b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government’s district.

(2) A local law mentioned in subsection (1) —

(a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and

(b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and

(c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and

(d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).

(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
(a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and

(b) cannot authorise the keeping in or at those premises of —

(i) more than 6 dogs that have reached 3 months of age; or

(ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;

and

(c) may be revoked or varied at any time.

(4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —

(a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —

(i) a local law mentioned in subsection (1); or

(ii) an exemption granted under subsection (3); or

(b) more than —

(i) 2 dangerous dogs (declared); or

(ii) 2 dangerous dogs (restricted breed); or

(iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or

(c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.

Penalty:

(a) for an offence relating to a dangerous dog —

(i) a fine of $10 000, but the minimum penalty is a fine of $500;

(ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of $500;

(b) for an offence relating to a dog other than a dangerous dog —

(i) a fine of $5 000;

(ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of $100.

(5) Any person who is aggrieved —

(a) by the conditions imposed in relation to any exemption under subsection (3); or

(b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,

may apply to the State Administrative Tribunal for a review of the decision.

(6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.
Local

Shire of Chittering Dogs Local Law 2011

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been—
   (a) licensed under Part 4 as an approved kennel establishment; or
   (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
   (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or
   (b) 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.

Policy Implications

State
Nil

Local

Shire of Chittering Multiple Dog Policy

Policy: The Multiple Dog Policy ensures alignment with the Shire of Chittering Dog Local Law 2011 section 3.2(2) which allows for:
   (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or
   (b) 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.

Residents wishing to register additional dogs are to submit to the Shire of Chittering an “Application for Exemptions of limitations of Number of Dogs” form and enclose the additional dog application fee, which is non-refundable and is prescribed in the Shire of Chittering’s Fees and Charges.

Financial Implications
Nil

Strategic Implications
Nil

Site Inspection

A site inspection was conducted in January 2019 where the dogs’ welfare was considered and the property’s fencing was checked. The concerns raised during the advertising process were discussed with the applicant.

All the dogs subject to this application seemed to be in reasonable health at the time of the inspection, noting that one of the dogs “Freddie” was quite old and unable to follow the younger dogs very far before sitting down to rest.

Triple Bottom Line Assessment

Economic implications
There are no known significant economic implications associated with this proposal.
Social implications
The increase in the number of dogs in the area may have the potential to create noise through barking if dog owners are not managing the situation. This has been made clear with the dog owner to address the situation of excessive barking at all times.

Environmental implications
There are no known significant environmental implications associated with this proposal.

Officer Comment/Details
No further complaints have been registered with the Shire regarding dogs located at this property since 2012. Ranger Services requests that consideration be given to approve this application.

9.1.7 OFFICER RECOMMENDATION
That Council approves the application for an additional dog, subject to the following conditions:
1. An authorised officer may, at any reasonable time, inspect the property;
2. This approval is for the life of the dogs listed below and no additional dog shall be registered to this property unless a new application has been approved:

<table>
<thead>
<tr>
<th>Breed</th>
<th>Name</th>
<th>Microchip Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffordshire Cross</td>
<td>“Freddie”</td>
<td>953 010 000 796 364</td>
</tr>
<tr>
<td>Kelpie Cross</td>
<td>“Pippa”</td>
<td>953 010 000 796 422</td>
</tr>
<tr>
<td>Kelpie Cross</td>
<td>“Ted”</td>
<td>953 010 002 278 513</td>
</tr>
</tbody>
</table>

3. Should one of the current registered dogs under this application become deceased, the applicant cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering;
4. The applicant must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above;
5. The dogs must be registered at all times, and be compliant to the Dog Act 1976 and Shire of Chittering Dogs Local Law 2011;
6. If at any time these requirements have been breached, Ranger Services may terminate the application, and may direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven days; and
7. Fencing must be kept in excellent condition and be ordinarily capable of preventing the dogs from going under, over or through the fence.
9.1.8 Council Endorsed Feedback on the Local Government Act Review (Phase 2)

WITHDRAWN BY THE CEO
9.1.9 Council Endorsed Feedback on the Local Government Act Review (Phase 2) (Based on Councillor Survey Responses)*

Executive Summary
Council is invited to provide feedback on a consultation paper prepared by the Department of Local Government, Sport and Cultural Industries to facilitate Phase 2 of the State Governments review of the Local Government Act 1995. The consultation paper contains over 300 questions for the Councillor’s response. The consultation paper has been prepared for the Local Authority and the general public alike. WALGA has requested Council’s response to the questions by 22 February 2018 to enable it to prepare a sector response to the State government.

Background
In 2017 the State government announced a review of the current Local Government Act 1995 (The Act). The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. The vision for the new Local Government Act is to promote smart, agile and inclusive local governments.

The consultation was set out in two distinct phases. Phase 1 “Modernising Local Government”, with consultation completed in late 2017 early 2018. Phase 1 consisted of issues that respond to making information available online, improving behaviour and relationships, restoring public confidence (including gift provisions), regional subsidiaries and reducing red tape. Phase 2 “Services for the community” consultation period is currently in progress. The issues relating to Phase 2 include increasing participation in Local Government elections, strengthening public confidence in Local Government elections, increasing community participation, improving financial management and reducing red tape.

The theme of “agile” is to focus specifically on how local governments can best use their resources to adapt to changing conditions. It is important to strike a balance between community expectations, as well as the practical limitations of revenue and expenditure and external pressures. Phase 2 of the review focuses on specific questions regarding beneficial enterprises, financial management and rates, fees and charges.

The theme of “smart” includes topics that focus on enabling local governments to better meet the needs and expectations of their communities through being transparent and accountable. This is set out through questions relating to administrative efficiencies – local laws, council meetings and interventions.

The theme of “inclusive” focuses on local governments representing and involving their communities in decision-making. As the tier of government closest to the community, there is an expectation that local governments represent the whole community, recognise diversity within their district and respond to community needs. These are measured by questions relating to, community engagement (Integrated Planning and Reporting), complaints management and elections.
Consultation/Communication Implications
Each councillor was consulted and asked to provide a response to the questions provided. The data will then be consolidated into one collaborative ("average/best fit") response.

Legislative Implications
State
The Act is the subject of the review.

Policy Implications
Nil.

Financial Implications
Nil.

Strategic Implications
Local
- Strategic Community Plan 2017-2027
  Focus area: Strong Leadership
  Objective: S5.3 Accountable Governance
  Strategy: S5.3.1 Good governance which supports efficient and effective service delivery.

The Shire constantly strives to improve its governance protocols. Providing feedback to the Local Government Act review is one way of ensuring our service delivery is accountable and effective.

Site Inspection
Not applicable.

Triple Bottom Line Assessment
Economic implications
There are no known significant economic implications associated with this proposal.

Social implications
There are no known significant social implications associated with this proposal.

Environmental implications
There are no known significant environmental implications associated with this proposal.

Officer Comment/Details
Each Councillor was offered the opportunity to comment, by being provided a blank questionnaire sent via email on the 13 February 2019. The responses were requested by 20 February 2019, in order to collate the data into a single response. The response formed will be based on an averaged weighting of each individual question. The endorsed feedback will then be forwarded onto WALGA by its requested due date of 22 February 2019.
9.1.9 OFFICER RECOMMENDATION
That Council:
1. Requires that the CEO collates the submissions completed by Chittering Councillors (to be submitted by 20 February) and to formulate a single amalgamated response reflective of the best fit/average positions of all of those Councillor submissions received; and
2. Forward the feedback to WALGA.

9.2 TECHNICAL SERVICES
Nil

9.3 CORPORATE SERVICES
9.3.1 List of Accounts Paid for the period ending 31 December 2018*

Report Date 20 February 2019
Applicant Shire of Chittering
File ref 12/03/4
Prepared by Executive Support Officer
Supervised by Executive Manager Corporate Services
Disclosure of interest Nil
Voting requirements Simple Majority
Attachments 1. List of Accounts Paid as at 31 December 2018

Executive Summary
Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 December 2018.

Background
Pursuant to Local Government Act 1995, Section 6.8 (2)(b), where expenditure has been incurred by a local government, it is to be reported to the next Ordinary Meeting of Council.

Consultation/Communication Implications
Local Executive Manager Corporate Services

State
Nil

Legislative Implications
State
• Local Government Act 1995
• Local Government (Financial Management) Regulations

Local
Nil

Policy Implications
Nil
Financial Implications
All expenditure has been approved via adoption of the 2018/19 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications
Nil

Site Inspection
Not applicable

Triple Bottom Line Assessment

Economic implications
There are no known significant economic implications associated with this proposal.

Social implications
There are no known significant social implications associated with this proposal.

Environmental implications
There are no known significant environmental implications associated with this proposal.

Officer Comment/Details
The attached “List of Accounts Paid as at December 2018” is presented to Council for endorsement.

9.3.1 OFFICER RECOMMENDATION
That Council:
1. Endorse the Accounts Paid:
   a. PR4719, PR4724
   b. EFT17124 – EFT17319
   c. Direct Debits and Transfers as listed
   d. Trust Fund payments as listed
   Totalling $984,371.99 for the period ending 31 December 2018.
9.3.2 List of Accounts Paid for the period ending 31 January 2019*

Report Date 20 February 2019
Applicant Shire of Chittering
File ref 12/03/4
Prepared by Executive Support Officer
Supervised by Executive Manager Corporate Services
Disclosure of interest Nil
Voting requirements Simple Majority
Attachments 1. List of Accounts Paid as at 31 January 2019

Executive Summary
Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 31 January 2019.

Background
Pursuant to Local Government Act 1995, Section 6.8 (2)(b), where expenditure has been incurred by a local government, it is to be reported to the next Ordinary Meeting of Council.

Consultation/Communication Implications
Local Executive Manager Corporate Services

State Nil

Legislative Implications

State
• Local Government Act 1995
• Local Government (Financial Management) Regulations

Local
Nil

Policy Implications
Nil

Financial Implications
All expenditure has been approved via adoption of the 2018/19 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications
Nil
Site Inspection
Not applicable

**Triple Bottom Line Assessment**

**Economic implications**
There are no known significant economic implications associated with this proposal.

**Social implications**
There are no known significant social implications associated with this proposal.

**Environmental implications**
There are no known significant environmental implications associated with this proposal.

**Officer Comment/Details**
The attached “List of Accounts Paid as at 31 January 2019” is presented to Council for endorsement.

9.3.2 OFFICER RECOMMENDATION

That Council:

1. Endorse the Accounts Paid:
   a. PR4735, PR4748
   b. EFT17320 – EFT17436
   c. Direct Debits and Transfers as listed
   d. Trust Fund payments as listed

Totalling $688,972.79 for the period ending 31 January 2019.
9.3.3 Monthly Financial Reports for the Period Ending 30 November 2018*

Executive Summary
Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 November 2018.

Background
In accordance with Local Government (Financial Management), Regulation 34(1), local governments are required to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an Ordinary Meeting of Council within two months after the end of the month to which the statement relates.

Consultation/Communication Implications
Nil

Legislative Implications
State
- Local Government Act 1995
- Local Government (Financial Management) Regulations

Local
Nil

Policy Implications
Nil

Financial Implications
Nil

Strategic Implications
Nil
Site Inspection
Not applicable

Triple Bottom Line Assessment

**Economic implications**
There are no known significant economic implications associated with this proposal.

**Social implications**
There are no known significant social implications associated with this proposal.

**Environmental implications**
There are no known significant environmental implications associated with this proposal.

**Officer Comment/Details**
Council is requested to receive the Monthly Financial Reports for the period ending 30 November 2018 as presented (Attachment 1).

### 9.3.3 OFFICER RECOMMENDATION

That Council receives the Monthly Financial Reports for period ending 30 November 2018.
9.3.4 Monthly Financial Reports for the Period Ending 31 December 2018*

Report Date 20 February 2019  
Applicant Shire of Chittering  
File ref 12/03/4  
Prepared by Acting Executive Support Officer  
Supervised by Executive Manager Corporate Services  
Disclosure of interest Nil  
Voting requirements Simple Majority  
Attachments 1. Monthly Financial Report for period ending 31 December 2018

Executive Summary  
Council is requested to receive the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 December 2018.

Background  
In accordance with Local Government (Financial Management), Regulation 34(1), local governments are required to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an Ordinary Meeting of Council within two months after the end of the month to which the statement relates.

Consultation/Communication Implications  
Nil

Legislative Implications  
State
- Local Government Act 1995
- Local Government (Financial Management) Regulations

Local  
Nil

Policy Implications  
Nil

Financial Implications  
Nil

Strategic Implications  
Nil
Site Inspection
Not applicable

Triple Bottom Line Assessment

Economic implications
There are no known significant economic implications associated with this proposal.

Social implications
There are no known significant social implications associated with this proposal.

Environmental implications
There are no known significant environmental implications associated with this proposal.

Officer Comment/Details
Council is requested to receive the Monthly Financial Reports for the period ending 31 December 2018 as presented (Attachment 1).

9.3.4 OFFICER RECOMMENDATION
9.4 CHIEF EXECUTIVE OFFICER

9.4.1 John Glenn Skate and BMX Park Concept Plan*

Report date: 20 February 2019
Applicant
Prepared by: Community Development Coordinator
Supervised by: Chief Executive Officer
Disclosure of interest: Nil
Voting requirements: Simple Majority
Documents tabled: Concept Plan – John Glenn Park Skate and BMX Development
Attachments: 1. Management of Community Facilities Consultation

Executive Summary
Council is requested to accept the Concept Plan – John Glenn Park Skate and BMX Development prepared by Paul Neve, Three Chillies Trail Design; thank the youth focus group for participating in the consultations and adopt the concept plan as part of budget considerations for 2019/2020 in line with the Corporate Business Plan 2017-2021.

Background
This project was identified as a priority project for the Shire in the 2017/2018 financial year as a response to a petition of approximately 130 signatures provided to the Shire Community Development Coordinator in April 2017. The petition represented young people and families who live in proximity to the John Glenn Park in Muchea and who were seeking a bigger and better skate park for the area. At the time the petition was provided to the Shire a school holiday project was being run at the skate park. Of the 28 kids participating, eight completed a short survey that asked the kids: What would make Chittering a great place for kids/teenagers and young adults? and; What isn’t so great about living here? A bigger and better skate park featured prominently in the responses received, including the provision of a free potable water fountain, more shade, and lighting to make it feel safer during twilight and evening and; fencing around the park to prevent younger kids running out onto the road.


Consultation/Communication Implications

Through the provision of a Youth Engagement Grant from the Department of Communities, the Shire Community Development Coordinator established a Youth Focus Group to inform the development of a concept plan for the John Glenn Skate and BMX Park. Expressions of interest were sought via the Shire Facebook page on 13 June 2018 and a follow-up request on 27 July 2018. The post was shared across all of the common Facebook groups within our local area.

Six young people between the ages of 11 – 14 nominated and participated in a Focus group meeting with the Consultant Neve Contracting – Three Chillies Design and the Shire Community Development Coordinator on 23 August 2018.
The Focus group met with the consultant and Shire Project Officer on site, walked the existing track and discussed what worked and what didn’t. They then participated in a brainstorming session to identify improvements to the park. This was aided by the use of play dough where the children developed model designs of what they believed to be important aspects to the redesign of the park. Outcomes of this session were utilised to draft a new concept plan presented to all participants via email and also in person at the October 2018 Youth Krew meeting. Members were asked to revise the original ideas presented and provide feedback on the draft concept plan. The Consultant then attended a further focus session with the Focus Group participants at the Chittering Youth Krew meeting on Saturday, 17 November 2018 to present the draft concept and determine if any aspects had been missed from the initial focus session. A total of 10 young people participate in this session and feedback to the consultant suggested that the concepts presented reflected the initial suggestions put forward by the Focus Group held in August.

State
Nil

Legislative Implications
State
• Nil
Local
• Nil

Policy Implications
State
• Nil
Local
• Nil

Financial Implications

Strategic Implications
Local
• Strategic Community Plan 2017-2027
  Focus area: Our community
  Objective: S1.1 An active and supportive community.
  Strategy: S1.1.2 Develop and enhance existing recreation and social facilities for local and; communities.

  Objective: S1.2 Strong sense of community.
  Strategy: S1.2.1 Actively support community, volunteer groups and networks and;
  S1.2.3 Activate our local centres and towns.
Focus area: Our built environment
Objective: S3.1 Development of local hubs.
Strategy: S3.1.1 Plan for new and enhanced community facilities and;

Objective: S3.3 Improved infrastructure and amenities.
Strategy: S3.3.1 Improved asset management across all asset classes.

Focus area: Strong leadership
Objective: S5.1 An engaged community.
Strategy: S5.1.1 Encouraged and promote community engagement and;

Objective: S5.2 Strong partnerships and relationships.
Strategy: S5.2.1 Encouraged and promote community engagement.

- **Shire of Chittering Corporate Business Plan 2017-2021**

- **Shire of Chittering Community Development Plan 2014 – 2024**
Our communities have expressed a desire to have a sustainable built environment that continues to meet its needs and reflects our lifestyles and values.

- **Shire of Chittering Youth Strategy 2015-2018**
Priority Area 2: Things to do and places to go.

  **State**

- **Active Living for All 2017–2019 Department of Local Government, Sport and Cultural Industries**
  Key Priority 2. Providing appropriate environments and programs (active places and active people).

  Key Priority 4. Promoting partnerships.

**Site Inspection**
N/A

**Triple Bottom Line Assessment**

**Economic implications**
No significant economic implications are anticipated

**Social implications**
Community facilities contribute to the health and wellbeing of individuals and communities providing a central meeting point for community members to come together and share in a mutually satisfying past time or activity essential to maintaining a positive and cohesive social environment for the community as a whole.

Upgrades and redevelopment of the John Glenn Skate and BMX Park will assist the Shire to partially meet the needs of the current and, the increased youth population, expected as a result of two significant State Government Projects occurring in the Shire, namely the Northlink - Ellenbrook to Muchea and the Muchea Industrial Park.
Environmental implications
Nil

Officer Comment/Details

Through this process the youth focus group were encouraged to speak out with their ideas and have been able to witness how ideas and suggestions for the improvement of our local community can be facilitated through their input to Shire processes.

Through the direct input from young people who utilise the facility, the Shire can be assured that the final concept plan and any subsequent redevelopment of the Skate and BMX park will have been undertaken with the needs of young people in mind. Providing those participants with a very visual and positive example of how their involvement has led to improvements in their local community and may lead to a genuine interest in utilising the facility as they now have a sense of pride and ownership over any redevelopment of the site.

The development of a concept plan ensures that the Shire has a ‘project ready proposal’ for budget considerations and potential funding sources.

9.4.1 OFFICER RECOMMENDATION
That Council;
1. Accept the Concept Plan – John Glenn Park Skate and BMX Development prepared by Paul Neve, Three Chillies Trail Design,
2. Thank the youth focus group for participating in the consultations and;
3. Adopt the concept plan for consideration as part of budget for 2019/2020 in line with the Corporate Business Plan 2017-2021.
9.4.2 Community Health and Wellbeing Needs Consultation*

Report date 20 February 2019
Applicant
File ref
Prepared by Community Development Coordinator
Supervised by Chief Executive Officer
Disclosure of interest Nil
Voting requirements Simple Majority
Documents tabled Community health and wellbeing needs consultation report
Attachments 1. Shire of Chittering Community health and Wellbeing Needs Consultation Report prepared by Public Health Advocacy Institute of WA

Executive Summary
Council is requested to note the Community Health and Wellbeing Needs Consultation Report prepared by the Public Health Advocacy Institute of WA (PHAIWA) and; utilise the report to guide organisational planning and to advocate for the development of workable solutions to local health service related issues.

Background
The Shire Community Development Coordinator approached PHAIWA in July 2018 seeking assistance to undertake a Community Needs Health Assessment as a result of discussions and issues raised at the Chittering Health Services Roundtables and the reinstated Chittering Health Advisory Group (CHAG).

CHAG determined at it’s 24 October 2017 meeting that an understanding of key issues present within our community were essential for the group to determine priority areas to address.

PHAIWA were subsequently contracted in July 2018 to undertake the Community Needs Assessment on behalf of the Shire of Chittering and CHAG. This involved developing a community profile based on predicted growth rates for the Shire according to age groups, gender, country of origin, Aboriginality and income brackets.

Local or regional health priorities were also sought from the local Public Health Unit and the Population Health Division of WA Health.

The identification of community needs issues and priorities relevant to public and community health occurred via discussion groups, invitations to submit concerns/ideas through press releases, and an online or hard copy survey.

Consultation/Communication Implications
PHAIWA facilitated the consultation through face to face discussions and an online survey. Face to Face interactions were coordinated with the following groups:

- Brockman Centre User Group
- Immaculate Heart School
- Edmond Rice College
- Chittering Youth Krew
- Chittering Bindoon CWA
- Parents of children attending October 2018 School Holiday Activity.

An online survey was shared via the Shire Facebook page and through Shire Community and Club databases, local businesses and the Shire of Chittering Website.
Over 100 community members responded to the above consultation processes.

**Legislative Implications**

*State*
- Public Health Act 2016 Part 5

*Local*
- Proposed Shire of Chittering Public Health Plan

**Policy Implications**

*State*
- Nil

*Local*
- Nil

**Financial Implications**

Any financial implications arising from the recommendations of this report will be subject to future budget considerations.

**Strategic Implications**

*Local*
- Strategic Community Plan 2017-2027

  **Focus area:** Our community
  **Objective:** S1.1 An active and supportive community.
  **Strategy:** S1.1.1 Strengthen aged, youth and children services access through partnership and advocacy.

  **Objective:** S1.3 A safe and healthy community.
  **Strategy:** S2.3.2 Advocate for improved education and health services.

  **Focus area:** Our built environment
  **Objective:** S3.1 Development of local hubs.
  **Strategy:** S3.1.1 Plan for new and enhanced community facilities.

  **Focus area:** Strong leadership
  **Objective:** S5.1 An engaged community.
  **Strategy:** S5.1.1 Encouraged and promote community engagement and.

  **Objective:** S5.2 Strong partnerships and relationships.
  **Strategy:** S5.2.1 Encouraged and promote community engagement.

  **Objective:** S5.3 Accountable Governance.
  **Strategy:** S5.3.1 Good governance which supports efficient and effective service delivery.
• **Shire of Chittering Community Development Plan 2014 – 2024**
  To address the needs of and to empower disadvantaged communities.

• **Shire of Chittering Age Friendly Community Plan 2016 - 2019**
  Ensure older people have access to quality and reliable health and community services allowing them to age in place and keep travel at a minimum.

• **Shire of Chittering Youth Strategy 2015-2018**
  Priority Area 1: Listening to young people.
  Priority Area 3: Reducing risky behaviours.

  **State**

• **Active Living for All 2017–2019 Department of Local Government, Sport and Cultural Industries**
  Key Priority 2. Providing appropriate environments and programs (active places and active people).

  Key Priority 4. Promoting partnerships.

• **Strategic Directions 2015–2018: Healthier Country Communities through Partnerships and Innovation Regional Health frameworks WA Country Health Service**
  Strategic Direction One: Improving health and the experience of care.

  Strategic Direction Two: Valuing Consumers, Staff and Partnerships.

• **Coastal Wheatbelt and Moora Service Plan 2012 – 2022**
  Strategic Direction 1.6.2: Service.

**Site Inspection**
N/A

**Triple Bottom Line Assessment**

**Economic implications**
No known economic implications.

**Social implications**
The Community health and wellbeing needs consultation report provides a basis for the Shire and the Chittering Health Advisory Group in understanding existing community health and wellbeing needs for the community and; will assist the identification of priority areas for advocating community attitudes and perspectives to service providers, all levels of government and the general community.

This report also assists in the identification of community development activities to improve health service provision for residents within the Shire.

**Environmental implications**
No known environmental implications.
9.4.2 OFFICER RECOMMENDATION
That Council:
1. Note the Community Health and Wellbeing Needs Consultation Report prepared by the Public Health Advocacy Institute of WA (PHAIWA) and;
2. Utilise the report to guide organisational planning and to advocate for the development of workable solutions to local health service related issues.

10. REPORTS OF COMMITTEES

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

14. MEETING CLOSED TO THE PUBLIC

OFFICER RECOMMENDATION
That Council moves into a confidential session to discuss items 14.1.1, under the terms of the Local Government Act 1995, Section 5.23(2)(c) and (e); and Local Government (Functions and General) Regulations #16.
Local Government Act 1995, Section 5.23(2)(c) and (e) Meetings generally open to public

“(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(e) a matter that if disclosed, would reveal —
   (i) a trade secret; or
   (ii) information that has a commercial value to a person; or
   (iii) information about the business, professional, commercial or financial affairs of a person,

Local Government (Functions and General) Regulations #16 Receiving and opening tenders, procedure for

(1) The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.

14.1.1 **CONFIDENTIAL ITEM** Purchase of New Grader*

Report date 20 February 2019
Applicant
File ref I19103281
Prepared by Executive Manager Technical Services
Supervised by Acting Chief Executive Officer
Disclosure of interest Nil
Voting requirements Simple Majority
Attachments 1. Evaluation Report – Replacement Grader Purchase

14.2 Public reading of resolution that may be made public

15. CLOSURE

The Presiding Member to declare the meeting closed.