



# MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday, 18 July 2012

**Council Chambers  
6177 Great Northern Highway, Bindoon**

**COMMENCEMENT: 7.04PM**

**CLOSURE: 10.28PM**

These minutes will be confirmed at the Ordinary Council meeting to be held on **Wednesday, 15 August 2012**

SIGNED BY

\_\_\_\_\_   
 Person presiding at meeting at which minutes were confirmed

DATE

\_\_\_\_\_

### **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.

**Agendas and minutes are available on the Shire's website [www.chittering.wa.gov.au](http://www.chittering.wa.gov.au)**

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**1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS**

The Presiding Member declared the meeting open at 7.04pm

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

**2.1 Attendance**

The following members were in attendance:

Cr Alex Douglas                      Presiding Member  
Cr Robert Hawes  
Cr Barni Norton  
Cr Doreen Mackie  
Cr Michelle Rossouw

The following staff were in attendance:

Mr Gary Tuffin                      Chief Executive Officer  
Ms Jean Sutherland              Executive Manager Corporate Services  
Mr Azhar Awang                    Executive Manager Development Services  
Mr Jim Garrett                      Executive Manager Technical Services  
Mrs Karen Parker                  Manager Human Resources and Community Services  
Mrs Natasha Mossman          Executive Support Officer (Minute Secretary)

There were four members of the general public in attendance.

**2.2 Apologies**

Cr Don Gibson

**2.3 Approved leave of absence**

Council has previously approved Leave of Absence for Cr Clarke for the period inclusive of 31 May 2012 until 23 August 2012.

**3. DISCLOSURE OF INTEREST**

Nil



**4. PUBLIC QUESTION TIME**

**4.1 Response to previous public questions taken on notice**

Nil

**4.2 Public question time**

**4.2.1 Local Planning Strategy**

Clint O'Neil, 2837 Chittering Road, Chittering

In December 2011, Council approved the Shire of Chittering Local Planning Strategy, revised December 2010, for advertising. It is my understanding that the Shire requires the approval of the Western Australian Planning Commission to advertise the document.

From the public record it would appear that Greg Rowe and Associates was appointed in 2009 to undertake the review process and delivered its completed report in 2010.

At the December 2011 Council meeting, planning staff provided advice that extensive consultation had been undertaken between the Department of Planning and Shire staff, to the extent that there were no outstanding issues related to the document to be resolved.

Recent events and issues, for example, publication of the Perth Darwin Highway reserve through Muchea, the status of Muchea East Road between Great Northern Highway and WAMIA and the apparent ad-hoc applications and approvals for transport depots in the Muchea area and WAMIA master development plan, may not be consistent with the current or proposed Local Planning Strategy and scheme.

Question: Can Council identify the specific issues of dispute between the Shire and Department of Planning that are significantly delaying the LPS?

Question: Is the Shire actively pursuing and negotiating a reasonable settlement of the issues of dispute or in the alternate, does the Shire consider that the issues of dispute are so significant that they cannot be resolved?

Question: It is my understanding that the proposed LPS would require gazettal prior to any further amendment to TPS 6, is this correct or in the alternate, scheme amendments can still occur under the current LPS version 13?

Question: When does Council propose to initiate a scheme amendment to support the development of the Muchea employment node structure plan area?

The Shire President advised that these questions will be taken on notice and responded to by the appropriate Shire officer.

The Executive Manager Development Services advised that the Western Australian Planning Commission has forwarded the Shire a copy of proposed changes to the Local Planning Strategy for consideration. This has been since forwarded to the consultant to review and a meeting has been arranged with the Western Australian Planning Commission regarding the issues raised.



**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**5.1 Application for Leave of Absence - Cr Don Gibson**

The Chief Executive Officer received a written application from Cr Gibson requesting leave of absence for the period inclusive of 16 July 2012 until 20 July 2012.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 010712**

**Moved Cr Norton / Seconded Cr Mackie**

**That Cr Don Gibson be granted approved leave of absence for the period inclusive of 16 July 2012 until 20 July 2012.**

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**6.1 Ordinary meeting of Council – 27 June 2012**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 020712**

**Moved Cr Mackie / Seconded Cr Rossouw**

**That the minutes of the Ordinary meeting of Council held on Wednesday, 27 June 2012 be confirmed as a true and correct record of proceedings subject to an amendment on page 53 - the name of the Applicant be changed to '*Aussie Modular Solutions Pty Ltd*'.**

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0**

**7. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Derek Gascoine made presentation to the meeting in relation to item 9.1.2 - Lot 7 (RN 75) Toy Road, Bindoon – Proposed extractive industry for gravel.



## 9. OFFICER'S REPORT

### 9.1 DEVELOPMENT SERVICES

#### 9.1.1 Local Planning Policy No 21 – Fire Management Plan Amendment\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	18/06/0021
<b>Prepared by</b>	Azhar Awang, Executive Manager Development Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Amended Local Planning Policy No 21 – Fire Management Plans with track changes

#### **COUNCIL RESOLUTION - 030712 Moved Cr Rossouw / Seconded Cr Mackie**

1. That Council resolves to:
  - (a) **amend Local Planning Policy No 21 – Fire Management Plans by:**
    - i) reducing the size of the property requiring fire breaks to include 2 hectares and over;
    - ii) incorporating references to reflect the requirements of the - Planning for Bush Fire Protection Guidelines (edition 2).
  - (b) **publish the notices required in accordance with Section 2.4.1 of *Town Planning Scheme No 6*.**
  - (c) **endorse the amended policy contained in the appendix for the purpose of advertising.**
  - (d) **advise the Western Australian Planning Commission accordingly and seek the Commission's comments on the draft amendments.**
2. That the **implementation** of the fire breaks be completed by 31 October 2015 for the properties that are between 2ha and 2.2ha.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/0**

#### **OFFICER RECOMMENDATION**

Moved Cr Rossouw / Seconded Cr Mackie

That Council resolves to:

1. **amend Local Planning Policy No 21 – Fire Management Plans by:**
  - i) reducing the size of the property requiring fire breaks to include 2 hectares and over;
  - ii) incorporating references to reflect the requirements of the - Planning for Bush Fire Protection Guidelines (edition 2).
2. **publish the notices required in accordance with Section 2.4.1 of *Town Planning Scheme No 6*.**
3. **endorse the amended policy contained in the appendix for the purpose of advertising.**



4. advise the Western Australian Planning Commission accordingly and seek the Commission's comments on the draft amendments.

**AMENDMENT**

Moved Cr Hawes

That the following condition be included as follows:

*'That the implementation of fire breaks be completed by 31 October 2014.'*

THE AMENDMENT LAPSED FOR WANT OF A SECONDER

**AMENDMENT**

Moved Cr Mackie / Seconded Cr Rossouw

That the following condition be included as follows:

*'That the implementation of the fire breaks be completed by 31 October 2015 for the properties that are between 2ha and 2.2ha.'*

THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**Background**

Council at the meeting held on 27 June 2012 in item 10.5 in regards to the minutes of the Chittering Bushfire Advisory Committee held on 12 June 2012 accepted the proposal by the Committee in Point 6 of the motion to "Reduce the size of the property that requires fire breaks to include 2ha and over..."

This recommendation will require an amendment to the Local Planning Policy which was previously adopted on 19 December 2007 to reflect the proposed changes.

**Consultation**

A copy of the *Local Planning Policy No 21 – Fire Management Plan* was provided to the Shire's Community Emergency Services Manager to be distributed to the Shire of Chittering's Bush Fire Brigade members for comments.

In accordance with the requirements of the *Shire's Town Planning Scheme No 6, clause 2.4 – Procedure for making or amending a Local Planning Policy*, it is required to publish a notice of the proposed policy once a week for two consecutive weeks.

**Statutory Environment**

Local: *Shire of Chittering Town Planning Scheme No 6*

**PART 2 - LOCAL PLANNING POLICY FRAMEWORK**

**2.1 Scheme determinations to conform with Local Planning Strategy**

*Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the Local Government under the Scheme are to be consistent with the Local Planning Strategy.*

*(A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.)*



## **2.2 Local Planning Policies**

*The Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply-*

- (a) generally or for a particular class or classes of matters; and*
- (b) throughout the Scheme Area or in one or more parts of the Scheme Area, and may amend or add to or rescind the Policy.*

## **2.3 Relationship of Local Planning Policies to Scheme**

**2.3.1** *If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.*

**2.3.2** *A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for Planning Approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.*

*Note: Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Planning Codes. In considering an application for Planning Approval, the Local Government must have due regard to relevant Local Planning Policies as required under clause 10.2.*

## **2.4 Procedure for making or amending a Local Planning Policy**

**2.4.1** *If a Local Government resolves to prepare a Local Planning Policy, the Local Government-*

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area, giving details of-*
  - (i) where the draft Policy may be inspected;*
  - (ii) the subject and nature of the draft Policy;*
  - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*
- (b) may publish a notice of the proposed Policy in such other manner and carry out such consultation as the Local Government considers appropriate.*

**2.4.2** *After the expiry of the period within which submissions may be made, the Local Government is to*

- (a) review the proposed Policy in the light of any submissions made; and*
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.*

**2.4.3** *If the Local Government resolves to adopt the Policy, the Local Government is to-*

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme Area; and*
- (b) if, in the opinion of the Local Government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.*

**2.4.4** *A Policy has effect on publication of a notice under clause 2.4.3 (a).*

**2.4.5** *A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Local Government.*

**2.4.6** *Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.*



## 2.5 **Revocation of a Local Planning Policy**

A Local Planning Policy may be revoked by-

- (a) the adoption by a Local Government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the Local Government once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area.

### **Policy Implications**

The proposed amendment to the *Local Planning Policy No 21 – Fire Management Plan* is to capture a greater number of lots in the rural residential area that require individual fire breaks to be created and maintained. Previously the Local Planning Policy only requires those lots with an area of 2.2ha and above to have individual fire breaks. The proposed amendment is to reduce the lot size to 2.0ha and over.

### **Financial Implications**

There is a financial implication of the annual inspection by the Shire's Ranger Services on all these properties with an area of 2ha and above to ensure that the individual firebreaks are properly installed.

There will also be costs incurred for the advertising of the policy in the local newspaper the *Bullsbrook/Gingin Advocate* for a period of two consecutive weeks.

### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection will be undertaken as part of the annual firebreaks inspection.

### **Triple Bottom Line Assessment**

#### Economic Implications

There may be cost incurred with the inspections and infringements issued to comply with notice.

#### Social Implications

This would better protect the surrounding rural residential living; however the changes to the minimum lot area may take time for existing landowners to accept the changes as they were previously not required to install individual firebreaks. The recommendation by the brigades was to allow a gradual grace period to all existing properties.

#### Environmental Implications

There may be areas that would impact the bush block and this will be considered on a case by case by the inspecting officer.

### **Comment**

The proposed changes were recommended through the Chittering Bush Fire Advisory Committee as there were some inconsistencies in the *Local Planning Policy No 21 – Fire Management Plan* and the *Bush Fires Act 1954* in respect to the Shire's annual fire break notice.

The proposed amendments to the policy also incorporate the requirements under the *Planning for Bushfire Protection Guidelines Edition 2*, published by the Western Australian Planning Commission, Department of Planning and FESA.



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WEDNESDAY, 18 JULY 2012**

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It is recommended that the proposed amendment to the Policy be endorsed by Council for public advertising. A further report of any changes during the submission period will be presented to Council after the closing date of advertising.



The Executive Manager Development Services left the Chambers at 8.00pm and returned at 8.02pm.

**9.1.2 Lot 7 (RN 75) Toy Road, Bindoon – Proposed extractive industry for gravel\***

<b>Applicant</b>	J Dwyer
<b>File ref</b>	A1289, P075/12
<b>Prepared by</b>	Brendan Jeans, Senior Planner
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

**Attachments**

1. Locality plan
2. Excavation-Rehabilitation Management Plan
3. Schedule of Submissions

**COUNCIL RESOLUTION - 040712**  
**Moved Cr Hawes / Seconded Cr Rossouw**

**That Council:**

1. **grant** planning approval for the extractive industry for gravel at Lot 7 (RN 75) Toy Road, Bindoon subject to the following conditions:
  - (a) This planning consent shall be for a period of five (5) years from the date of issue until the 30 June in the year specified as the year of expiration. The Applicant may apply for an extension of the approval for a further period of up to five (5) years. This application is to be made no later than three (3) months prior to the expiry of the current consent;
  - (b) The Excavation Licence shall be for a period of two (2) years from the date of issue until the 30 June in the year specified as the year of expiration. Subject to the assessment of the results from the on-site dust monitoring program being to Council's satisfaction, the Applicant may apply for an extension of the licence for a further period of three (3) years. The application is to be made no later than three (3) months prior to the expiry of the current licence;
  - (c) The Excavation Licence shall only remain valid while there is the appropriate planning approval in place to support the extraction of materials;
  - (d) Prior to the issue of an Excavation Licence a guarantee/bond or other acceptable form of security shall be lodged with or paid to the Shire of Chittering in accordance with the amount stipulated in Schedule 3 of the *By-law Relating to Extractive Industries*;
  - (e) Prior to the issue of an Excavation Licence the Applicant is to establish a buffer area of 500m from all nearby residences, proposed pits, crushing, stockpile and loading areas on the site plan;
  - (f) Prior to the issue of an Excavation Licence the Applicant shall nominate only one (1) excavation area in Resource 1 and Resource 2 on Figure 2 of the application for excavation;
  - (g) Prior to the issue of an Excavation Licence an approved design and approved constructed access to Great Northern Highway is to be completed to the satisfaction of Main Roads WA;



- (h) Prior to the issue of an Excavation Licence a Fire Management Plan is to be prepared to the satisfaction of the Chief Executive Officer, in accordance with *Local Planning Policy No 21*;
- (i) Prior to the issue of an Excavation Licence the Applicant shall submit to the Chief Executive Officer evidence of currency of public liability insurance for the excavation works. The issue of the approval shall not, in any way, render the Shire of Chittering liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the Applicant. The Applicant shall ensure that he/she and/or the excavating contractor and/or transportation contractor hold sufficient public liability insurance cover for any claim against them;
- (j) Prior to the issue of an Excavation Licence:
  - i) an assessment shall be conducted to determine whether acid sulphate soils and dieback are present on the land and, if present, their extent and severity;
  - ii) if the site is found to contain acid sulphate soils or dieback, an Acid Sulphate Soils Management Plan (ASSMP) or Dieback Management Plan shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation;
  - iii) that the samples be taken from the site by an independent qualified person; and
  - iv) operations shall be carried out in accordance with the provisions of the approved Management Plan;
- (k) Prior to the issue of an Excavation Licence the Applicant shall provide a feature survey of the proposed excavation areas, providing contours and all dimensions for the area as shown on Figure 2 of the application, by a licensed surveyor and submitted for approval by the Chief Executive Officer;
- (l) Prior to the issue of an Excavation Licence the Applicant shall upgrade the internal access roads, and apply and maintain a chemical stabilising sealant to the satisfaction of the Chief Executive Officer;
- (m) Prior to the issue of the Excavation Licence the Applicant shall provide a complaints and contingency register for records of any complaints and contingency actions, which shall be kept on-site at all times;
- (n) Prior to commencement of work on each pit a Soil and Water Monitoring Program (including methodology, periodic sampling and analysis by an independent laboratory) shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation, incorporating:
  - i) monitoring of removed material, irrespective of whether the excavation area is within a location identified as 'high risk' of containing acid sulphate soil material or there is an approved ASSMP; and
  - ii) monitoring of water quality retained within on-site excavations;
- (o) Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process;
- (p) All stormwater shall be retained on site and no discharge of pit-water shall occur without prior approval from the Chief Executive Officer;
- (q) No fuel shall be stored onsite without Council approval;



- (r) Prior to the issue of an Excavation Licence a suitable Flora and Fauna study is to be undertaken and all areas containing rare or endangered species of flora and fauna shall be protected and no excavation shall be permitted in these areas, to the satisfaction of the Chief Executive Officer and the Department of Environment and Conservation;
- (s) No visible dust shall be discharged beyond the property boundary;
- (t) The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity;
- (u) The equipment and machinery used for excavation purposes shall be limited to:
  - (i) 1 x 'Surface Miner';
  - (ii) Water Tanker(s) as required for dust suppression;
  - (iii) 1 x Loader;
  - (iv) 1 x Mobile Screening Plant;
  - (v) 1 x Mobile Crushing Plant; and
  - (xii) 1 x Bulldozer;and the numbers or capacity shall not be increased without Council approval;
- (v) The development shall comply with the provisions of the Shire of Chittering's *Town Planning Scheme No 6* and *By-law Relating to Extractive Industries; Health Act 1911, Building Code of Australia* and any other relevant Acts, Regulations, Local Laws and Council Policies, except where varied by this approval;
- (w) No truck is permitted to enter the property for carting purposes unless fitted with an appropriate cover to prevent dust or loss of material and none should exit without the cover in use;
- (x) The hours of operation shall be limited to:
  - (i) Monday to Friday 0700hrs to 1800hrs
  - (ii) Saturday 0730hrs to 1700hrs
  - (iii) Sunday and Public Holidays not permittedAny variation to these times requires written approval from Council;
- (y) Excavation for the extractive industry shall not occur in the following areas:
  - (i) Within 100metres of a boundary of any land not owned by the proponent or Planning Consent holder;
  - (ii) Within 20metres of any land affected by a registered grant of easement;
  - (iii) Within 40metres of any designated water course;
  - (iv) Within 500metres of any house;
  - (v) Below the level of winter groundwater table;
  - (vi) Within 40metres of any road or road reserve; and
  - (vii) Below 6metres from natural ground level;
- (z) A Rehabilitation or Land Management Plan (also referred to as a Close-Out Plan) shall be submitted and approved by the Chief Executive Officer prior to the commencement of excavation works on each pit, incorporating:
  - (i) Statement of end use;
  - (ii) Final contouring plan, rehabilitation and land management;
  - (iii) Demarcation of surface water catchments; excavation pit hydrology and water balance;
  - (iv) Revegetation and landscaping; and



- (v) Ongoing monitoring requirements;
- (aa) Upon decommissioning of each pit, rehabilitation shall take place in accordance with the approved Management Plan using the stockpiled topsoil and replanting of appropriate local native species as recommended by the Chief Executive Officer, and is to take place during the first winter months following restoration and be monitored for a further two years;
- (bb) The maximum area of each Resource being worked at any one time shall be one (1) hectare;
- (cc) Excavation shall only occur between May and October inclusive each year;
- (dd) Where practicable all static and other equipment such as portable crushers and screening plants are to be located on the floor of the quarry to provide visual and acoustic screening. Where it is impracticable for equipment and stockpiles to be on the floor of the pit the work area outside the area of the pit shall be limited to 1.5ha;
- (ee) Materials extracted from the site must not exceed 100,000 tonnes per annum. A record of each year's output must be kept on site and must be provided to Council at any time upon request;
- (ff) Rehabilitation of each pit shall include surface water control measures on all pit faces to prevent gully erosion, and final batters to be graded to provide safe entry and exit slopes, should access to any standing water within the pit be required or accidentally occur;
- (gg) Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases;
- (hh) Any amendments or variations to the rehabilitation or land management plan associated with the excavation shall be approved in writing by the Chief Executive Officer;
- (ii) No trucks are to be parked on any public road after hours;
- (jj) An annual report shall be submitted to the Chief Executive Officer prior to 30 June each year that includes:
- (i) The progress of excavation, including survey drawing(s) that provide the dimensions and depth of excavations undertaken during the year of reporting;
  - (ii) Depth to groundwater from each pit floor;
  - (iii) The amount of materials extracted;
  - (iv) Monitoring program results and findings;
  - (v) Progress of rehabilitation;
  - (vi) Contingency actions and outcomes; and
  - (vii) Community complaints and responses.
- Failure to submit the annual report prior to close of business on 30 June each year will result in the immediate suspension of the excavation licence;
- (kk) If the development, the subject of this approval, is not substantially commenced within a period of twelve months from the date of the approval, the approval shall lapse and be of no further effect;
- (ll) Development shall occur in accordance with the Excavation-Rehabilitation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;
- (mm) Breach of conditions may result in cancellation of this approval;



(nn) The Applicant is to prepare and undertake an ongoing dust monitoring program which is to be incorporated as part of the amended Dust Management Plan to be submitted to Council prior to the issue of an Excavation Licence in accordance with the Department of Environment and Conservation guideline '*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (January 2011)*';

(oo) The ongoing dust monitoring program shall be for a period of two (2) years from the issue of the Excavation Licence and the results of the dust monitoring program to be assessed before any further extension to the approval is contemplated, to the satisfaction of the Chief Executive Officer;

2. delegate authority to the Chief Executive Officer to issue an excavation licence for gravel at Lot 7 (RN 75) Toy Road, Bindoon in accordance with the planning consent specified in recommendation 1 above, and on satisfaction of conditions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (r).

#### Advice Notes

1. Should the Applicant be aggrieved by a decision of Council, the State Administrative Tribunal can be requested to review the decision. Such a request should be lodged within twenty-eight (28) days of Council's decision.
2. The Department of Environment and Conservation (DEC) may require a permit for the clearing of native vegetation.
3. Applicant shall be aware of the compliance of any Works Approval and/or DEC Licence applicable to this approval.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 4/1**

#### **OFFICER RECOMMENDATION**

Moved Cr Hawes / Seconded Cr Rossouw

That Council:

1. grant planning approval for the extractive industry for gravel at Lot 7 (RN 75) Toy Road, Bindoon subject to the following conditions:
  - (a) This planning consent shall be for a period of five (5) years from the date of issue until the 30 June in the year specified as the year of expiration. The Applicant may apply for an extension of the approval for a further period of up to five (5) years. This application is to be made no later than three (3) months prior to the expiry of the current consent;
  - (b) The Excavation Licence shall be for a period of two (2) years from the date of issue until the 30 June in the year specified as the year of expiration. Subject to the assessment of the results from the on-site dust monitoring program being to Council's satisfaction, the Applicant may apply for an extension of the licence for a further period of three (3) years. The application is to be made no later than three (3) months prior to the expiry of the current licence;
  - (c) The Excavation Licence shall only remain valid while there is the appropriate planning approval in place to support the extraction of materials;
  - (d) Prior to the issue of an Excavation Licence a guarantee/bond or other acceptable form of security shall be lodged with or paid to the Shire of Chittering in accordance with the amount stipulated in Schedule 3 of the *By-law Relating to Extractive Industries*;
  - (e) Prior to the issue of an Excavation Licence the Applicant is to establish a buffer area of 500m from all nearby residences, proposed pits, crushing, stockpile and loading areas on the site plan;



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- (f) Prior to the issue of an Excavation Licence the Applicant shall nominate only one (1) excavation area in either Resource 1 or Resource 2 on Figure 2 of the application for excavation;
- (g) Prior to the issue of an Excavation Licence an approved design and approved constructed access to Great Northern Highway is to be submitted to Council to the satisfaction of Main Roads WA;
- (h) Prior to the issue of an Excavation Licence a Fire Management Plan is to be prepared to the satisfaction of the Chief Executive Officer, in accordance with *Local Planning Policy No 21*;
- (i) Prior to the issue of an Excavation Licence the Applicant shall submit to the Chief Executive Officer evidence of currency of public liability insurance for the excavation works. The issue of the approval shall not, in any way, render the Shire of Chittering liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the Applicant. The Applicant shall ensure that he/she and/or the excavating contractor and/or transportation contractor hold sufficient public liability insurance cover for any claim against them;
- (j) Prior to the issue of an Excavation Licence:
  - i) an assessment shall be conducted to determine whether acid sulphate soils and dieback are present on the land and, if present, their extent and severity;
  - ii) if the site is found to contain acid sulphate soils or dieback, an Acid Sulphate Soils Management Plan (ASSMP) or Dieback Management Plan shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation;
  - iii) that the samples be taken from the site by an independent qualified person; and
  - iv) operations shall be carried out in accordance with the provisions of the approved Management Plan;
- (k) Prior to the issue of an Excavation Licence the Applicant shall provide a feature survey of the proposed excavation areas, providing contours and all dimensions for the area as shown on Figure 2 of the application, by a licensed surveyor and submit to Council for approval to the satisfaction of the Chief Executive Officer;
- (l) Prior to the issue of an Excavation Licence the Applicant shall upgrade the internal access roads, and apply and maintain a chemical stabilising sealant to the satisfaction of the Chief Executive Officer;
- (m) Prior to the issue of the Excavation Licence the applicant shall provide a complaints and contingency register for records of any complaints and contingency actions, which shall be kept on-site at all times;
- (n) Prior to commencement of work on each pit a Soil and Water Monitoring Program (including methodology, periodic sampling and analysis by an independent laboratory) shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation, incorporating:
  - i) monitoring of removed material, irrespective of whether the excavation area is within a location identified as 'high risk' of containing acid sulphate soil material or there is an approved ASSMP; and
  - ii) monitoring of water quality retained within on-site excavations;
- (o) Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process;
- (p) All stormwater shall be retained on site and no discharge of pit-water shall occur without prior approval from the Chief Executive Officer;
- (q) No bulk storage of fuel shall be stored onsite without Council approval;
- (r) All areas containing rare or endangered species of flora and fauna shall be protected and no excavation shall be permitted in these areas to the satisfaction of the Department of Environment and Conservation;
- (s) No visible dust shall be discharged beyond the property boundary;



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- (t) The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity;
- (u) The equipment and machinery to be used shall be limited to:
  - (i) 1 x 'Surface Miner';
  - (ii) Water Tanker(s) as required for dust suppression;
  - (iii) 1 x Loader;
  - (iv) 1 x Mobile Screening Plant;
  - (v) 1 x Mobile Crushing Plant; and
  - (vi) 1 x Bulldozer;
- (v) The development shall comply with the provisions of the Shire of Chittering's *Town Planning Scheme No 6* and *By-law Relating to Extractive Industries; Health Act 1911*, Building Code of Australia and any other relevant Acts, Regulations, Local Laws and Council Policies, except where varied by this approval;
- (w) No truck is permitted to enter the property for carting purposes unless fitted with an appropriate cover to prevent dust or loss of material;
- (x) The hours of operation shall be limited to:
  - (i) Monday to Friday 0700hrs to 1800hrs
  - (ii) Saturday 0730hrs to 1700hrs
  - (iii) Sunday and Public Holidays not permittedAny variation to these times requires written approval from Council;
- (y) Excavation for the extractive industry shall not occur in the following areas:
  - (i) Within 100metres of a boundary of any land not owned by the proponent or Planning Consent holder;
  - (ii) Within 20metres of any land affected by a registered grant of easement;
  - (iii) Within 40metres of any designated water course;
  - (iv) Within 500metres of any house;
  - (v) Below the level of winter groundwater table;
  - (vi) Within 40metres of any road or road reserve; and
  - (vii) Below 6metres from natural ground level;
- (z) A Rehabilitation or Land Management Plan (also referred to as a Close-Out Plan) shall be submitted and approved by the Chief Executive Officer prior to the cessation of excavation works on each pit, incorporating:
  - (i) Statement of end use;
  - (ii) Final contouring plan, rehabilitation and land management;
  - (iii) Demarcation of surface water catchments; excavation pit hydrology and water balance;
  - (iv) Revegetation and landscaping; and
  - (v) Ongoing monitoring requirements;
- (aa) Upon decommissioning of each pit, rehabilitation shall take place in accordance with the approved plan using the stockpiled topsoil and replanting of appropriate local native species as recommended by the Chief Executive Officer;
- (bb) The maximum area of pit being worked at any one time shall be one (1) hectare;
- (cc) Excavation shall only occur between May and October each year;
- (dd) All static and other equipment such as portable crushers and screening plants are to be located on the floor of the quarry to provide vision and acoustic screening;
- (ee) Materials extracted from the site must not exceed 100,000 tonnes per annum. A record of each year's output must be kept on site and must be provided to Council at any time upon request;



- (ff) Rehabilitation of each pit shall include surface water control measures on all pit faces to prevent gully erosion, and final batters to be graded to provide safe entry and exit slopes, should access to any standing water within the pit be required or accidentally occur;
- (gg) Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases;
- (hh) Any amendments or variations to the rehabilitation or land management plan associated with the excavation shall be approved in writing by the Chief Executive Officer;
- (ii) No trucks are to be parked on any public road after hours;
- (jj) An annual report shall be submitted to the Chief Executive Officer prior to 30 June each year that includes:
  - (i) The progress of excavation, including survey drawing(s) that provide the dimensions and depth of excavations undertaken during the year of reporting;
  - (ii) Depth to groundwater from each pit floor;
  - (iii) The amount of materials extracted;
  - (iv) Monitoring program results and findings;
  - (v) Progress of rehabilitation;
  - (vi) Contingency actions and outcomes; and
  - (vii) Community complaints and responses.Failure to submit the annual report prior to close of business on 30 June each year will result in the immediate suspension of the excavation licence;
- (kk) If the development, the subject of this approval, is not substantially commenced within a period of twelve months from the date of the approval, the approval shall lapse and be of no further effect;
- (ll) Development shall generally occur in accordance with the Excavation-Rehabilitation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;
- (mm) Breach of conditions may result in cancellation of this approval;
- (nn) The Applicant is to prepare and undertake an ongoing dust monitoring program which is to be incorporated as part of the amended Dust Management Plan to be submitted to Council prior to the issue of an Excavation Licence in accordance with the Department of Environment and Conservation guideline '*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (January 2011)*';
- (oo) The ongoing dust monitoring program shall be for a period of two (2) years from the issue of the Excavation Licence and the results of the dust monitoring program to be assessed before any further extension to the approval is contemplated.

2. delegate authority to the Chief Executive Officer to issue an excavation licence for gravel at Lot 7 (RN 75) Toy Road, Bindoon in accordance with the planning consent specified in recommendation 1 above, and on satisfaction of conditions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n).

#### Advice Notes

1. Should the Applicant be aggrieved by a decision of Council, the State Administrative Tribunal can be requested to review the decision. Such a request should be lodged within twenty-eight (28) days of Council's decision.
2. The Department of Environment and Conservation (DEC) may require a permit for the clearing of native vegetation.
3. Applicant shall be aware of the compliance of any Works Approval and/or DEC Licence applicable to this approval.



**AMENDMENT**

Moved Cr Norton / Seconded Cr Mackie

That condition 1(g) be amended by deleting the words '*submitted to Council*' and replacing with the word '*completed*'.

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**AMENDMENT**

Moved Cr Norton / Seconded Cr Mackie

That condition 1(q) be amended by deleting the words '*bulk storage of*'.

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**AMENDMENT**

Moved Cr Norton / Seconded Cr Rossouw

That condition 1(r) be amended to read as follows:

*"Prior to the issue of an Excavation Licence a suitable Flora and Fauna study is to be undertaken and all areas containing rare or endangered species of flora and fauna shall be protected and no excavation shall be permitted in these areas, to the satisfaction of the Chief Executive Officer and the Department of Environment and Conservation;"*

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**AMENDMENT**

Moved Cr Norton / Seconded Cr Mackie

That condition 2 be amended by including '*(r)*' at the end of the condition.

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**AMENDMENT**

Moved Cr Norton / Seconded Cr Mackie

That condition 1(w) be amended by adding the following words at the end of the condition:

*"and none should exit without the cover in use;"*

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION



**AMENDMENT**

Moved Cr Norton / seconded Cr Mackie

That condition 1(z) be amended by deleting the word '*cessation*' and replacing it with the word '*commencement*'.

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**AMENDMENT**

Moved Cr Mackie / seconded Cr Rossouw

That condition 1(dd) be amended by deleting the word '*vision*' and replacing it with the word '*visual*'; and the words '*Where practicable*' be added to the beginning of the condition.

THE AMENDMENT WAS PUT AND DECELAED CARRIED 4/1  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**AMENDMENT**

Moved Cr Norton / seconded Cr Mackie

That condition 1(II) be amended by deleting the word '*generally*'.

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**AMENDMENT**

Moved Cr Hawes / seconded Cr Mackie

That condition 1(cc) be amended by adding the word '*inclusive*' after the word '*October*'.

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

**AMENDMENT**

Moved Cr Hawes / seconded Cr Mackie

That condition 1(k) be amended to read as follows:

*"Prior to the issue of an Excavation Licence the Applicant shall provide a feature survey of the proposed excavation areas, providing contours and all dimensions for the area as shown on Figure 2 of the application, by a licensed surveyor and submitted for approval by the Chief Executive Officer;"*

THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION



**AMENDMENT**

Moved Cr Rossouw / seconded Cr Mackie

That condition 1(aa) be amended to read as follows:

*“Upon decommissioning of each pit, rehabilitation shall take place in accordance with the approved Management Plan using the stockpiled topsoil and replanting of appropriate local native species as recommended by the Chief Executive Officer and is to take place during the first winter months following restoration and be monitored for a further two years;”*

**THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

Moved Cr Mackie / seconded Cr Rossouw

1. That condition 1(f) be amended by deleting the word *‘either’*, and deleting the word *‘or’* and replacing it with the word *‘and’*; and
2. That condition 1(bb) be amended by deleting the word *‘pit’* and replacing it with the words *‘each Resource’*.

**THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

Moved Cr Mackie / seconded Cr Rossouw

That condition 1(u) be amended to read as follows:

*“(u) The equipment and machinery used for excavation purposes shall be limited to:*

- (vi) 1 x ‘Surface Miner’;*
- (vii) Water Tanker(s) as required for dust suppression;*
- (viii) 1 x Loader;*
- (ix) 1 x Mobile Screening Plant;*
- (x) 1 x Mobile Crushing Plant; and*
- (xii) 1 x Bulldozer;*

*and the numbers or capacity shall not be increased without Council approval;”*

**THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

Moved Cr Norton / seconded Cr Rossouw

That condition 1(dd) be amended by including the words *‘Where it is impracticable for equipment and stockpiles to be on the floor of the pit the work area outside the area of the pit shall be limited to 1.5ha;’* at the end of the condition.

**THE AMENDMENT WAS PUT AND DECELAED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**



## AMENDMENT

Moved Cr Norton / seconded Cr Mackie

That condition 1(oo) be amended by including the words '*to the satisfaction of the Chief Executive Officer;*' at the end of the condition.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

## Background

Council's consideration is requested for a proposed extractive industry for gravel at Lot 7 (RN 75) Toy Road, Bindoon.

The property has been subject to previous extractive industry approvals. The first approval obtained for an extractive industry was 2000 - valid until 2006. In 2006 a planning application for an extractive industry was refused by Council but approved on appeal by the State Administrative Tribunal for a period of five years, of which concurrent excavation licences were in place over the period. The previous extractive industry planning approval expired June 30, 2012.

This application presented to Council is to obtain planning approval for an extractive industry use on the property for a twenty (20) year period. The application states an Extractive Industries Licence is applied for, however the relevant form has not been included. The application involves the following:

Lot 7 is 338.6ha of which 35ha are proposed for excavation of gravel material. The application proposes 50,000tonnes of gravel material to be excavated annually, however may be possible to upwards of 120,000tonnes subject to market demand. It is noted in the application that the 50,000tonne limit from the Department of Environment and Conservation (DEC) applies to crushed and screened materials. The natural gravel pit does not require this and therefore the total figure could rise to the 120,000tonnes. A Works Approval and DEC Licence have been approved for the property.

The proposed excavation is to an average depth of 1m to 4m, with some small pockets up to 9m. It is proposed an average of 1hectare will be excavated each year. The application states the 'Surface Miner' machine requires a footprint up to 3-4ha and the pit containing the natural gravel material will likely have an open area of excavation of 2-4ha. It is proposed all stockpiles are to be on the floor of the excavation pit. The excavation is proposed to be setback 20m from the property boundary.

It is proposed all extraction, processing and carting is to occur between 6am and 6pm Monday to Saturday.

Rehabilitation is proposed to be undertaken progressively following excavation of completed areas. Some excavated areas the land surface may approach 1:4 or 1:3 vertical to horizontal. Revegetation is to take place in the beginning of winter. The application has listed the types of indigenous plants to be used for the revegetation.

The application has included a dieback analysis report, stating the site is dieback free. The application also includes dieback management to minimise the risk of entry of dieback into the site.



### Consultation

The application was advertised in accordance with clause 9.4 of the Scheme. This included locating an advertising sign at the subject property, letter for opportunity to comment to relevant agencies, letter for opportunity to comment to affected landowners in the locality and an advertisement in the local newspaper.

The application was advertised for a period of twenty-one (21) days. Due to request, the advertising period was extended for a further sixteen (16) days. A Schedule of Submissions is attached to this report.

### Statutory Environment

State: *Planning and Development Act 2005*  
*Mining Act 1914*

Local: *Shire of Chittering Town Planning Scheme No 6*

The subject property is an '**Agricultural Resource**' zone. The objectives of this zone are:

- *To preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;*
- *To protect the landform and landscape values of the district against despoliation and land degradation;*
- *To encourage intensive agriculture and associated tourist facilities, where appropriate;*
- *To allow for the extraction of basic raw materials where it is environmentally and socially acceptable.*

The subject property is located within the '**Landscape Protection Special Control Area**':

### 6.2 LANDSCAPE PROTECTION AREAS

**6.2.1** *The Landscape Protection Areas are delineated on the Scheme Map. Planning Approval is required for any development within the Special Control Area.*

#### 6.2.2 Purpose

- (a) *To secure the areas delineated on the Scheme Map from undue subdivision and development that would detract from the landscape value of the rural environment;*
- (b) *to conserve and enhance the character of the significant landscape area; and*
- (c) *to ensure land use and developments are compatible with the landscape values.*

#### 6.2.3 Landscape Areas

*The Landscape Protection Areas are:*

- (a) *the Chittering Valley Landform System: for the protection of the Brockman River Catchment its biodiversity and the drainage pattern and land degradation problems;*
- (b) *the Gingin Scarp: for the protection of the landform against denudation, water quality (nutrient export) and erosion;*
- (c) *the northern uplands: for the agricultural quality of the undulating landforms and rural production.*

#### 6.2.4 Planning Requirements

*In dealing with an application for Planning 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 planning approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.*

#### **6.2.5 Relevant Considerations**

*In considering an Application for Planning 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.*

#### **6.2.6 Referrals for Planning Approval**

*The Local Government may refer any Application for Planning Approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.*

The proposed land use is defined as an '**Industry-Extractive**' under the Scheme. This is defined as:

*“means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining”*

The '**Industry-Extractive**' land use is classified as an 'A' use under the Zoning Table of the Scheme:

*“means that the use is not permitted unless the Local Government has exercised its discretion by granting Planning Approval.”*

Clause 5.16 of the Scheme applies as the proposal is for the extraction of gravel, being a basic raw material:

#### **5.16 BASIC RAW MATERIALS**

- (a) *Extraction of essential materials for roads and construction are to be permitted in areas where they will not adversely affect living environments, the landscape quality or contribute to land degradation problems during and after operations;*
- (b) *Extraction of basic raw materials within the rural zones is to be managed in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission;*
- (c) *Appropriate buffer areas are to be applied to protect both the extractive operations as well as the living or agricultural environment in nearby areas;*



- (d) Council will not support development within those buffer areas, which may be detrimental to the efficiency of the industries. This is to protect the basic raw materials precincts from development that may compromise its operations.

Local: *By-law relating to Extractive Industries:*

The applicant has not applied for an Excavation Licence however the requirements contained within the By-law are pertinent to the assessment of the application for an extractive industry.

### **Policy Implications**

State: *Statement of Planning Policy No 2.4 - Basic Raw Materials*

The subject property is not identified as a Priority Resource location, Key Extraction Area or Extraction Area.

State: *Statement of Planning Policy No 4.1 - State Industrial Buffer*

It is deemed the proposal involves the need for an off-site buffer. An extractive industry land use is subject to this Policy (SPP 2.4). As stated in this Policy, an off-site buffer can be established provided a number of criteria have been met to the satisfaction of the Department of Planning. Further to the buffer requirements of this Policy, Council also stipulates buffer requirements under *Local Planning Policy No 10*.

State: *EPA Guidance Statement No 3 Separation Distances between Industrial and Sensitive Land Uses*

Appendix 1 of this document stipulates an extractive industry which includes quarrying, blasting, crushing and screening of hard rock material requires a 1,000m buffer. It then stipulates an extractive industry which does not involved hard rock is dealt with case by case.

Local: *Local Planning Policy No 10 Basic Raw Materials and Extractive Industries*

It is deemed the application meets the objectives of the Policy:

#### **4. OBJECTIVES**

*The objectives of this policy are:*

- *To facilitate extraction of the Shire's basic raw materials using best available practice*
- *To provide guidance for the preparation of applications for extractive industry proposals and an indication of conditions likely to be applied to approved proposals*
- *To ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction*
- *To maintain the rural character of the Shire and minimize the loss of prime agricultural land.*

The application meets Section 5.4(b) of the Policy, which refers to extractive industry proposals Council will not approve in the Shire.

### **Financial Implications**

Nil

### **Strategic Implications**

Local: *Shire of Chittering Local Planning Strategy 2001-2015*

The Strategy identifies Lot 7 to be located within the Northern Broad Agriculture Area, Section 6.1 of the Strategy is applicable:



## **6.1 NORTHERN BROAD AGRICULTURAL AREA**

### **6.1.1 Description and location**

*This area covers that part of the Shire north of Mooliabeenee Road and Bindoon Dewars-Pool Road.*

*Generally, the land is used for agriculture and horticulture as it includes productive soils with a moderate water supply.*

*With a reticulated water supply for more intensive agriculture, the economic productivity of the area could be greatly increased and more employment opportunities would arise, particularly with value adding.*

### **6.1.2 Aims**

- To retain the productive land for broad acre farming but accommodate conversion to intensive horticulture where the landform, soils and water supplies permit;*
- To support subdivision and development only where there is demonstrable evidence of suitable soils and water supply(s) to sustain productive agriculture, horticulture and viticulture;*
- To retain existing natural vegetation and connecting areas to provide for biodiversity corridors;*
- To protect and enhance the rivers, lesser flow lines and wetlands as a measure to arrest land degradation and improve water quality with appropriate buffer widths determined using biophysical criteria;*
- To prevent the intrusion of land uses not compatible with primary agricultural activities;*
- To restrict subdivision of productive land beyond viable lot sizes for production;*
- To prevent structural development in the path of the Perth Darwin Highway;*
- To prevent development that may detract from the landscape quality of the area.*

*The subject property is also located within the Landscape Protection Special Control Area on the Scheme Map, of which Section 11 of the Strategy applies.*

#### **LANDSCAPE PROTECTION AREAS**

*This category applies to the Chittering Valley from the southern part of the shire to the northern extremity and to the Gingin Scarp as viewed from Ellen Brook.*

*The intent is to preserve the rural character of the visual aspects of the landscape from undue subdivision and development that may depreciate the scenic value of the Chittering natural environment.*

*In addition, the protection of remnant vegetation is the first phase in establishing biodiversity corridors.*

*The proposal relates to Section 10.3 of the Strategy which addresses Basic Raw Materials Extraction Areas in the Shire.*

#### **BASIC RAW MATERIALS EXTRACTION AREAS**

*There are several Basic Raw Material sites in the Shire. These are primarily between Bindoon-Dewars Pool Road (north) and the southern part of the Shire and are generally on the eastern side of Great Northern Highway.*



*The intent is:*

- *To provide appropriate buffer areas in accordance with state government and local policies and legislation to both protect the workings of extractive industry sites and protect any residences, agricultural development and tourism from adverse effects of noise and dust emissions.*
- *Not to support new development within any identified buffer areas which may be detrimental to the efficiency of the industries and the issues of basic raw material requirements at the local, regional and state levels.*
- *In relation to greenfields site applications for extractive industries, to protect existing residences and approved developments by ensuring that all buffer areas are designated so as not to encroach detrimentally on existing authorised developments.*

The subject property is also identified on Figure 9 of the Strategy to contain Gravel Resources.

Local: *Shire of Chittering Local Biodiversity Strategy 2010*

It is deemed the application does not impact on the aims and objectives of this Strategy. The proposed excavation areas are mostly cleared and are not within areas of High Conservation Value or a Linkage identified in this Strategy.

### **Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic Implications

The proposal could provide the opportunity for local employment and provide gravel material for the locality. It could also be viewed during the currency of the extractive industry approval neighbouring properties may devalue due to impact on amenity of rural lifestyle.

#### Social Implications

Based on the submissions received from the public, the public perception is that the proposal may impact negatively upon landowners in the locality. The submissions raised a number of concerns specifically relating to the health concerns of dust contamination.

#### Environmental Implications

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

### **Comment**

The application presented to Council is for the 'renewal' of an extractive industry. The previous planning approval for the extractive industry on the property expired June 30, 2012. The Applicant may be proposing to continue the excavation of gravel on the property as was done previously, however it should be dealt with as a new application for planning approval. The assessment of the application shall consider the previous operations and matters, but any determination shall be made on the merits of the application provided.

The application makes note of the site being identified in *the Statement of Planning Policy 2.4*. Review of this document does not indicate Lot 7 to be identified as a Priority Resource Location, Key Extraction Area or Extraction Area.



In respect to the requirements under the Shire's Town Planning Scheme, the objectives of the zone can be met, subject to conditions imposed as part of an approval. The objective that is particularly relevant is to "allow for extraction of basic raw materials where it is environmentally and socially acceptable". The submissions received from Council indicate there are social implications as a result of this proposal. It is deemed that the conditions imposed in the recommendation and the comments made below address the core issues.

#### Excavation Areas

In reference to the previous extractive industry for gravel on the property leading up to 30 June 2012, the applicant has altered a number of measures to the excavation of the site. The proposed excavation area has increased to incorporate a total area of approximately 35ha. The excavation areas have extended further to the west of the previous excavation areas. The previous approved excavation areas have yet to be excavated and exhausted. The extension and increase in total area to be excavated raises concerns of compliance issues, particularly considering the complaints received in relation to dust nuisance and previous non-compliance of excavating outside of the approved areas.

The requirement of a suitable buffer has been set at the State Administrative Tribunal (SAT) in 2006 as part of the previous planning approval. It was determined by the Tribunal that a 500m buffer was suitable and did not require to be wholly contained within the subject property. The application makes note to the 300–500m buffer requirement for sand/limestone excavation as being applicable to the proposal. As stated in the report, the EPA Guidance Statement does stipulate a buffer for the excavation of hard rock and gravel and therefore the mention of the 300–500m in the report is not correct. Due to the determination of the SAT case relating to the buffer requirement of the previous extractive industry approval on the property; it is deemed that a minimum 500m buffer shall apply.

#### Excavation Process

The application makes note the excavation is to occur in two areas within the proposed excavation areas. One area, noted as Resource 2 in the application, requires the use of a 'Surface Miner' with an open pit of at least 3–4ha. The other area, noted as Resource 2 in the application, is for the excavation of natural gravel and proposes an open pit of 2–4ha.

Whilst it is understood the excavation of the two areas provides benefits to the operator, it will be difficult for Council to control and monitor excavation with such a large scope, in particular the ongoing rehabilitation which is to occur. It is recommended that should Council approve the application, the area of open excavation to be specifically stipulated as a condition of approval.

It is also recommended that should Council approve the application, the equipment to be used for operations on site be listed as a condition of approval. This is the view of the Department of Planning and is deemed to be appropriate.

#### Dust Management

The application has addressed the management of dust with a management plan within the report. The application does make note of the operator to comply with the conditions of the DEC Licence, including the conditions specific to dust. The application does note the main risk of dust from the site being from truck transport along the access road on the property. This internal access road has created a number of dust complaints and concerns with Council in the previous extractive industry approval due to lack of maintenance, management and ability to reduce dust by the



operator. It is recommended that, should Council support the application, to minimise dust conditions be imposed requiring the following:

- Upgrade to a chemical stabilising seal of the internal access road to reduce dust emissions.
- Restrict excavation between May and October.
- Limit excavation to a 1ha area at any one time.

#### Rehabilitation Management

The proposed rehabilitation process is to be progressive with the excavation. It is unclear as to what point or stage of excavation that rehabilitation is to occur. The applicant has proposed a total of up to 8ha of open pit. This leads Council to believe the operator will not commence any rehabilitation until the excavation exceeds the 8hectares. A more acceptable process would be for a limit of 1hectare of open excavation at any one time over the entire excavation area. This provides a much better outcome as it will reduce dust emissions, controls excavation to one area rather than segmented and ensures rehabilitation will occur in order for further excavation to be undertaken. Over the life of the excavation on the property, some rehabilitation has occurred. It is pertinent to Council to ensure that best practices are continued.

#### Submissions

The submissions received from the public raised a number of concerns to the existing and future issues of excavation on the property. The main concerns related to dust and the potential health risks associated with the excavation operation on surrounding landowners. It has been mentioned in the submissions that nearby landowners have been affected by dust contamination as a result of the excavation at Lot 7. A recommendation of a public submission was to impose dust monitoring onto the Applicant. What should be considered as reasonable and appropriate measures to ensure dust is minimised; is the provision of an appropriate buffer and compliance to the dust management plan. It is deemed that the recommendations listed above in relation to the dust management will address the issues raised.

Main Roads WA has objected to the proposal in their submission. The details of their submission are listed in the Schedule of Submissions. In brief Main Roads WA objected to the proposal as the access to Great Northern Highway requires upgrading at the applicants cost. It is deemed that should Council approve the application, the upgrade of the access shall be undertaken to the satisfaction of Main Roads WA prior to the commencement of any site works and/or an excavation licence being issued.

#### **Officer Recommendation**

As provided in the Officer's Recommendation in the report, it is considered that the proposed extractive industry for gravel should be supported by Council, subject to conditions. The proposal and its supporting Excavation-Rehabilitation Management Plan meet the requirements of the Scheme and Local Planning Policy referred to in the report. The main concerns relating to this proposal have been the submissions received from the public. The submissions have raised a number of relevant issues to this proposal and excavation activities that have occurred in the past. It is believed these concerns can be addressed and managed with the recommendation provided.



**9.1.3 Proposed Change of Use (Transport Depot) – Lot 6 (RN 290) Brand Highway, Muchea\***

<b>Applicant</b>	Brand Highway Pty Ltd
<b>File ref</b>	A3028
<b>Prepared by</b>	Scott Penfold, Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

<b>Attachments</b>	1. Locality Plan 2. Site Plan and Applicants Submission 3. Site Photographs 4. Schedule of Submissions
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**COUNCIL RESOLUTION - 050712**  
**Moved Cr Hawes / Seconded Cr Norton**

**That Council:**

1. **support the proposed transport depot at Lot 6 (RN 290) Brand Highway, Muchea, subject to the following condition:**
  - (a) **Approval being sought from Main Roads Western Australia and the Public Transport Authority for the proposed access to the Transport Depot and evidence of these approvals being provided to the Shire of Chittering.**
2. **upon completion of the above, delegates authority to the Chief Executive Officer to issue Planning Approval for the proposed transport depot at Lot 6 (RN290) Brand Highway, Muchea, subject to the following conditions and providing the following advice notes:**
  - (a) **The proposed railway crossing and intersection with Brand Highway to be designed and constructed in accordance with the engineering specifications of Main Roads Western Australia and the Public Transport Authority.**
  - (b) **Railway Road being constructed to the engineering specifications of the Shire of Chittering and the satisfaction of the Chief Executive Officer.**
  - (c) **A Traffic Management Plan, incorporating the potential number of vehicles and including hours of operation, being prepared, approved and implemented for the site by the Applicant to the satisfaction of the Chief Executive Officer.**
  - (d) **Short Term Laydown Zone and Transport Depot areas to be adequately filled, sealed and drained to minimise the impact dust on the surrounding properties be bunded and drained to catch hydrocarbons, to the satisfaction of the Chief Executive Officer.**
  - (e) **Short Term Laydown Zone and Transport Depot areas are to be setback 30m from lot boundaries and 100m from Brand Highway.**
  - (f) **The Applicant must obtain appropriate permits from Main Roads Western Australia for heavy haulage vehicle usage on all of the proposed access roads in the Restricted Access Vehicles network. The Applicant must apply in writing to the Shire of Chittering if they require use of Shire roads not on the Restricted Access Vehicle network.**
  - (g) **Evidence is provided to Council to the satisfaction of the Chief Executive Officer that the Transport Depot is located a minimum distance of 200m from all**



surrounding residences and sensitive land uses.

- (h) Provision of satisfactory screening along the property boundaries to the satisfaction of the Chief Executive Officer within a period of twelve (12) months.
- (i) Satisfactory screening is implemented within the Railway Road, road reserve to provide screening for the existing Hay Australia use on the subject site to Brand Highway.
- (j) The proposed Landscaped Stormwater Runoff Purification Swale to include a Hydrocarbon Separator and a Nutrient Stripping Pond and to be constructed to the engineering requirements of the Shire of Chittering.
- (k) The provision of bunded wash down facilities, with stormwater and hard-stand water to be directed to a revegetated swale drain, to minimise the impact of any spills resulting from on-site servicing of vehicles and equipment.
- (l) The development shall comply with the *Environmental Protection (Noise) Regulations 1997*.
- (m) Off-vehicle storage of any products being transported is not permitted anywhere on site.
- (n) Any servicing of plant and equipment shall be carried out within a confined concrete floor area such as a shed, and such area shall have sufficient bunding and spill trays to minimise the impact from any spills as a result of onsite servicing.
- (o) Any further developments on site shall be the subject of subsequent planning applications/approvals.
- (p) If the development (the subject of this approval) is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- (q) Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

#### **Advice Notes**

1. With regard to Conditions 2(c), (d), (e), (g), (k) and (l), the Applicant should contact the Shire's Engineering Department to obtain specifications and standards required for this site.
2. With regard to Conditions 2(i), (j), vegetation is to be maintained for a period of two summers from the implementation of the approval.
3. With regard to Conditions 2(i), (j), the Applicant is to liaise with Chittering Landcare regarding the species and distribution of planting.
4. This approval does not include the proposed Truck Maintenance Workshop, Warehouse or Administration Office shown on the Overall Site Plan, nor any other buildings on the site. A separate Application for Planning Approval will be required for any proposed buildings or additional land uses.
5. The Applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal Office within twenty-eight (28) days of Council's decision.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/0**



### OFFICER RECOMMENDATION

Moved Cr Hawes / Seconded Cr Norton

That Council:

1. support the proposed transport depot at Lot 6 (RN 290) Brand Highway, Muchea, subject to the following condition:
  - (a) Approval being sought from Main Roads Western Australia and the Public Transport Authority for the proposed access to the Transport Depot and evidence of these approvals being provided to the Shire of Chittering.
2. upon completion of the above, delegates authority to the Chief Executive Officer to issue Planning Approval for the proposed transport depot at Lot 6 (RN290) Brand Highway, Muchea, subject to the following conditions and providing the following advice notes:
  - (a) The proposed railway crossing and intersection with Brand Highway to be designed and constructed in accordance with the engineering specifications of Main Roads Western Australia and the Public Transport Authority.
  - (b) Railway Road being constructed to the engineering specifications of the Shire of Chittering and the satisfaction of the Chief Executive Officer.
  - (c) A Traffic Management Plan being prepared, approved and implemented for the site by the Applicant to the satisfaction of the Chief Executive Officer.
  - (d) Short Term Laydown Zone and Transport Depot areas to be adequately filled, sealed and drained to minimise the impact dust on the surrounding properties to the satisfaction of the Chief Executive Officer.
  - (e) Short Term Laydown Zone and Transport Depot areas are to be setback 30m from lot boundaries and 100m from Brand Highway.
  - (f) The Applicant must obtain appropriate permits from Main Roads Western Australia for heavy haulage vehicle usage on all of the proposed access roads in the Restricted Access Vehicles network. The Applicant must apply in writing to the Shire of Chittering if they require use of Shire roads not on the Restricted Access Vehicle network.
  - (g) Evidence is provided to Council to the satisfaction of the Chief Executive Officer that the Transport Depot is located a minimum distance of 200m from all surrounding residences and sensitive land uses.
  - (h) Provision of satisfactory screening to a width of 30m along the property boundaries to the satisfaction of the Chief Executive Officer.
  - (i) Satisfactory screening is implemented within the Railway Road, road reserve to provide screening for the existing Hay Australia use on the subject site to Brand Highway.
  - (j) The proposed Landscaped Stormwater Runoff Purification Swale to include a Hydrocarbon/Nutrient Stripping Pond and to be constructed to the engineering requirements of the Shire of Chittering.
  - (k) The provision of wash down facilities, with stormwater and hard-stand water to be directed to a revegetated swale drain, to minimise the impact of any spills resulting from on-site servicing of vehicles and equipment.
  - (l) The development shall comply with the *Environmental Protection (Noise) Regulations 1997*.
  - (m) Storage of any products being transported is not permitted anywhere on site.
  - (n) Any servicing of plant and equipment shall be carried out within a confined concrete floor area such as a shed, and such area shall have sufficient bunding and spill trays to minimise the impact from any spills as a result of onsite servicing.
  - (o) Any further developments on site shall be the subject of subsequent planning applications/approvals.
  - (p) If the development (the subject of this approval) is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.



- (q) Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Advice Notes

1. With regard to Conditions 2(c), (d), (e), (g), (k) and (l), the Applicant should contact the Shire's Engineering Department to obtain specifications and standards required for this site.
2. With regard to Conditions 2(i), (j), vegetation is to be maintained for a period of two summers from the implementation of the approval.
3. With regard to Conditions 2(i), (j), the Applicant is to liaise with Chittering Landcare regarding the species and distribution of planting.
4. This approval does not include the proposed Truck Maintenance Workshop, Warehouse or Administration Office shown on the Overall Site Plan, nor any other buildings on the site. A separate Application for Planning Approval will be required for any proposed buildings or additional land uses.
5. The Applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal Office within twenty-eight (28) days of Council's decision.

**AMENDMENT**

**Moved Cr Norton / seconded Cr Mackie**

**That condition (j) be amended by separating the words *'Hydrocarbon/Nutrient'* so that it reads *'Hydrocarbon Separator and a Nutrient Stripping Pond'*.**

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

**Moved Cr Norton / seconded Cr Rossouw**

**That condition (k) be amended by adding the word *'bundled'* before the words *'wash down'*.**

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

**Moved Cr Norton / seconded Cr Mackie**

**That condition (d) be amended by including the words *'be bundled and drained to catch hydrocarbons,'* after the words *'surrounding properties'*;**

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**



**AMENDMENT**

Moved Cr Rossouw / seconded Cr Mackie

That condition (h) be amended to read as follows:

*“Provision of satisfactory screening along the property boundaries to the satisfaction of the Chief Executive Officer within a period of twelve (12) months.”*

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

Moved Cr Hawes / seconded Cr Douglas

That condition (c) be amended by including the words *‘incorporating the potential number of vehicles and including hours of operation,’* after the words *‘Traffic Management Plan’*.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

Moved Cr Norton / seconded Cr Rossouw

That condition (m) be amended by including the words *‘Off-vehicle’* at the beginning of the condition.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**Background**

Council has received an application for planning approval with regards to a proposed Transport Depot submitted by Brand Highway Pty Ltd.

A previous approval exists for a Rural Industry (hay pressing). The approval was granted on 8 June 2000. This approval applies to approximately 3ha of the site and is located in the north western corner and used by Hay Australia Pty Ltd. A number of other approvals relate to the site and the slow expansion of the hay pressing business.

The application provides limited details as to the operations, including the types of trucks using the transport depot, hours of operation proposed and the upgrades (if any) needed to the existing access situation.

**Consultation**

As part of the advertisement process required under *Town Planning Scheme No 6*, clause 9.4, letters were sent to all adjoining owners requesting feedback regarding the proposal. No feedback was received from the surrounding landowners.

The proposal was also forwarded to the following referral agencies for comment:

- Main Roads Western Australia (MRWA)
- Brookfield Rail (being the lessee/operator of the railway line neighbouring the property)
- Ellen/Brockman Integrated Catchment Group.



Following the submission of Brookfield Rail and further liaison with the applicant, the proposal was also forwarded to the Public Transport Authority for its comment, as it is the approval authority for railway crossings, whilst Brookfield Rail is the lessee of its assets.

Details of the submission responses can be found in the Schedule of Submissions attached to this report. A short summary is provided below:

MRWA commented:

- Stacking on the railway crossing is to meet the requirements of MRWA.
- The existing access is designed and upgraded to the standards of MRWA at the applicants cost.
- The approval of the West Australian rail authority is sought for the proposal.

Brookfield Rail commented:

- The existing crossing used for access to Hay Australia is a private crossing.
- A Level Crossing Agreement does not exist for the private crossing, nor would one likely be supported.
- The close proximity of the level crossing and current issues with short-stacking to Brand Highway would preclude any extended/expanded use.
- It proposed the use of Railway Road, which is an unconstructed road reserve connecting to Edwards Place, Muchea, for access to both the proposed Transport Depot and Hay Australia as a resolution to the issues with the existing access.

The Public Transport Authority commented:

- It supported Brookfield Rail's submission.
- A Level Crossing Agreement was not in place and the crossing was not included in the level crossings register of the Public Transport Authority, hence may be an unapproved private crossing.

**Statutory Environment**

Local: *Shire of Chittering Town Planning Scheme No.6*

The zoning of the land is '**Agricultural Resource**'. The objectives of the zone are:

- *To preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner.*
- *To protect the landform and landscape values of the district against despoliation and land degradation.*
- *To encourage intensive agriculture and associated tourist facilities, where appropriate.*
- *To allow for the extraction of basic raw materials where it is environmentally and socially acceptable.*

The proposed land use definition under scheme is listed as Transport Depot, which under the scheme has a definition of:

*"means premises used for the garaging of two (2) or more motor vehicles, used or intended to be used for carrying of goods or persons for hire or reward, or for the transfer of goods or persons, and includes maintenance and repair of the vehicles, used but not for other vehicles"*

This particular use is an "A" use under the scheme which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.



The proposal is also identified within the Water Prone Special Control Area of the Scheme. Clause 6.3.3 outlines the Planning Requirements as outlined below:

*“The Local Government will impose conditions on any Planning Approval relating to-*

- a) the construction and occupation of any dwelling or outbuilding;*
- b) the type of effluent disposal system used in this area shall be high performance with bacterial or nutrient stripping capability to the specifications of Council and the Health Department and shall be located in a position determined by Council;*
- c) minimum floor levels for any building above the highest known water levels;*
- d) any land use that may contribute to the degradation of the surface or sub-surface water quality;*
- e) no development other than for conservation purposes will be permitted within 30 metres of any natural water body;*
- f) damming, draining or other development which may alter the natural flow of surface water will not be permitted unless such works are part of an approved Catchment Management Plan.”*

Clause 10.2 of the Scheme outlines the matters to be considered by the local government when considering an application for planning approval. Those relevant to the current application include:

- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (j) the compatibility of a use or development within its setting taking into consideration any Special Control Area;*
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (o) the preservation of the amenity of the locality;*
- (p) the relationship of the proposal 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 proposal;*
- (q) where the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) 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; and*
- (aa) any relevant submission received from any authority consulted under Clause 10.1.1.*

An outline of how the proposal addresses/does not address the above is included within the comments section of this report.

### **Policy Implications**

Local: *Local Planning Policy 18 – Setbacks*

*Local Planning Policy No.18* outlines the required minimum setbacks for development in the Shire of Chittering. Outlined in Section 5.7 (a) of the Policy are the setbacks applicable to buildings, dams and water tanks applicable in the ‘**Agricultural Resource**’ zone:

- Highway – 100m*
- Major Road – 50m*
- Other Road – 30m*
- Rear – 30m*
- Side – 30m*



State: *Environmental Protection Authority Guidance Statement No.3 – Separation Distance Between Industrial and Sensitive Land Uses*

The above document outlines the minimum separation distances required for industrial type land uses and other land uses considered sensitive, an example being residences. The document stipulates a minimum separation distance of 200metres for a Transport Vehicles Depot.

### **Financial Implications**

Nil

### **Strategic Implications**

The proposed Transport Depot is not specifically identified within the *Shire of Chittering Local Planning Strategy*.

The site is not identified within the *Muchea Employment Node Structure Plan 2011*. However, the proposed Loop Road of the Structure Plan will be located adjacent to the northern boundary of the site. Whilst the site currently has good transport connectivity, this is likely to improve as a result of the construction of the Perth-Darwin National Highway.

### **Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic Implications

If approved, the proposal has the ability to generate employment for local residents and support local businesses with transport needs.

#### Social Implications

Given the type of proposal, there may be on-going complaints regarding noise from the residents of Muchea Village. It is suggested that this be monitored and any complaints received as a result of the approval of the application be acted upon directly with the applicant.

#### Environmental Implications

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

### **Comment**

This application was originally submitted for a change of land use, with the Overall Site Plan submitted at a later date as requested by the officer. With regard to the buildings shown on the Overall Site Plan, it is recommended that Council does not offer its Planning Approval for these buildings. The Applicant has advised that these buildings are indicative only and has not provided details on size, colouring or other matters to be considered by Council. These buildings are able to be approved at a later stage should Council be supportive of the change of land use proposed.

#### Shire of Chittering Town Planning Scheme No.6

The proposed transport depot is zoned '**Agricultural Resource**' where Transport Depot is an "A" use. Council has the ability to determine the application based on its merit and in consideration of the submissions received during the advertising period.

With regard to the matters to be considered by the Local Government, outlined in the Scheme, the following comments which correspond to Clause 10.2 of the Scheme (outlined previously):

- (e) A review was undertaken of State and Local Government Policies. Those applicable have been outlined in the planning context of this item.



- (j) The proposal lies within the Water Prone Special Control Area of the Scheme. As such it is subject to the planning considerations within the Special Control Area. As shown on the Overall Site Plan, the applicant proposes a Landscaped Stormwater Runoff Purification Swale to be located to the eastern, northern and southern lot boundaries. It was commented by the Ellen/Brockman Integrated Catchment Group that a Hydrocarbon/Nutrient Stripping Pond is implemented to treat drainage prior to entering a swale. It is recommended that Council require this two stage approach to treating run-off to ensure groundwater is not impacted by run-off.
- (m) As previously mentioned, it is recommended that Council require the applicant to integrate the two-stage drainage treatment system recommended by Ellen/Brockman Integrated Catchment Group.
- (o) The Overall Site Plan shows landscaping/screening being implemented along the northern, southern and eastern boundaries of the proposed Transport Depot. It was recommended by Ellen/Brockman Integrated Catchment Group that replanting occur to a width of 30m. It is recommended that Council require this replanting to occur in consultation with the Ellen/Brockman Integrated Catchment Group.

Although not shown on the Site Plan, liaison with the Applicant regarding the lack of screening on the frontage of Railway Road has occurred. The Applicant has advised that this was an oversight when the plans were being prepared and is supportive of this officer recommending the planting of screening vegetation in this location. This portion of the site is visible from Brand Highway (as shown in Attachment 3).

Upon site inspection, this officer also notes that the construction of Railway Road will remove a portion of remnant vegetation screening the Hay Australia Pty Ltd (hay pressing business) from Brand Highway. It is recommended that Council require vegetation to be replanted and maintained in road verge so that screening can be restored and the visual amenity of the locality is maintained.

- (p) As outlined previously, it is not recommended that Council offer its approval for the buildings shown on the Overall Site Plan. In regard to the size/scale of the proposed Transport Depot, whilst the proposal represents a significant size, there are no guidelines or restrictions in the Scheme or from State policy that limit this. The use of Transport Depot has been permitted to be established on '**Agricultural Resource**' zoned land throughout the Shire, although not at such a large scale.
- (q) Access represents the most important issues in regards to this application. Brookfield Rail has advised that it has no record of a Level Crossing Agreement being in place for access to the property. Given that, it does not support the extended/expanded use on the property, a position that is supported by the Public Transport Authority. Furthermore, the suggestion of the use of Railway Road for access via Edwards Place is not desirable, as based on the following:
- Railway Road is unconstructed and would require construction and clearing by the applicant for 350metres for access to the proposal;
  - The intersection of Edwards Place and Brand Highway is located in close proximity to the Muchea Level Crossing. Brookfield Rail has advised this officer verbally that if this option was to be supported, it would be required for an ALCAM (Australian Level Crossing Assessment Model) to be applied. This would determine the safety of the crossing, any upgrades required and if the intersection is a safe distance to ensure safe precautions can be applied;



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- The use of Edwards Place is not supported as this is a residential road servicing a small number of properties. There is likely to be complaints arising from noise, dust and hours of operation should this road be used for access; and
- The primary reason for the location of the proposed transport depot on Brand Highway would be to support heavy haulage vehicles serving the northern regions of the state. This could be used for oversized loads, long vehicles and other vehicles not considered appropriate on such a minor road.

Mains Roads Western Australia recommended that the proposed intersection is to its specifications and commented that the West Australian Rail Authority provides its approval for the use of the level crossing.

Based on the above, it is recommended that Council require the Applicant to gain the approval of Main Roads Western Australia and the Public Transport Authority (being the West Australian Rail Authority) as a condition of Planning Approval. If this is not forthcoming, the applicant will have to find a suitable alternative access to the satisfaction of the Shire of Chittering and other authorities or the proposed Transport Depot will be unable to proceed.

Comment was sought from the Engineering Department regarding the construction of Railway Road. Based on preliminary assessment, this does not seem to be an issue, provided it is constructed to the engineering specifications of the Shire of Chittering. It was also recommended that the applicant get the required permits from Main Roads Western Australia to use Railway Road for heavy haulage vehicles, which has been included as a condition of planning approval in the officer's recommendation.

It is recommended that Council require the submission of the Traffic Management Plan for the proposal, given that details regarding the access and egress from the site are not included in the proposal.

- (r) Details regarding the likely traffic flow from proposal have not been provided by the Applicant. However, it should be noted by Council that the approval of Main Roads Western Australia and the Public Transport Authority will require these details when considering the proposed access to the site. It will also be required that this is specified by the Applicant in the preparation of the Traffic Management Plan.
- (w) The Applicant has outlined in the Schedule of Submissions that landscaping/screening will be implemented as per the recommendations of the Ellen/Brockman Integrated Catchment Group.
- (aa) As per the above, submissions were received from the Ellen/Brockman Integrated Catchment Group, Main Roads Western Australia, Brookfield Rail and the Public Transport Authority (refer to the Schedule of Submissions in Attachment 4).

Local Planning Policy No 18 – Setbacks (LPP 18)

As outlined above, it is not recommended that Council issue its approval to the buildings outlined on the Overall Development Plan. LPP 18 relates specifically to the construction of buildings, dams and water tanks. However, in this case, it is recommended that Council impose similar setbacks, the number and size of vehicles possibly using the proposed Transport Depot is likely to merit increased setbacks.



Environmental Protection Authority Guidance Statement No 3

Guidance Statement No 3 recommends a setback of 200metres to Transport Vehicles Depots from sensitive land uses. A review has been undertaken of the surrounding lots and it does not seem that sensitive land uses are located closer than 200metres. It is recommended that Council require the applicant to submit a plan showing nearby sensitive land uses and demonstrate that these are not within 200metres.



**9.1.4 Proposed Change of Use (Transport Depot) – Lot 700 (RN 6) Muchea East Road, Muchea\***

<b>Applicant</b>	M and S Cervantes
<b>File ref</b>	A10173
<b>Prepared by</b>	Scott Penfold, Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

<b>Attachments</b>	1. Locality Plan 2. Site Plan 3. Site Photographs 4. Amended Site Plan
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**COUNCIL RESOLUTION - 060712  
Moved Cr Mackie / Seconded Cr Hawes**

That Council grants planning approval for the proposed transport depot at Lot 700 (RN 6) Muchea East Road, Muchea, subject to the following conditions:

1. There is to be no more than ten (10) commercial vehicles - comprising of five (5) prime movers and five (5) attachments - located on the site at any one time.
2. The driveway and hard-stand area to be adequately filled, sealed and drained to minimise the impact of dust and runoff on the surrounding properties to the satisfaction of the Chief Executive Officer.
3. Turn around and hard-stand areas are to be setback 20m from Great Northern Highway, 30m from creekline on 3488 Great Northern Highway, Muchea and 10m from all other lot boundaries with the provision of satisfactory screening, within a period of twelve months from the date of approval, to the satisfaction of the Chief Executive Officer.
4. The crossover is located on the eastern property boundary as per the Amended Site Plan and constructed to the Shire's specifications and standards to the satisfaction of the Chief Executive Officer.
5. The existing crossover to the house is to be removed. A driveway is to be constructed connecting the house to the new crossover as per the Amended Site Plan to the Shire's specifications and standards to the satisfaction of the Chief Executive Officer.
6. The Applicant must obtain appropriate permits from Main Roads Western Australia for heavy haulage vehicle usage on all of the proposed access roads in the Restricted Access Vehicles network. The Applicant must apply in writing to the Shire of Chittering if they require use of Shire roads not on the Restricted Access Vehicle network.
7. The Applicant must supply satisfactory evidence to the Shire demonstrating that Western Power approves of access under its power lines and there is satisfactory clearance for high heavy haulage vehicles.
8. The development shall comply with the *Environmental Protection (Noise) Regulations 1997*.
9. Any servicing of plant and equipment shall be carried out within a confined concrete floor area such as a shed, and such area shall have sufficient bunding and spill trays to minimise the impact from any spills as a result of onsite servicing;
10. No direct access is permitted on Great Northern Highway without approval from Main Roads WA;



11. The provision of bunded wash down facilities, with stormwater and hard-stand water to be directed to a revegetated swale drain, with incorporated Hydrocarbon Separator and Nutrient Stripping Pond, to minimise the impact of any spills resulting from on-site servicing of vehicles and equipment. The vegetated swale drain is to be located a minimum of 30m from the creek line on 3488 Great Northern Highway, Muchea.
12. Remnant trees being retained on the site to the satisfaction of the Chief Executive Officer.
13. Off-vehicle storage of any products being transported is not permitted anywhere on site.
14. Any further developments on site shall be the subject of subsequent planning applications/approvals.
15. If the development the subject of this approval is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
16. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

#### **Advice Notes**

1. With regard to condition 1, the applicant is advised that a maximum of five (5) prime movers will be permitted on site at any one time. Commercial vehicles are defined as in the Scheme, whereby trailers and other attachments are counted separately to prime movers.
2. With regard to conditions 2, 4, 5 and 6, the applicant should contact the Council's Engineering Services to obtain specifications and standards required for this site.
3. The Applicant is advised the Main Roads Western Australia requires permits for the use of heavy haulage vehicles on its roads and these will be required for vehicles using the Transport Depot.
4. The Applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal Office within twenty-eight (28) days of Council's decision.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/0**

#### **OFFICER RECOMMENDATION**

Moved Cr Mackie / Seconded Cr Hawes

That Council grants planning approval for the proposed transport depot at Lot 700 (RN 6) Muchea East Road, Muchea, subject to the following conditions:

1. There is to be no more than ten (10) commercial vehicles - comprising of five (5) prime movers and five (5) attachments - located on the site at any one time.
2. The driveway and hard-stand area to be adequately filled, sealed and drained to minimise the impact of dust and runoff on the surrounding properties to the satisfaction of the Chief Executive Officer.
3. Turn around and hard-stand areas are to be setback 20m from Great Northern Highway, 30m from creekline on 3488 Great Northern Highway, Muchea and 10m from all other lot boundaries with the provision of satisfactory screening to the satisfaction of the Chief Executive Officer.



4. The crossover is located on the eastern property boundary as per the Amended Site Plan and constructed to the Shire's specifications and standards to the satisfaction of the Chief Executive Officer.
5. The existing crossover to the house is to be removed. A driveway is to be constructed connecting the house to the new crossover as per the Amended Site Plan to the Shire's specifications and standards to the satisfaction of the Chief Executive Officer.
6. The Applicant must obtain appropriate permits from Main Roads Western Australia for heavy haulage vehicle usage on all of the proposed access roads in the Restricted Access Vehicles network. The Applicant must apply in writing to the Shire of Chittering if they require use of Shire roads not on the Restricted Access Vehicle network.
7. The Applicant must supply satisfactory evidence to the Shire demonstrating that Western Power approves of access under its power lines and there is satisfactory clearance for high heavy haulage vehicles.
8. The development shall comply with the *Environmental Protection (Noise) Regulations 1997*.
9. Any servicing of plant and equipment shall be carried out within a confined concrete floor area such as a shed, and such area shall have sufficient bunding and spill trays to minimise the impact from any spills as a result of onsite servicing;
10. No direct access is permitted on Great Northern Highway without approval from Main Roads WA;
11. The provision of wash down facilities, with stormwater and hard-stand water to be directed to a revegetated swale drain, with incorporated Hydrocarbon/Nutrient Stripping Pond, to minimise the impact of any spills resulting from on-site servicing of vehicles and equipment. The vegetated swale drain is to be located a minimum of 30m from the creek line on 3488 Great Northern Highway, Muchea.
12. Remnant trees being retained on the site to the satisfaction of the Chief Executive Officer.
13. Storage of any products being transported is not permitted anywhere on site.
14. Any further developments on site shall be the subject of subsequent planning applications/approvals.
15. If the development the subject of this approval is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
16. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

#### Advice Notes

1. With regard to condition 1, the applicant is advised that a maximum of five (5) prime movers will be permitted on site at any one time. Commercial vehicles are defined as in the Scheme, whereby trailers and other attachments are counted separately to prime movers.
2. With regard to conditions 2, 4, 5 and 6, the applicant should contact the Council's Engineering Services to obtain specifications and standards required for this site.
3. The Applicant is advised the Main Roads Western Australia requires permits for the use of heavy haulage vehicles on its roads and these will be required for vehicles using the Transport Depot.
4. The Applicant is advised that if the Shire of Chittering's Engineering Department is not satisfied with the current crossover location, it may be required to be relocated to Great Northern Highway, subject to required permits being obtained and Mains Roads Western Australia being agreeable.



5. The Applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal Office within twenty-eight (28) days of Council's decision.

**AMENDMENT**

**Moved Cr Norton / seconded Cr Douglas**

That condition 11 be amended to read as follows:

*"The provision of bunded wash down facilities, with stormwater and hard-stand water to be directed to a revegetated swale drain, with incorporated Hydrocarbon Separator and Nutrient Stripping Pond, to minimise the impact of any spills resulting from on-site servicing of vehicles and equipment. The vegetated swale drain is to be located a minimum of 30m from the creek line on 3488 Great Northern Highway, Muchea."*

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

**Moved Cr Hawes / seconded Cr Mackie**

That Advice Note 4 be deleted and the remaining Advice Notes be renumbered accordingly.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

**Moved Cr Rossouw / seconded Cr Hawes**

That condition 3 be amended by including the words '*within a period of twelve months from the date of approval,*' after the words '*satisfactory screening*'.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT**

**Moved Cr Mackie / Cr Norton**

That condition 13 be amended by including the words '*Off-vehicle*' at the beginning of the condition.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**Background**

Council has received an application for planning approval with regards to a proposed transport depot submitted by Miguel and Susan Cervantes. The transport depot is currently being operated without Council approval and this approval will formalise the use.

No details have been given on the proposal in regards to truck size, amount of fill needed for the site or the hours of operation. The proposal is of a relatively small scale. Five trucks are proposed to be kept on-site with access from Muchea East Road. A site inspection was undertaken on the 3 July 2012 which revealed that three (3) prime movers, a tractor and a number of trailers were



already located on the site. Also, an informal driveway and gate have been constructed down the eastern boundary of the property, as depicted on the Site Plan.

Whilst five trucks are proposed to be kept on site, no detail is provided as to the number of trailers, attachments or any other article to be attached to them. These are defined as "Commercial Vehicles" by the Scheme and are counted separately from prime movers or trucks.

Muchea East Road forms the main access for WAMIA Saleyards, the Chittering Valley and the predominant rural residential area of the Shire of Chittering. The vehicle volume accessing the site will be minimal compared to the traffic which uses Muchea East Road overall.

### Consultation

As part of the advertisement process required under *Town Planning Scheme No 6 clause 9.4*, letters were sent to all adjoining owners requesting feedback regarding the proposal. No objections were received to the proposal. The proposal was also referred to Main Roads Western Australia for its comment. Main Roads Western Australia informally commented:

- The access to Muchea East Road should be located as far east as possible to reduce conflict with the Brand Highway and Great Northern Highway intersection; and
- Heavy haulage vehicles using the site will require appropriate permits from Main Roads Western Australia for the use of the Restricted Access Vehicle (RAV) network, given the likelihood that these vehicles will be utilising Mains Roads Western Australia controlled roads.

The Shire's Engineering Department also raised the following concerns:

- The crossover should not be constructed close to the intersection of Brand Highway and Great Northern Highway and should be located adjacent to the eastern property boundary;
- The existing crossover should be removed, as only one crossover is needed for the property, which should be located as far as possible from the intersection;
- The crossover is required to be constructed to Shire of Chittering specifications for heavy haulage vehicles;
- Internal driveways and hardstand areas are required to be constructed to the specifications of the Shire of Chittering;
- The applicant will be required to apply in writing to the Shire if they require use of Shire roads not on the Mains Roads Western Australia RAV network; and

### Statutory Environment

The zoning of the land is '**Agricultural Resource**'. The objectives of the zone are:

- *To preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner.*
- *To protect the landform and landscape values of the district against despoliation and land degradation.*
- *To encourage intensive agriculture and associated tourist facilities, where appropriate.*
- *To allow for the extraction of basic raw materials where it is environmentally and socially acceptable.*

The proposed land use definition under scheme is listed as '**Transport Depot**', which has the following definition in the Scheme:

*"means premises used for the garaging of two (2) or more motor vehicles, used or intended to be used for carrying of goods or persons for hire or reward, or for the transfer of goods or persons, and includes maintenance and repair of the vehicles, used but not for other vehicles"*

This particular use is an 'A' use under the scheme which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.



With regards to the definition of vehicle to be applied to the site, it will be for the parking of 'Commercial Vehicles', which has the following definition in the Scheme:

*“Means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them or any earthmoving machine whether self-propelled or not. The term shall not include a vehicle designed for the use as a passenger car, or a van, utility or light truck which is rated by the manufacturer to cart loads of not more than 1.5 tonnes.”*

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

The proposal falls under the proposed Employment Node as identified in the Shire of Chittering Local Planning Strategy. The proposed Transport Depot use would be complementary to the proposed node.

### **Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic Implications

If approved, the proposal has the ability to generate employment for local residents.

#### Social Implications

Given the type of proposal, there may be on-going complaints about noise from the residents of Muchea East Road. It is suggested that this be monitored and any complaints received as a result of the approval of the application be acted upon directly with the applicant.

#### Environmental Implications

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

### **Comment**

The proposed transport depot is located within the Muchea Employment Node Structure Plan where a transport depot is an identified use. "Transport Depot" is identified as a use which requires notifications of the surrounding landowners and the consideration of the Council. The proposal is of a relatively small scale, including only a turn around and parking area for five (5) prime movers.



### Statutory Requirements

#### Shire of Chittering Town Planning Scheme No 6

The proposal is subject to the discretion of Council. Given this land use has been consistently approved in the surrounding area, it is believed the proposal will be consistent with the requirements of the Scheme.

### Access

Access to the proposal is from Muchea East Road, with an additional gate and crossover to be provided in the northeast corner of the property. This is considered the best point of access for the proposal, given it is located at the furthest distance from the intersection of Great Northern Highway and Muchea East Road/Brand Highway. To ensure that the new crossover is sufficiently distanced from the existing, it is recommended that Council impose a condition requiring that the crossover be located on the eastern boundary of the property.

With regards to the existing crossover, this is deemed to be in an undesirable location for use by the existing house, being directly adjacent to the intersection. It is recommended that Council require that the existing crossover is removed as a condition of the proposal. There is sufficient area within the property for the existing driveway to be connected to the proposed new crossover.

There is approximately 40m distance between the proposed crossover and the existing crossover accessing the transport depot to the north. This is sufficient to ensure safe traffic ingress and egress from both of the respective sites.

### Hours of Operation

No mention of the hours of operation has been made within the application for planning approval. It is recommended that Council require the development to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

### Precedent

Three other transport depots have been approved in the vicinity, one opposite on Lot 202 (approved 15 July 2009), on the north side of Muchea East Road, one adjoining the subject land to the east on Lot 701 (approved 22 October 2009) and the other opposite on Lot 1606 Great Northern Highway. Since the approvals have been issued, no complaints have been received.

### Site Treatment

No details have been provided on the level of fill required on the site. It is recommended that Council require the applicant to fill the site to the satisfaction of the Engineering Department of the Shire of Chittering.

### Setbacks

The Site Plan does not specifically detail the setback to the turnaround and hard-stand areas. This is not outlined in Council policy or the Scheme either. With regards to setbacks, these are outlined within the Local Planning Policy No 18. However, these apply only to buildings (including retaining walls), dams and tanks. It is recommended that Council require a setback of 10m to side and rear lot boundaries and a 20m setback to Great Northern Highway as shown on the Amended Site Plan. This will enable the planting of sufficient screening to the satisfaction of the Chief Executive Officer of the Shire of Chittering.



**9.1.5 Scheme Amendment for Additional Use – Lot T526/3 (RN 126) Payne Street, Muchea\***

**Applicant** Manchil IPM Services  
**File ref** 18/02/16, A9202  
**Prepared by** Brendan Jeans, Senior Planner  
**Supervised by** Azhar Awang, Executive Manager Development Services  
**Voting requirements** Simple Majority  
**Documents tabled** Nil

**Attachments**

1. Locality Plan
2. Scheme Amendment Documents
3. Schedule of Submissions

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070712**

**Moved Cr Norton / Seconded Cr Rossouw**

**That Council:**

1. in pursuance of Section 87 of the *Planning and Development Act 2005*, **adopts** Scheme Amendment No 47 by amending the Shire of Chittering’s *Town Planning Scheme No 6* by:

(a) **modifying** Schedule 3 – Additional Uses by inserting:

A16	Lot T526/3 Payne Street, Muchea	Insectary	Subject to planning approval
-----	---------------------------------	-----------	------------------------------

(b) **amending** the Scheme map accordingly.

2. **authorises** the Shire President and Chief Executive Officer to execute the Scheme Amendment documents and forward them to the Western Australian Planning Commission.

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0**

**Background**

Council at its meeting of 15 February 2012 resolved the following:

“That Council:

1. In pursuance of section 75 of the *Planning and Development Act 2005*. **Support** the initiation of amending the Shire of Chittering’s *Town Planning Scheme No 6* by:

(a) **Modifying** Schedule 3 – Additional Uses by inserting:

A16	Lot T526/3 Payne Street, Muchea	Insectary	Subject to planning approval
-----	---------------------------------	-----------	------------------------------

(b) **Amending** the Scheme Map accordingly.

2. **Number** the proposed amendment as ‘Amendment No 47’ of the Shire of Chittering *Town Planning Scheme No 6* and be **forwarded** to the Environmental Protection Authority for assessment in accordance with section 81 of the *Planning and Development Act 2005*, prior to advertising in accordance with the *Town Planning Regulations 1967*.”

Since passing the above resolution, the Scheme Amendment has been referred and advertised in accordance with the relevant legislation.



### Consultation

In accordance with the *Planning and Development Act 2005, Section 81*, the proposed amendment was forwarded to the Environment Protection Authority (EPA) who advised that the amendment would not require formal assessment.

The Scheme Amendment was advertised in accordance with sub regulation 25 of the *Town Planning Regulations 1967*. This included locating an advertising sign at the subject property, letter for opportunity to comment to relevant agencies, letter for opportunity to comment to affected landowners in the locality and an advertisement in the local newspaper.

The Scheme Amendment was advertised for a period of forty-two (42) days. A Schedule of Submissions is attached to this report.

### Statutory Environment

State: *Planning and Development Act 2005*  
*Town Planning Regulations 1967*

Local: *Shire of Chittering Town Planning Scheme No 6*

The subject property is a 'Townsite' zone. The objectives of this zone are:

- *To provide for a range of compatible uses within the Bindoon and Muchea townsites to provide for a high range of services, residential types, community and recreational facilities in a village with rural character;*
- *To prohibit land uses which may adversely affect the living and visual amenity of the location;*
- *To provide for the protection of the natural environment;*
- *To protect or enhance any local reserves.*

The property falls within the 'Water Prone Area - Ellen Brook Palusplain' Special Control Area:

### 6.3 WATER PRONE AREA – ELLEN BROOK PALUSPLAIN

**6.3.1** *Land subject to Inundation or flooding are delineated on the Scheme Map. Planning Approval is required for any development within the Special Control Area.*

#### 6.3.2 Purpose

- (a) *To manage development in areas where there is high risk of inundation so as to protect people and property from undue damage and where there is a potential risk to human health.*
- (b) *To preclude development and the use of land, which may increase the amount of nutrients from entering the surface and/or sub-surface water systems.*
- (c) *To ensure that wetland environmental values and ecological integrity are preserved and mentioned.*

#### 6.3.3 Planning Requirements

*The Local Government will impose conditions on any Planning Approval relating to-*

- (a) *the construction and occupation of any dwelling or outbuilding;*
- (b) *the type of effluent disposal system used in this area shall be high performance with bacterial and nutrient stripping capabilities to the specifications of Council and the Health Department and shall be located in a position determined by Council.;*
- (c) *minimum floor levels for any building above the highest known water levels;*
- (d) *any land use that may contribute to the degradation of the surface or sub-surface water quality.*
- (e) *no development other than for conservation purposes will be permitted within 30 metres of any natural water body;*



- (f) *damming, draining or other developments which may alter the natural flow of surface water will not be permitted unless such works are part of an approved Catchment Management Plan.*

#### **6.3.4 Relevant Considerations**

*In considering applications for Planning Approval, the Local Government shall have regard to-*

- (a) *the likely impact on the health and welfare of future occupants;*
- (b) *the proposed activities for the land and their potential increase in the risk of causing an increase in nutrients entering the water regimes;*
- (c) *any provision or recommendation from any Catchment Management Plan.*
- (d) *the likely impact on any wetland;*
- (e) *buffer distances from any wetland.*

#### **6.3.5 Referral of Applications for Planning Approval**

*The Local Government may refer any Application for Planning Approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.*

The Additional Use applied for is for an '**Insectary**'. It is deemed the use cannot be defined as a use class under the Zoning Table of the Scheme and shall be dealt with as a 'use not listed':

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

- (a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- (b) *determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for Planning Approval; or*
- (c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

### **Policy Implications**

Local: *Local Planning Policy No 2 Muchea Village*

The subject property is located within the Inner Lowlands of the Muchea Townsite:

#### **4.4 Precinct 2 - Inner Lowlands (Figure 11)**

##### **Description**

*This is the largest of the precincts and lies between the base of the steeper slopes (65m contour) and contains most of the lowlands of the town.*

*The lot sizes are varied - between the smaller residential lots (of about 4000m<sup>2</sup>) in Popple Place to about 4 hectares in the majority of the remainder.*

*Much of the land is very flat, low lying and large parts are subject to inundation during winter. There are varied land uses ranging from nurseries to simple agistment for horses or no clearing or improvement at all.*

*Road construction ranges from fully sealed to unmade. Some lots do not have a constructed road frontage. (Davern Street –south, and Philmore Street –south)*

*The relatively large reserves along Brand Highway and Muchea South Road provide an open and rural presentation to the town as seen from the major roads, as well as providing some separation to mitigate the adverse impacts of road noise.*



*Despite the number of horses and other grazing animals, there is little evidence of overgrazing or erosion. In some cases, however, wetlands have been open to stock to the detriment of native vegetation.*

*Horse riding and children cycling or playing in the road reserves is common and only add to the rural living ambience.*

*The problem of speeding vehicles is the only threat to the public domain and they need to be contained by speed restrictions. If driver behaviour is not voluntarily managed some traffic calming devices may have to be installed.*

*Public access to the unmade road reserves (riding and walking) reflects the desire and recreational needs of the community. Clearing of vegetation in the road reserves by creation of trails as informal pathways are not detrimental to the environment and only add to the effectiveness of firebreaks.*

### **Objectives and Policies**

#### Objective:

*To retain the rural character of the precinct as a rural living environment.*

#### Policies:

- (i) To continue the land drainage programme for land improvement with the emphasis on linear drainage lines to act as nutrient stripping wetlands;*
- (ii) To permit residential development on any lot to a single dwelling only;*
- (iii) To improve selected roads to provide the optimum service to the lots;*
- (iv) To retain parts of Davern, Philmore, Arbuckle, and Ellen Streets as combined drainage lines and walking trails in the stead of constructed roads;*
- (v) To convert road reserves, where they are not required, and convert them to drainage and walk trails;*
- (vi) To support subdivision of land of lots no less than 2 hectares in areas where land is deemed suitably drained and free from inundation;*
- (vii) Where subdivision occurs, any land that is subject to waterlogging or a drainage line (natural or man-made) shall be required to be fenced and/or rehabilitated by additional planting of vegetation with species and density as advised by the Ellen Brook Landcare Coordinator or the Shire Council;*
- (viii) To retain and enhance wetland preservation linkages as part of the overall land drainage system;*
- (ix) To allow land uses which are compatible to the objectives of the Ellen Brook Catchment Management Plan to reduce nutrient export;*
- (x) To encourage/enforce landowners to tidy up sites used for the storage of derelict vehicles or building debris;*
- (xi) To improve the usage and aesthetic quality and alternative uses of the unmade road reserve;*

### **Financial Implications**

Nil



## Strategic Implications

Local: *Shire of Chittering Local Planning Strategy 2001-2015*

The subject property is located within the Muchea Townsite and is situated in the Ellen Brook Palusplain area. The aims of the Muchea Townsite (Section 8.2) are to provide for a range of uses and services which retain the rural character with the protection of the groundwater and catchment systems. The aims of the Ellen Brook Palusplain (Section 6.4) being to protect the ecological values of the catchment systems and prohibit development which would detriment the values of the Ellen Brook Palusplain.

## Site Inspection

Site inspection undertaken: Yes

## Triple Bottom Line Assessment

### Economic Implications

Based on the submissions, affected landowners have raised concerns of their properties devaluing as a result of the activities on this property, both existing and proposed. It may also be deemed to promote business activity within the Shire and provide for local employment.

### Social Implications

The submissions received raise concerns of amenity and lifestyle impacts on their property and the area.

### Environmental Implications

The submissions from affected landowners raise concerns of the impact the proposal will have to the wetlands and catchment system. Comments from agencies during the submission period did not raise any concerns of the impact the proposal would have on the environment. Comments provided stipulated on site water management and buffer distance from existing wetlands would suffice.

## Comment

### Zoning

The current zone of the property is 'Townsite'. The zone allows for a range of uses and services. The objectives of the zone aim to protect the natural environment and prohibit uses which may impact on the living and visual amenity of the location. The proposed use of the land incorporating tunnel houses and similar may intrude on visual amenity of the location, however appropriate screening and design requirements can address these concerns. The impact on the natural environment has not been raised to Council by any relevant agencies or from the Shire's Principal Environmental Health Officer.

### Proposed Use

The proposed additional use has been assessed as a 'use not listed'. It has been deemed under clause 4.4.2 of the Scheme that the proposal cannot be interpreted as a land use specifically mentioned in the Zoning Table. The proposed additional use has already been determined by Council from its previous resolution to be consistent with the objectives of the zone under clause 4.4.2(b) and advertising in accordance with the relevant legislation occurred.

### Submissions

The submissions received from agencies did not raise any objections to the proposal, in particular its impact on the environment.



Submissions received from affected landowners did raise a number of concerns. The concerns included:

- Noise emitted from the fans and delivery vehicles;
- Impact on property values;
- Lawfulness of approvals and use on land determined by Council; and
- Misguided assessment and advice provided by Council staff to Council for determinations.

As per the Schedule of Submissions, a number of the concerns can be addressed. The noise emitted from the fans has been addressed by enclosing them with a material to reduce the noise. The noise emitted complies with the *Environmental Protection (Noise) Regulations 1997*. Noise from delivery of vehicles can be restricted to the standard operation hours. It is anticipated the movement of vehicles to and from the property will not be excessive as to cause noise or social impacts.

It has been noted that nearby landowners have made strong objection to the proposal due to the likely devaluing of their property. It is understood that any development should not impact on the amenity of the location in the Townsite zone. It is also noted that the zone allows for a range of uses, provided it is compatible with the surrounding uses and land. It can be viewed that the proposed use, which has been in operation for a number of years, has not impacted on the value of properties in the area. This is further established due to the Woodlands Estate subdivision (adjacent to the site) being approved 14 May 2008 after the 'Insectary' use was in operation. The Scheme Amendment application to Council is to formalise and ensure development on site meets the requirements under the Scheme and is to apply for a use of the land that has been previously in place.

The submissions also made comment that the process and advice provided by Shire staff has misguided Council in making informed and unlawful decisions. It is understood that Council have followed due process of development on the subject property. The assessment of the use of the land has been thoroughly examined and is not specifically defined in the Scheme.

#### **Officer Recommendation**

It is the Officer's recommendation that Council support the scheme amendment for the Insectary use, it is deemed that the concerns raised during the consultation period can be adequately addressed. Limitations on the area approved on the property for an Additional Use can be imposed to restrict development on site as a way of controlling the operations to a manageable and appropriate size. Further restrictions can be imposed as part of a development application for any structures and further developments on site. It is deemed that by supporting the scheme amendment, subject to any development being required to obtain prior planning approval, the proposal can meet the requirements of the Scheme and aims of the Strategy.



### 9.1.6 Wannamal Townsite Boundary Review\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	13/01/0001
<b>Prepared by</b>	Azhar Awang, Executive Manager Development Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Locality Plan 2. Modified Boundary

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080712

##### Moved Cr Hawes / Seconded Cr Mackie

#### That Council:

1. **endorse** the modified boundary of the Wannamal Townsite as per the attached plan (attachment 1) incorporating the seven (7) residential blocks to be included in the Shire of Chittering district boundary.
2. **forward** the modified boundary of the Wannamal Townsite to the Shire of Gingin for its consideration prior to making a formal request to the Department of Local Government for the boundary change.

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0  
BY AN ABSOLUTE MAJORITY VOTE**

#### Background

This matter was previously considered by Council at its meeting held on 17 March 2010. Council at that meeting resolved as follows:

1. *That Council approve the change of boundary of the Wannamal townsite be amended by moving the boundary to the west of the current boundary (which is currently the railway line that runs through the townsite), to ensure that the recreation centre and other municipal facilities and that the eight (8) residential blocks are included in the Shire of Chittering boundary.*
2. *That the Shire of Chittering write to the Department of Local Government advising of council resolution in regard to the boundary review of the Wannamal townsite.*
3. *That Council write to the Shire of Gingin requesting that they formally resolve to amend their boundary in accordance with the Shire of Chittering's adjustment, and accordingly submit their resolution to the Department of Local Government."*

The above resolution stated that there are eight (8) residential blocks to be included as part of the boundary extension. In actual fact there are seven (7) residential blocks and one reserve which is a National Park and Nature Conservation contained in the gazetted Wannamal Townsite that is under the responsibility of the Shire of Gingin.

#### Consultation

- Ainslie Perrigo, Policy & Research Officer, Structural Reform (Department of Local Government)
- Gary Tuffin, Chief Executive Officer (Shire of Chittering)
- Cr Alex Douglas, President (Shire of Chittering)
- David Burt, Chief Executive Officer (Shire of Gingin)
- Cr Michael Aspinall, President (Shire of Gingin)



## Statutory Environment

State: *Local Government Act 1995 - Part 2, Division 1 Districts and wards*

### 2.1 *State divided into districts*

- (1) *The Governor, on the recommendation of the Minister, may make an order<sup>3/4</sup>*
  - (a) *declaring an area of the State to be a district;*
  - (b) *changing the boundaries of a district;*
  - (c) *abolishing a district; or*
  - (d) *as to a combination of any of those matters.*
- (2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*
- (3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Local: *Shire of Chittering Town Planning Scheme No 6*

A scheme amendment will be required to rezone the extended area to reflect the *Shire of Chittering Town Planning Scheme No 6* once the boundary modification to the Wannamal Townsite has been gazetted.

## Policy Implications

Nil

## Financial Implications

Costs will be incurred in formalising the statutory requirements such as rezoning.

## Strategic Implications

Nil

## Site Inspection

Site inspection undertaken: Yes

## Triple Bottom Line Assessment

### Economic Implications

This will bring in additional rates generated from the increase of seven (7) residential lots.

### Social Implications

All residents of the Wannamal townsite will become ratepayers with the Shire of Chittering, ensuring the entire townsite receives all the benefits that are currently paid for and supplied by the Shire of Chittering.

### Environmental Implications

There are no known environmental implications associated with this proposal.

## Comment

The current Wannamal Townsite falls within two local authorities. To the west the land comes under the responsibility of the Shire of Gingin and to the east the land is under the responsibility of the Shire of Chittering. It makes logical sense to have the Wannamal Townsite under the responsibility of one Shire.

It is understood that the residents to the west of the townsite use the Shire of Chittering facilities and amenities (rubbish facilities and community facilities).



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The proposal is to modify the Wannamal Townsite Boundary and exclude the National Park and Nature Reserve. A copy of the modified Wannamal Townsite Boundary is attached to this report.

It is also noted that access into the residential property is via an access lane which has not been formally dedicated which gets direct access via Bindoon-Moora Road. This will need to be formalised once the boundary alignment is accepted by the Shire of Gingin and the Department of Local Government.

Once both local authorities have formally resolved to agree and action the district boundary change, the next phase will involve one of the local authorities, in this case the Shire of Chittering, to make the proposal to the Local Government Advisory Board. The submission is to address the Board's Guiding Principles, the nature of the proposal and its effects on local governments, a map/plan showing the proposal and its relation to existing boundaries and compliance with any regulations about proposals.

It is therefore recommended that Council endorse the modified Wannamal Townsite Boundary and forward the plan to the Shire of Gingin for its consideration prior to submitting a formal request to the Department of Local Government.



**9.1.7 Proposed Subdivision (WAPC Application No 146176) – Lots 1003 (RN 6058) and 1041 (RN 6060) Great Northern Highway, Bindoon\***

<b>Applicant</b>	Scanlan Surveys Pty Ltd
<b>File ref</b>	18/03/64, A1535 & A1411
<b>Prepared by</b>	Scott Penfold, Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

<b>Attachments</b>	1. Locality Plan
	2. Subdivision Plan and Applicant Submission
	3. Site Photographs
	4. Proposed Subdivision Plan

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 090712**

**Moved Cr Mackie / Seconded Cr Rossouw**

**That Council advise the Western Australian Planning Commission that it supports the WAPC Subdivision Application No 146176 relating to the boundary alignment of Lots 1003 and 1041 Great Northern Highway, Bindoon.**

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0**

**Background**

Lots 1003 and 1041 Great Northern Highway, Bindoon, are located directly to the east of Chinkabee Hill. The purpose of the boundary realignment is to formalise the Bindoon Townsite Deviation of the Perth-Darwin National Highway on the properties, creating an 8.388ha lot (Lot 201) and a 29.003ha lot (Lot 202) through a boundary realignment of the existing properties.

Access to the proposed boundary realignment is from an existing easement benefit over Lot 507 (RN 6054) Great Northern Highway, Bindoon, which is approximately 10m in width with a 3-5m wide gravel driveway. No access to a public road reserve, either constructed or unconstructed, is available to the properties.

The Shire of Chittering has been negotiating with Main Roads Western Australia regarding the issue of compensation to be paid for reservation of the alignment. As the Shire of Chittering is not located within the Metropolitan Region Scheme, State compensation is not available for the reservation of the land for the highway alignment within the Town Planning Scheme. Whilst Main Roads have requested the highway alignment be reserved within the Town Planning Scheme, this has been refused as it would result in the Shire of Chittering having liability for compensation under Section 177 of the *Planning and Development Act 2005* (as amended). Furthermore, the highway is not likely to be constructed in the short to midterm, given the lack of funding available and priority by Main Roads Western Australia.



### Consultation

No public consultation was undertaken for the proposed subdivision. The Shire's Engineering Department have been consulted and is satisfied that the proposal is consistent with its requirements, provided a legally constructed road frontage is provided when the Bindoon Townsite Deviation is constructed. It was recommended that a caveat be placed on the Certificates of Title requiring that public road access is provided to the lots at such time as it becomes available from the Bindoon Townsite Deviation.

### Statutory Environment

The zoning of the land is '**Agricultural Resource**'. The objectives of the zone are:

- *To preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner.*
- *To protect the landform and landscape values of the district against despoliation and land degradation.*
- *To encourage intensive agriculture and associated tourist facilities, where appropriate.*
- *To allow for the extraction of basic raw materials where it is environmentally and socially acceptable.*

The proposed boundary realignment seeks to maintain the current land use, which complies with the requirements of the Scheme. A minimum lot size in the '**Agricultural Resource**' zone is not established by the Scheme.

Lot 1041 and the majority of Lot 1003 are included within a '**Landscape Protection**' Special Control Area of the Scheme. The purpose of these areas within the Scheme is:

- a) *to secure the areas delineated on the Scheme Map from undue subdivision and development that would detract from the landscape value of the rural environment;*
- b) *to conserve and enhance the character of the significant landscape area; and*
- c) *to ensure land use and developments are compatible with the landscape values.*

The proposed boundary realignment is located within the Chittering Valley Landform System, which serves the purpose to protect the Brockman River Catchment's biodiversity and drainage pattern and negate land degradation problems.

### Policy Implications

State: *State Planning Policy No.2.5 – Agricultural and Rural Land Use Planning*, the following is applicable:

1. *Protect agricultural land resources wherever possible by–*
  - (a) *Discouraging land uses unrelated to agriculture from locating on agricultural land;*
  - (b) *Minimising the adhoc fragmentation of rural land; and*
  - (c) *Improving resource and investment security for agricultural and allied industry production.*

State: In regards to *Development Control Policy No.1.1*, the following is applicable:

#### Section 3.7 Vehicular Access

- (i) *New green title lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality. This is to ensure the provision of public utility and other services as well as to provide vehicular and pedestrian access to the lot.*



- (ii) Where new roads are needed, the subdivider will be required to dedicate, construct and drain these roads to the specifications and satisfaction of the WAPC, on the advice of the local government, The WAPC may also require existing roads or rights-of-way to be widened, constructed upgraded or dedicated to ensure compliance with this policy.

State: *Development Control Policy No.3.4 – Subdivision of Rural Land*, the following is applicable:

Section 4.3 Significant Physical Division

*The existing physical division of a lot be a significant natural or constructed feature may be formalised through subdivision. A significant physical division generally does not include rural roads or creeks that are commonly crossed for farm management purposes.*

Section 4.5 Boundary Realignment

*Lot boundaries which are poorly aligned with natural or constructed features and/or which result in encroachments may be corrected through minor boundary realignments.*

Local: *Local Planning Policy No.1 – Bindoon Townsite*

The northwest portion of Lot 1003 is included within Precinct G – Town Centre Area of *Local Planning Policy No 1*. However, it is identified as steep and rugged land that is not suitable for development, given it is part of Chinkabee Hill and the surrounding steep ridgelines. The portion of the proposed boundary realignment to the east of the Bindoon Townsite Deviation alignment is not included in *Local Planning Policy No 1*.

Local: *Local Planning Policy No.16 – Roads and Drainage*

Section 5.3.3 of *Local Planning Policy No 16* requires that where owners do not have access from a public road, that this access should be negotiated by the owner with the neighbouring landowners.

Local: *Local Planning Policy 18 – Setbacks*

In regards to *Local Planning Policy No 18*, the following is applicable:

*The following minimum setbacks generally apply to buildings (including retaining walls), dams and water tanks:*

- a) ***Agricultural Resource Zone***  
*Highway – 100m*  
*Major Road – 50m*  
*Other Road – 30m*  
*Rear – 30m*  
*Side – 30m*

Council has the ability to vary the setback requirement within the '**Agricultural Resource**' zone as specified in section 5.11(f) of *Local Planning Policy No 18*.

**Financial Implications**

Nil

**Strategic Implications**

Local: *Shire of Chittering Local Planning Strategy 2001 – 2015*

The property is included within the Small Rural Holdings Precincts of the *Shire of Chittering Local Planning Strategy 2001 – 2015* (LPS). These are located where soil types and opportunities for conservation have been identified.

The LPS outlines a minimum lot size of 25ha for Agricultural Resource Areas in section 9.6 of the LPS.



The Bindoon Townsite Deviation is not included within the LPS. However, the LPS does have the following relevant aims listed in Section 7.5.1 regarding Roads and Transport Links:

- *To pursue the early construction of the Perth-Darwin Highway to alleviate the heavy haulage traffic on Great Northern Highway and divert through traffic away from Bindoon.*
- *To ensure all future developments follow the nominated routes to allow for a cohesive road network throughout the Shire.*

### **Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic Implications

The landowners have expressed that the Bindoon Townsite Deviation alignment is impacting the property's value and the ability to sell the land.

#### 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.

### **Comment**

The proposed boundary realignment seeks to realign the boundaries of the property based upon the Bindoon Townsite Deviation alignment of the Perth–Darwin National Highway. Whilst there is sound planning justification for boundary realignment, there are some matters that need due consideration by Council:

1. The proposed boundary realignment is not able to be accessed via a constructed public road or unconstructed road reserve, with access being via an easement benefit over Lot 507 (RN 6054) Great Northern Highway, Bindoon, which contains a 3-5m wide gravel driveway. No additional traffic loading will be placed on the easement as a result of the proposed boundary realignment;
2. A small portion of land will still need to be resumed from proposed Lot 201 to facilitate the construction of the highway, but this is due to frontage being provided to the existing easement; and
3. The proposal creates an undersized rural lot, which will likely be used for a hobby farm or rural residential purposes. However, this lot would eventuate at the time when the highway was constructed in any case.

However, it should be noted that:

1. The proposal will ensure that the boundaries of the properties are aligned along the Bindoon Townsite Deviation, enabling land use to continue un-impacted whilst Shire of Chittering and Main Roads Western Australia negotiate compensation for the alignment;
2. The proposal does not create any additional lots or dwelling entitlements on the land;
3. The drainage/low point of the land will be located wholly within Lot 202, with the exception of the access leg provided for Lot 201;
4. All horticultural uses are amalgamated within a single lot, ensuring the ongoing ability of Lot 202 to be used for horticultural pursuits, consistent with the zoning of the land for 'Agricultural Resource';
5. The proposed lots will be required to be provided with constructed road frontage at the time of highway construction by Mains Roads Western Australia; and
6. The proposed boundary realignment will remove the awkward portion of Lot 1003 that will be excised when the Bindoon Townsite Deviation is constructed and amalgamate this within Lot 1041.



The proposed subdivision seeks to resolve the Shire of Chittering's issues, by ensuring a highway reserve will be able to be resumed by Main Roads Western Australia in the future, without requiring the reservation of the land through *Shire of Chittering Town Planning Scheme No 6*.

Statutory Requirements

Shire of Chittering Town Planning Scheme No 6

The proposed boundary realignment may result in a lot zoned 'Agricultural Resource' that will not be able to be viably utilised for agricultural purposes as a result of the application. However, this lot will likely eventuate in the future, either through the implementation of this subdivision, or the implementation of the Bindoon Townsite Deviation. Given development on the properties is already existing; it is unlikely that the Landscape Protection Area will be impacted by the proposed boundary realignment.

Policy Requirements

State of Planning Policy No 2.5 – Agricultural and Rural Land Use Planning

Proposed Lot 202 will continue to be used for productive agricultural pursuits. Proposed Lot 201 will be significantly smaller than surrounding lots and will not contain any existing horticultural uses. The size of the lot lends to either a hobby farm or rural residential use, hence likely removal of the land from agricultural production.

Development Control Policy No 1.1 – Subdivision of Land – General Principles

This policy requires that frontage is provided to all new lots from a constructed public road. As previously mentioned, the proposed boundary realignment does not have access to a constructed public road, nor a road reserve of any kind. These lots are considered 'landlocked', although an easement for access is provided.

A suitable means of access is available to the lots via an easement benefit over Lot 507 Great Northern Highway, Bindoon. A constructed road will be provided for access when the construction of the Bindoon Townsite Deviation begins. Although Council can request a condition be placed on the proposed subdivision requesting the upgrade of the driveway, this condition would be unable to be legally imposed on the boundary realignment, as Lot 507 is not included in this application.

Development Control Policy No 3.4 – Subdivision of Rural Land

The proposed boundary realignment will rationalise the lot boundaries based on a significant man-made feature that will traverse the properties. Although the feature does not yet exist, the final alignment has been decided. The timing of its construction is based upon the availability of funding and priority from Mains Roads Western Australia.

The proposed boundary does not follow the exact alignment of the Bindoon Townsite Deviation. It is recommended that Council suggest to the Commission that the boundary is amended as shown in Attachment 4, such that access is provided via an easement benefit over proposed Lot 202. Legal road frontage to the easement is not necessary to protect future access.

Local Planning Policy No 1 – Bindoon Townsite

The proposed boundary realignment does not seek to create additional lots or lots for the purpose of rural settlement. This is consistent with the objectives of the LPP No 1.

Local Planning Policy No 16 – Roads and Drainage

The current landowners enjoy an easement benefit over Lot 507 Great Northern Highway, Bindoon. This provides access to the proposed boundary realignment and given no additional lots are being created, is considered to be of a suitable standard to continue servicing the proposed lots.



Local Planning Policy 18 - Setbacks

As shown on the plan of subdivision, there are a number of variations to Council's setback policy. However, the boundary realignment complies with the final alignment of the Bindoon Townsite Deviation, hence; these setbacks have been imposed on the landowner and are retrospective. The proposed boundary realignment is deemed to comply with Local Planning Policy No 18.



## 9.2 TECHNICAL SERVICES

### 9.2.1 Tender No. SC12-004 – Chinkabee Complex Extensions (Playgroup room)

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/19/9
<b>Prepared by</b>	Rick Choules, Building Coordinator
<b>Supervised by</b>	Jim Garrett, Executive Manager Technical Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Tender submissions
<b>Attachments</b>	Nil

#### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100712**

**Moved Cr Norton / Seconded Cr Mackie**

**That Council subject to the signing and receiving the allocated 2012/13 Country Local Government Funds accept the tender submitted by Robert Parker Homes for \$165,604.08 to complete the Chinkabee Complex Extensions.**

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0**

#### **Background**

It has been determined that there was a need for extension to the existing facilities at the Chinkabee Complex as such a tender was released to the public for works to be conducted.

The scope of works proposed are the extensions to the Chinkabee Complex "Playgroup Room" including:

- new disabled WC/Baby change room
- new room with kitchenette
- painting and floor coverings throughout
- covered alfresco area
- rubber softfall to half of the alfresco floor area
- provide new drinking fountain
- provide split system air-conditioner.

The conditions of tendering, contract requirements, specification of works and other relevant details were provided in the Shires request for tender documents. The Shire follows the code of tendering AS4120 and Contract Management Framework.

Tenders were called on 16 June 2012 for the Chinkabee Complex extensions. Tenders closed at 12 noon Saturday, 30 June 2012.

At the time of opening the tender box in the presence of Chief Executive Officer and the Building Co-ordinator, five (5) tenders were received.



Tenders were received from:

1)	Lancelin Country Builders	\$158,500.00 (including GST)
2)	Robert Parker Homes	\$165,604.08 (including GST)
3)	United Builders	\$179,257.57 (including GST)
4)	Ramsay Constructions	\$186,880.00 (including GST)
5)	CPD Group	\$273,900.00 (including GST)

Under the scope and period of the contract, the contract shall be at practical completion within ten (10) weeks from the date of signing.

### Consultation

- Gary Tuffin, Chief Executive Officer
- Jim Garrett, Executive Manager Technical Services

### Statutory Environment

State: *Local Government Act 1995 s3.57 - Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

State: *Local Government (Function and General) Regulations 1996, Part 4, Division 2 – Tenders for providing goods or services (s3.57), Regulations 11-24*

### Policy Implications

Purchasing

### Financial Implications

Council has a budget allocation of \$200,000.00 for the extensions to be completed.

### Strategic Implications

Nil

### Site Inspection

Site Inspection Undertaken: Yes

### Triple Bottom Line Assessment

#### Economic Implications

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

#### Social Implications

The completion of the extension of the Chinkabee Complex will provide for additional space within the complex to accommodate the community playgroup.

#### Environmental Implications

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



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**Comment**

The tenders submitted fulfils the requirement of the Tender Criteria, namely the Compliance and Selection Criteria as described below:

- (i) Experience on Similar work within the last two years (50%)
  - All tenders received have extensive experience on similar works.
- (ii) Capacity to undertake this contract (30%)
  - All tenders have demonstrated that they are able to undertake this contract.
- (iii) Management Systems (20%)
  - All tenders have addressed the management systems in terms of the organisational values, methodology used to manage relationships with customers, company's continuous improvement methodology and organisational personnel performance form a non-financial aspect.

Tenderer	Lancelin Country Builders	Robert Parker Homes	United Builders	Ramsey Constructions	CPD Group
<b>Scorecard for:</b> Tender Chinkabee Playgroup Extensions	<b>Rating Scale:</b> 10 = Outstanding , exceeds criterion 8 = Very good , exceeds criterion 6 = Good offer, no deficiencies, meets criterion 4 = Fair offer, few deficiencies, almost meets criterion 2 = Marginal offer, some deficiencies, partly meets criterion 0 = Non-conforming criterion				
<b>Evaluation Criterion</b>	<b>Score (out of 10)</b>	<b>Score (out of 10)</b>	<b>Score (out of 10)</b>	<b>Score (out of 10)</b>	<b>Score (out of 10)</b>
<b>Prices submitted</b>	\$158,500.00	\$165,604.08	\$179,257.57	\$186,880.00	\$273,900.00
<b>Experience on similar work on past 2 years (50%)</b>	7	8	8	8	8
<b>Capacity to undertake this contract (30%)</b>	7	8	8	8	8
<b>Management system, values, methodology, performance (20%)</b>	7	8	8	8	8
<b>Total</b>	<b>21</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>24</b>

Schedule of prices – Scope of Works

One Tender was received above the budget allocation of \$200,000.00.

The lowest Tender received is from Lancelin Country Builders \$158,500.00, followed by Robert Parker Homes \$165,604.08, United Builders \$179,257.57, Ramsay Constructions \$186,880.00 and CPD Group \$273,900.00.

Lancelin Country Builders previous experience of supervising the construction of similar sized projects could be limited; the Builder has mainly carried our contract bricklaying and building maintenance. Builders Registration was obtained in 2010.

In this respect it is recommended that the Tender be awarded to Robert Parker Homes \$165,604.08. This contractor has constructed new residential homes and renovations including some commercial work mostly in the hills area of Perth including Muchea and Middle Swan.



### 9.3 CORPORATE SERVICES

#### 9.3.1 Financial statements for the period ending 30 June 2012\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Prepared by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. List of accounts paid for period ending 30 June 2012 Bank reconciliation for period ending 30 June 2012 Monthly Statement of Financial Activity ending 30 June 2012 Financial Statements for period ending 30 June 2012

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 110712

Moved Cr Hawes / Seconded Cr Rossouw

That Council:

1. **endorse** the list of payments:
  - PR2831
  - PR2838
  - PR2839
  - EFT 6907 - EFT 7028
  - Municipal Fund Vouchers 13098 - 13127
  - Direct Debits as listed
  - BPV16 to BPV17
  - Trust Vouchers 299-302Totalling \$619,512.90 for the period ending 30 June 2012.
2. **receive** the bank reconciliation for the period ending 30 June 2012 as presented.
3. **receive** the financial statements for the period ending 30 June 2012.

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0**

#### Summary

The bank reconciliation together with the list of accounts paid for the period ending 30 June 2012, and the financial statements for the period ending 30 June 2012 are presented for council's information.

#### Background

Not applicable

#### Consultation

- Chief Executive Officer
- Executive Manager Development Services
- Manager Administration and Community Services
- Community Emergency Services Manager



### **Statutory Environment**

State: *Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996* (as amended)

### **Policy Implications**

Not applicable

### **Financial Implications**

Not applicable

### **Strategic Implications**

Not applicable

### **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.

### **Comment**

Council is requested to:

1. endorse the list of payments:

- . PR2831
- . PR2838
- . PR2839
- . EFT 6907 - EFT 7028
- . Municipal Fund Vouchers 13098 - 13127
- . Direct Debits as listed
- . BPV16 to BPV17
- . Trust Vouchers 299-302

Totalling \$619,512.90 for the period ending 30 June 2012.

2. receive the bank reconciliation for the period ending 30 June 2012 as presented.

3. receive the financial statements for the period ending 30 June 2012.

It is to be noted that these financial statements are not the final statements for the 2011-2012 financial year as further adjustments will be required for yearend accruals.



### 9.3.2 Adoption of the 2012-2013 Budget\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/07/3
<b>Prepared by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil

**Attachments** 1. 2012-2013 Draft Budget

#### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 120712** **Moved Cr Rossouw / Seconded Cr Douglas**

That Council, by an absolute majority vote, adopts the following:

1. That the following rate levels be adopted for the 2012-2013 year:
  - (a) Where the General Rate is to apply, for all rateable properties with Gross Rental Valuations a rate of 11.3687 cents in the dollar, with a minimum rate of \$500 be imposed.
  - (b) Where the General Rate is to apply, for all rateable properties with Unimproved valuations a rate of 0.5389 cents in the dollar, with a minimum rate of \$750 be imposed.
2. That where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding rates and service charges is set at 11% per annum, to be calculated on a daily basis.
3. That for those ratepayers paying by instalments option, the penalty interest to apply is set at 5.5% per annum, to be calculated on a daily basis.
4. That the following options be adopted:
  - (a) Option 1  
To pay the total of rates and charges included on the rate notice in full by the due date 27 August 2012, which is thirty five (35) days after the date of service. Failure to pay such costs will attract penalty charges.
  - (b) Option 2  
To pay by two (2) instalments. Details of these dates and amounts are included on the rate notice. Failure to pay such costs by the due dates will attract penalty charges. This option can only be selected where the first instalment including arrears (if any) is paid by the due date.  
  
Payment dates are:
    - (i) 27 August 2012
    - (ii) 7 January 2013
  - (c) Option 3  
To pay by four (4) instalments. Details of these dates and amounts are included on the rate notice. Failure to pay such costs by the due dates will attract penalty charges. This option can only be selected where the first instalment including all arrears (if any) is paid by the due date.  
  
Payment dates are:
    - (i) 27 August 2012
    - (ii) 29 October 2012



- (iii) 7 January 2013  
(iv) 7 March 2013

5. That where payments are made by instalments, an administration charge of \$10 for each instalment after the first payment, which shall include all arrears (if any), shall apply.
6. That the following Sanitary Rates be imposed for the 2012-2013 year:

General Rate	Rate in \$	Minimum
Gross Rental Value (GRV)	0.00001	\$70.00
Unimproved Value (UV)	0.00001	\$70.00

7. That Council accepts as part of the budgetary process the Fees & Charges Schedule as adopted in Item 8.3.2 at the Ordinary Meeting of Council held on 16 May 2012 subject to the following amendments:
- (i) Extractive Industries Bonds/Contributions
  - (ii) Rehabilitation Sand – delete \$16,000 and insert \$3,000 per hectare
  - (iii) Rehabilitation Stone, Gravel or other Aggregate – delete \$20,000 and insert \$4,000 per hectare
  - (iv) Insert Road Maintenance Contribution – 0.25c per tonne
8. That the transfer/movements to and from Reserve Accounts as detailed in this budget be authorised for the 2012-2013 year.
9. That the President's Local Government Allowance of \$6,000 and Deputy President's Local Government Allowance of \$1,500 be adopted.
10. That the Annual Members' Attendance Fee of \$7,000 and the Annual Members' Attendance Fee - President of \$14,000 be adopted.
11. That the Telecommunication Allowance of \$2,400 for each elected member be adopted.
12. That the IT Allowance of \$1,000 for each elected member be adopted.
13. That the Significant Accounting Policies as detailed in the budget document be adopted.
14. That the Trust budget as detailed in the budget document be adopted.
15. That Council, in accordance with Regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, adopts a variance of 10% and a minimum of \$10,000 to be used in the statements of financial activity and annual budget review.
16. That Council adopts the Budget under the *Local Government Act 1995, Section 6.2* for the Shire of Chittering for the year ending 30 June 2013 incorporating:
- (a) Statement of Comprehensive Income (by Program & Nature & Type)
  - (b) Statement of Cash Flows
  - (c) Rate Setting Statement
  - (d) Notes to and forming part of the Budget
  - (e) Other Supporting Documents and Schedules

THE MOTION WAS PUT AND DECLARED CARRIED 5/0  
BY AN ABSOLUTE MAJORITY VOTE



### **Summary**

Local Governments must prepare annual budgets in the format prescribed in the *Local Government Act 1995* and the *Local Government (Financial management) Regulations 1996*.

### **Background**

The Shire of Chittering commenced the 2012-2013 budget process in March 2012. At this time members of the public were invited to seek sponsorship and submit requests for works and services to be considered during the budget deliberations.

Council officers were also requested to make submissions and recommendations for budget inclusions. This was to ensure that not only the standard functions of Council, but also other projects identified within strategic planning documents, would be appropriately included in the budget for Council consideration.

The first budget workshop was held on 6 June 2012. The first draft budget was presented to Council on 25 June 2012. The second draft budget was presented to Council on 11 July 2012.

### **Consultation**

- Chief Executive Officer
- Executive Manager Technical Services
- Executive Manager Development Services
- Manager Human Resources and Community Services
- Community Emergency Services Manager

### **Statutory Environment**

State: *Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996* (as amended)

### **Policy Implications**

Not applicable

### **Financial Implications**

This agenda item provides for the adoption of the budget and the imposition of rates, service charges and fees and charges for the 2012-2013 financial year.

### **Strategic Implications**

Not applicable

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### Economic Implications

The draft 2012-2013 budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for the council and the community.

#### Social Implications

There are no known significant social implications association with this proposal.

#### Environmental Implications

There are no known significant environmental implications association with this proposal.



## Comment

### Budget

The 2012-2013 budget seeks to provide a useful management tool with additional diagnostic reporting tools for the benefit of management and elected members and ensuring compliance with Australian Accounting Standards, the *Local Government Act 1995* and associated regulations.

The budget has been prepared with a 7.0% rate increase. This increase in rates was determined after the growth for the last financial year was captured. It is to be noted that Unimproved Valuations (UV) for the Shire were down 11% therefore the rate in the dollar has been increased to compensate for this adjustment.

The budget has been prepared with the following staff changes from 2011-2012:

- Inclusion of a full time Chief Executive Officer for 12 months.
- Inclusion of an Economic Development Officer
- Removal of the Supervisor Parks & Gardens position

Highlights of the budget include:

- Administration Building Upgrade - \$120,368
- Replacement Photocopier for Admin - \$12,100
- Installation of Water Tank at Chittering Rise - \$9,000
- Construction of Shed for ICV - \$60,000 ( funded by FESA)
- Construction of Health Centre - \$1,842,412 (funded by borrowings & CLGF regional funding)
- Erection of three bus shelters - \$10,400
- Wannamal Hall Electrical/Building Upgrade - \$72,735
- Lower Chittering Hall Electrical/Building Upgrade - \$162,457
- Muchea Hall Building Upgrade - \$43,520
- Bindoon Hall Electrical Upgrade - \$5,655
- Chinkabee Complex Electrical/Building Upgrade - \$139,810
- Chinkabee Complex Disabled Toilet - \$68,000
- Establishment of POS at Sussex bend including playground equipment - \$244,433 (R4R 11-12 funding)
- Brockman Centre painting - \$11,980
- Regional Road Group Funding of \$501,232 for Muchea South Road & Chittering Road.
- Roads to Recovery of \$170,000 for Hay Flat Road
- Black Spot Funding of \$220,087 for Chittering Road & Ridgetop Ramble
- Keating Bridge upgrade - \$351,000 (funded by MRWA)
- Yozzi Bridge upgrade - \$120,000 (funded by MRWA)
- Completion of Day Centre Car Park – \$13,350
- Completion of Tourist Centre Conversion - \$55,475
- Purchase of Isuzu Truck - \$175,000
- Purchase of Loader - \$300,000
- Purchase of Light Fleet - \$407,000 (increased number due to no trades in 11-12)
- Transfer to various reserves of \$558,718
- Allowance for sale of land on Muchea East/Wandena Roads of \$600,000 with \$450,000 being transferred to the Binda Place Reserve for the future redevelopment.



Fees & Charges Schedule

Council previously adopted the 2012-2013 Schedule of Fees & Charges at the Ordinary Meeting of Council held on 18 May 2012.

It has come to Officers attention that the following amendments are required to be made:

- **Extractive Industries Bond**
- *Rehabilitation Sand – delete \$16,000 and insert \$3,000 per ha as per the Local Law relating to Extractive Industries.*
- *Rehabilitation – Stone, Gravel or Other Aggregate – delete \$20,000 and insert \$4,000 per ha as per Local Law relating to Extractive Industries.*
  
- **Road Maintenance Contribution**  
*Insert Road Maintenance Contribution of 0.25c per tonne.*



The Executive Manager Corporate Services left the chambers at 9.44pm and did not return.

The Manager Human Resources and Community Services left the chambers at 9.44pm and returned at 9.45pm.

#### 9.4 CHIEF EXECUTIVE OFFICER

##### 9.4.1 Memorandum of Understanding (MOU) – Binda Medical Services\*

**Applicant** Shire of Chittering

**File ref** 04/18/34

**Prepared by** Gary Tuffin, Chief Executive Officer

**Supervised by** Gary Tuffin, Chief Executive Officer

**Voting requirements** Simple Majority

**Documents tabled** Nil

**Attachments** 1. Draft Memorandum of Understanding (MOU) – Binda Medical Services and Shire of Chittering

#### COUNCIL RESOLUTION - 130712

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. **endorse** the proposed Memorandum of Understanding with Binda Medical Services subject to the inclusion of the practice giving consideration to the provision of evening surgery and a weekly clinic in the southern half of the Shire of Chittering; and
2. **authorise** the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Memorandum of Understanding with Binda Medical Services.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/0**

#### OFFICER RECOMMENDATION

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. **endorse** the proposed Memorandum of Understanding with Binda Medical Services; and
2. **authorise** the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Memorandum of Understanding with Binda Medical Services.

#### AMENDMENT

Moved Cr Norton / seconded Cr Rossouw

That condition 1 be amended to read as follows:

***“endorse the proposed Memorandum of Understanding with Binda Medical Services subject to the inclusion of the practice giving consideration to the provision of evening surgery and a weekly clinic in the southern half of the Shire of Chittering.”***

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**



### **Background**

Council at its Ordinary meeting held on 27 June 2012, resolved as follows:

*“That council make provision in the 2012/13 Budget towards accommodation for a full time doctor at the Bindoon Medical Centre to the value of \$20,800.”*

It was previously suggested by the Chief Executive Officer that this arrangement should be acknowledged via a Memorandum of Understanding (MOU).

### **Consultation**

Binda Medical Services (Dr Janet Hayward)

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

A provision of \$20,800 has been made in the 2012/13 Budget.

### **Strategic Implications**

Securing an additional level of access to medical services for the community.

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

There are no known economic implications associated with this proposal.

#### Social implications

To assist in meeting the increasing needs of the community for medical services to the Shire of Chittering.

#### Environment implications

There are no known environmental implications associated with this proposal.

### **Comment**

The MOU does not constitute or create any legally binding or enforceable obligations on the part of any party.

The objective of the MOU is to establish and agree upon specific responsibilities with respect to the delivery of medical services within the Shire in particular to:

- number of service delivery days
- hours of service delivery provided
- facilities to be provided to support the delivery of medical services
- develop a partnership that will enhance the delivery of medical services

Council are requested to give consideration to approving the proposed MOU and authorising the Shire President and Chief Executive Officer to sign and affix the Common Seal to the document.



## 10. REPORTS OF COMMITTEES

### 10.1 Minutes of the Chittering Community Planning Advisory Committee meeting held on 7 June 2012\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	02/08/2
<b>Prepared by</b>	Grace Pritchard, Club and Community Development Officer
<b>Supervised by</b>	Karen Parker, Manager Human Resources and Community Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Unconfirmed Minutes of the Chittering Community Planning Advisory Committee meeting held on 7 June 2012

#### COUNCIL RESOLUTION - 140712

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. receives the unconfirmed Minutes of the Chittering Community Planning Advisory Committee meeting held on 7 June 2012.
2. investigates the possibility of a boardwalk over Needoonga Lake from the Stonehouse Walk Trail to the POS at Edmonds Place.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/0

#### COMMITTEE RECOMMENDATION

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. receives the unconfirmed Minutes of the Chittering Community Planning Advisory Committee meeting held on 7 June 2012.
2. pursues the boardwalk over the Needoonga Lake from the Stonehouse Walk Trail to the exercise park at Edmonds Place.

#### AMENDMENT

Moved Cr Mackie / seconded Cr Norton

That condition 2 be amended to read as follows:

***“investigates the possibility of a boardwalk over Needoonga Lake from the Stonehouse Walk Trail to the POS at Edmonds Place.”***

THE AMENDMENT WAS PUT AND DECLARED CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION



### Background

A meeting of the Chittering Community Planning Advisory Committee (CCPAC) was held on 7 June 2012. There was one formal recommendation moved at the meeting:

*That Council pursues the boardwalk over the Needoonga Lake from the Stonehouse Walk trail to the exercise park at Edmonds Place.*

### Consultation

Not applicable

### Statutory Environment

Not applicable

### Policy Implications

Not applicable

### Financial Implications

Not applicable

### Strategic Implications

Not applicable

### 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.

### Comment

The unconfirmed minutes of the CCPAC meeting held on 7 June 2012 will be presented to the next meeting of the CCPAC for confirmation.

The minutes of the CCPAC meeting are now presented to Council to be received.

### Alternative Officers Recommendation 2 provided from staff:

2. *investigates the possibility of a boardwalk over Needoonga Lake from the Stonehouse Walk trail to the exercise park at Edmonds Place.*



**11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12. MOTIONS, OF WHICH NOTICE WAS GIVEN DURING THE MEETING, TO BE CONSIDERED AT A LATER MEETING**

Nil

**13. URGENT BUSINESS**

Nil

**14. CONFIDENTIAL ITEMS**

**PROCEDURAL MOTION - 150712**

**Moved Cr Hawes / Seconded Cr Mackie**

**That Council moves into a confidential session to discuss this item under the terms of the *Local Government Act 1995, Section 5.23(2)* as follows:**

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (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;*
- (d) such other matters as may be prescribed.*

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0**

Cr Rossouw left the chambers at 9.58pm and returned at 9.59pm.



**14.1 Reconsideration of Deed of Agreement (Stage 11 Maryville)\***

<b>Applicant</b>	Roberts Day
<b>File ref</b>	18/03/0022
<b>Prepared by</b>	Azhar Awang, Executive Manager Development Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Applicant's letter 2. WAPC Subdivision approval

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 160712  
Moved Cr Rossouw / Seconded Cr Mackie**

**That Council endorses the Officer Recommendation as detailed in the report.**

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0  
BY AN ABSOLUTE MAJORITY VOTE**



#### 14.2 Human Resources – Conditions of Employment\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	22/10/28
<b>Prepared by</b>	Karen Parker, Manager Human Resources and Community Services
<b>Supervised by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Deed of Settlement

#### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 170712**

**Moved Cr Hawes / Seconded Cr Mackie**

**That Council endorses the Officer Recommendation as detailed in the report.**

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0  
BY AN ABSOLUTE MAJORITY VOTE**

#### **PROCEDURAL MOTION - 180712**

**Moved Cr Hawes / Seconded Cr Rossouw**

**That the meeting come out from behind closed doors.**

**THE MOTION WAS PUT AND DECLARED CARRIED 5/0**

#### **15. CLOSURE**

The Presiding Member declared the meeting closed at 10.28pm