



## MINUTES OF THE ORDINARY COUNCIL MEETING

Wednesday, 27 June 2012

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

**COMMENCEMENT: 7.00PM**

**CLOSURE: 9.20PM**

These minutes will be confirmed at the Ordinary meeting of council to be held on **18 July 2012**

SIGNED BY

\_\_\_\_\_  
Person presiding at the meeting at which minutes 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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\* indicates separate attachments



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

Cr Alex Douglas declared the meeting open at 7:00PM

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

**2.1 Attendance**

The following members were in attendance:

Cr Alex Douglas	Shire President (Presiding Member)
Cr Robert Hawes	
Cr Don Gibson	
Cr Barni Norton	
Cr Doreen Mackie	
Cr Michelle Rossouw	

The following staff were in attendance:

Gary Tuffin	Chief Executive Officer
Azhar Awang	Executive Manager Development Services
Jean Sutherland	Executive Manager Corporate Services
Karen Parker	Manager Administration and Community Services
Danica Kay	Executive Support Officer / minute Secretary

There were 5 members of the general public in attendance

**2.2 Apologies**

Nil

**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**

Cr Hawes declared an impartiality interest in item 9.3.7 as the Bindoon Medical Centre's Practice Managers' daughter shares a house with his daughter.



**4. PUBLIC QUESTION TIME**

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

Nil

**4.2 Public question time**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

**6.1 Ordinary meeting of Council – 16 May 2012**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 040612**

Moved Cr Mackie/ Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 16 May 2012 be confirmed as a true and correct record of proceedings.

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
7.02PM

**6.2 Confidential Special meeting of Council – 6 June 2012**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 050612**

Moved Cr Gibson/ Seconded Cr Norton

That the minutes of the Confidential Special meeting of Council held on Wednesday, 6 June 2012 be confirmed as a true and correct record of proceedings.

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
7.02PM

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

Nil



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

Nil

**9. OFFICER'S REPORT**

**9.1 DEVELOPMENT SERVICES**

**9.1.1 Proposed Extractive Industry for Sand and Gravel – Lot M1313 (RN 3886) Great Northern Highway, Muchea\***

<b>Applicant</b>	F & M Fewster
<b>File ref</b>	A3112 P045/12
<b>Prepared by</b>	Brendan Jeans, Senior Planner
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil

<b>Attachments</b>	1. Locality Plan (1 page) 2. Application Report (43 pages) 3. Schedule of Submissions (3 pages)
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**SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 060612**

Moved Cr Gibson/ Seconded Cr Rossouw

That Council:

1. **Grant** planning approval for the extractive industry for sand and gravel at Lot M1313 (RN 3886) Great Northern Highway, Muchea subject to the following conditions:
  - a. This planning consent shall be for a period of six (6) years from the date of issue until the 30 June in the year specified as the year of expiration. The proponent may apply for an extension of the approval for a further period of up to six (6) years. This application is to be made no later than three (3) months prior to the expiry of the current consent;
  - b. This planning consent shall apply to Stage 1 for sand and Stage 1 for gravel only;
  - c. The excavation licence shall be for a period of three (3) years from the date of issue until the 30 June in the year specified as the year of expiration. The proponent may apply for an extension of the licence for a further period of up to two (2) years. Each of these applications is to be made no later than three (3) months prior to the expiry of the current licence;
  - d. The excavation licence shall only remain valid while there is the appropriate planning approval in place to support the extraction of materials;
  - e. 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;



- f. Prior to the issue of an excavation licence the Applicant is to establish a buffer area of 500m from all nearby residences, proposed pits, stockpile and loading areas on the site plan;
- 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 the Chief Executive Officer;
- 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 a Refuelling Management Plan is to be prepared to the satisfaction of the Chief Executive Officer, incorporating
  - i. All on-site fuel storage and refuelling to take place within a lined and bunded area;
  - ii. Any fuel leakages or spills to be cleaned up within 24 hours;
  - iii. As part of the close-out plan, contaminated soil to be disposed of to the satisfaction of the Chief Executive Officer;
- j. 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;
- k. Prior to the issue of an excavation licence the applicant is to undertake an assessment study of the flora and fauna, to the satisfaction of the Department of Environment and Conservation, and all areas containing rare or endangered species of flora and fauna shall be protected and no excavation shall be permitted in these areas;
- l. Prior to the issue of an excavation licence:
  - i. An assessment shall be conducted to determine whether acid sulphate soils or dieback are present on the land and, if present, their extent and severity;
  - ii. that the samples be taken from the site by independent qualified persons;
  - iii. If the site is found to contain acid sulphate soils or dieback, an Acid Sulphate Soils Management Plan (ASSDMP) or Dieback Management Plan shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation; and
  - iv. Operations shall be carried out in accordance with the provisions of the approved Management Plan;
- m. Prior to the issue of an excavation licence the Applicant shall survey all stages of the proposed excavations areas shown on Map 4 of the application by a licensed surveyor and submit to Council for approval to the satisfaction of the Chief Executive Officer;
- n. Prior to the issue of the excavation licence the Applicant is to obtain the works approval from the Department of Environment and Conservation;



- o. Prior to the issue of the excavation licence the applicant provides an approved access design and construction to access Great Northern Highway to the satisfaction of Main Roads WA.**
- p. 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;**
- q. Prior to the issue of an excavation licence the applicant shall submit a detailed report of the method by which the excavation site is to be drained in the event of the pit being flooded;**
- r. Prior to the issue of an excavation licence a Rehabilitation or Land Management Plan shall be submitted and approved by the Chief Executive Officer 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.**
- s. Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process;**
- t. All stormwater shall be retained on site and no discharge of pit-water shall occur without prior approval from Chief Executive Officer;**
- u. Appropriate dust suppression measures shall be taken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents, to the satisfaction of the Chief Executive Officer;**
- v. Internal access road shall be constructed to a standard that minimises dust emission from machinery and traffic, to the satisfaction of the Chief Executive Officer;**
- w. 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;**
- x. The development shall comply with the provisions of Council's Town Planning Scheme No 6, 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;**
- y. All vehicle loads leaving the site shall be fully covered and secured prior to leaving the site to prevent the spread of material;**





- z. A maximum of ten (10) single truck loads are permitted on a daily basis, a record of each year's output must be kept on the site and must be provided to Council at any time upon request;**
- aa. The hours of operation shall be limited to:**
  - Monday to Friday 0700hrs to 1800hrs**
  - Saturday 0730 to 1700hrs**
  - Sunday and Public Holidays not permitted**
  - Any variation to these times requires written approval from Council;**
- bb. Excavation for the extractive industry shall not occur in the following areas:**
  - i. Within 100 metres of a boundary of any land not owned by the proponent or Planning Consent holder;**
  - ii. Within 20 metres of any land affected by a registered grant of easement;**
  - iii. Within 40 metres of any designated water course;**
  - iv. Within 500 metres of any house;**
  - v. Below the level of winter groundwater table;**
  - vi. Within 40 metres of any road or road reserve;**
  - vii. Within a minimum of 200m from a wetland/streamline area;**
  - viii. Below 6m from the natural ground level.**
- cc. 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;**
- dd. The maximum area of pit being worked at any one time shall be one (1) hectare;**
- ee. All stockpiles shall be within the working pit area**
- 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;**
  - 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 the close of business 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 and operation shall occur in accordance with the Excavation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;

- mm. No blasting is permitted;

- nn. No more than 50,000 tonnes in total shall be extracted;

- oo. Stockpiles will be located on the floor of the pit to reduce visual impact;

- pp. There will be no processing of materials on site. Materials shall be stockpiled or directly transported for use;

- qq. Breach of any conditions may result in cancellation of this approval.

- 2. Delegate authority to the Chief Executive Officer to issue an excavation licence for sand and gravel at Lot M1313 (RN 3886) Great Northern Highway, Muchea in accordance with the planning consent specified in 1. above, on satisfaction of conditions e, f, g, h, i, j, k, l, m, n, o, p, q and r.

**Advice Note:**

- 1. Should an 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 may require a permit for the clearing of native vegetation.

THE SUBSTANTIVE MOTION WAS PUT AND DECALRED CARRIED 6/0  
7.23PM

**AMENDMENT**

Moved Cr Gibson/ Seconded Cr Norton

That the following words be included at the end of recommendation z:

*"A record of each year's output must be kept on the site and must be provided to Council at any time upon request;"*

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION  
7.04pm



**AMENDMENT**

Moved Cr Mackie / Seconded Cr Norton

That the word '*crushing*' be deleted from recommendation f.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

7.06PM

**AMENDMENT**

Moved Cr Rossouw/ Seconded Cr Mackie

That an additional point be included under recommendation l. and after point i. as follows:

- ii. that the samples be taken from the site by independent qualified persons;*

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

7.12PM

**AMENDMENT**

Moved Cr Douglas/ Seconded Cr Norton

That recommendation jj. be reworded as follows:

- "jj. Failure to submit the annual report prior to the close of business 30 June each year will result in the immediate suspension of the excavation licence."*

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

7.20PM

**Background**

Council's consideration is requested for a proposed Extractive Industry for Sand and Gravel at Lot M1313 Great Northern Highway, Muchea.

Lot M1313 is 232.8 hectares in area. The area proposed for excavation as part of the Extractive Industry is approximately 16.5 hectares. The applicant has applied for the extraction of both sand and gravel.

The proposal is as follows:

- Proposed sand excavation is 2.7ha in Stage 1 and 4.1ha in Stage 2;
- Proposed gravel excavation is 0.8ha in Stage 1 and 2.1ha in Stage 2;
- It is proposed sand and gravel excavation will occur simultaneously;
- No more than 50,000 tonnes per year;
- Depth of gravel excavation will average 3m;
- Depth of sand excavation will be 5m;
- Gravel depths will not exceed 3m in depth, sand depths will not exceed 6m in depth;
- Method of excavation is by a Front End Loader;
- Machinery to be used on site will be a Traxcavator, Loaders, Water Truck, Fire Fighter and Trucks for transporting material.
- No more than 2 employees;
- Access has been through adjoining property Lot 500 Great Northern Highway (Reserve 40350), Muchea;
- Any water runoff to be contained by bunds;



- All loads will be covered to minimise dust;
- Access tracks to be watered down and vehicles kept at low speeds;
- Operations will cease should conditions be windy and create dust;
- Excavations are minimum 200m from wetland/streamline area;
- Refuelling of machinery carried out with a fuel trailer which is not kept on site;
- Dieback and Acid Sulphate testing is carried out annually;
- Licensed bore on the property to be used for all water needs for the operation;
- Rehabilitation is to be undertaken progressively in accordance with their Rehabilitation Programme.

On 21 June 2006, Council granted planning approval for the extraction of sand at Lot 1313 Great Northern Highway, Chittering subject to conditions. The planning approval expires on 30 June 2012. The expiring date also applies to the excavation licence.

Rehabilitation work has been undertaken progressively and the site inspection by Council officers and the applicant confirmed that rehabilitation planting in the sand pit area appear to be surviving.

### **Consultation**

The application has been advertised for a period of twenty-one (21) days in accordance with Clause 9.4 of the Town Planning Scheme No.6.

All likely affected landowners and relevant agencies were provided opportunity to comment. The application was advertised in the local newspaper - the Advocate in March 2012, and an advertising sign located at the property.

### **Statutory Environment**

State: Planning and Development Act 2005

Mining Act 1914

As part of the consultation period it was noted by the Department of Mines and Petroleum that a possible conflict with a tenement subject to the Mining Act could occur as a result of this proposal. The applicant has provided a letter from the tenement holder as part of their revised proposal.

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 property is located within the 'Landscape Protection', 'Water Prone' and 'Military Considerations' Special Control Areas. It is deemed the Military Considerations Special Control Area does not apply to this proposal as this section of the Scheme applies to residential development.



**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 a 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.*

### **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 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 sand, 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.*

#### **By-law relating to Extractive Industries**

The applicant has applied for both planning approval for an 'Industry-Extractive' use and an Excavation Licence. The issue of an Excavation Licence is subject to Planning Approval being granted for an 'Industry-Extractive' use on the land. The requirements contained in the By-law are relevant to the determination of the Planning Approval.

#### **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.

Statement of Planning Policy No 4.1 State Industrial Buffer Policy





It is deemed the proposal involves the need for an off-site buffer. An extractive industry land use is subject to this Policy. 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.

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 does not meet Council's preferred extractive industry application under Section 5.4a) as it is not identified in the State's Statement of Planning Policy No 2.4 Basic Raw Materials.

#### **Financial Implications**

Nil

#### **Strategic Implications**

State: Muchea Employment Node Structure Plan 2010

The southern half of the subject property is located within the Muchea Employment Node Structure Plan (MENSP). The proposed operations occur in the northern half of the property, outside of the MENSP. It is deemed the MENSP is not applicable to the application.

Local: Shire of Chittering Local Planning Strategy 2001-2015

The property is identified in the Strategy for containing gravel resources in Figure 9. Section 8.9 of the Strategy addresses the aims for the basic raw materials in the Shire:

#### **8.9 PRIMARY BASIC RAW MATERIALS AREAS (Figure 9)**

##### **8.9.1 Description/Location**

*The main area for basic raw materials is the lower part of the Shire although there are numerous small pits for gravel and sand throughout the rest of the Shire.*

*Extraction of essential materials for roads and construction are to be permitted in areas where they will not adversely affect living environments, tourism, the landscape quality or contribute to land degradation problems during and after operations.*



### 8.9.2 Aims

*To manage the extraction of basic raw materials within the rural zones in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission;*

*To ensure appropriate buffer areas are applied to protect the extractive operations as well as the living or agricultural environment in nearby areas.*

### Site Inspection

Site inspection undertaken: Yes

### Triple Bottom Line Assessment

#### Economic Implications

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

#### Social Implications

Based on the submissions received, it is considered that the proposal will not impact on the social wellbeing of residents in the general locality. Due to the property adjoining the Great Northern Highway and the contours of the site 'facing' the highway, neighbouring properties will be less impacted by the common concerns of extractive industries being dust, noise and visual amenity.

#### Environmental Implications

The applicant has provided test results of dieback sampling and acid sulphate soil assessment. These results show no signs of dieback or risk of acid sulphate on the property. The applicant has also detailed dieback management, weed management, dust management and a rehabilitation programme. Submissions from the relevant agencies and response comments from the applicant demonstrate any environmental implications raised can be accommodated for by Council imposing conditions should the application be granted approval.

### Comment

#### Property

The area on the property which is to be excavated is located outside of the Water Prone Special Control Area. The subject area is however situated within the Landscape Protection Special Control Area. It is deemed that suitable conditions of the approvals would ensure in keeping with the purpose and requirements of these Areas. This has been addressed by imposing a condition by limiting excavation to the stages identified.

#### Environmental

The applicant has provided information relating to a number of environmental matters required as per Local Planning Policy No 10 Basic Raw Materials and Extractive Industries. Some issues that have been raised by agencies during the consultation period include the requirement for further testing of dieback and acid sulphate soils for the entirety of the proposed excavation area. The Department of Environment and Conservation (DEC) raised concerns of threatened fauna likely to habitat on the property, lack of separation distance from other residential land uses and minimising vegetation clearing. These comments and applicant responses have been tabled in the Schedule of Submissions. In conclusion to these concerns it is recommended that Council advise the applicant to liaise with DEC on the matters raised, in particular providing qualified information confirming the status of the threatened fauna on the property.



Access

The previous and current excavations at Lot M1313 have obtained access through the adjoining property, Lot 500 Great Northern Highway (Reserve 40350). This property is owned and managed by Main Roads WA. As part of the consultation period, Main Roads made a submission including confirmation as to the authority from the applicant to use this reserve. Following this submission the applicant and Main Roads WA have met to discuss the access options whereby it has been requested the applicant provide access onto Great Northern Highway directly from Lot M1313. The details of this proposed access route have not been provided to Council and it is likely the approved design and construction of this access may take considerable time.

It is deemed that prior to the issue of the excavation licence that the applicant provides an approved access design and construction to the satisfaction of Main Roads WA. The continued use of the reserve may only be permitted at the discretion of Main Roads, of which a copy should be provided to Council for records.

Excavation Programme

The application outlines details of the proposed staging to be carried out. The application states the sand and gravel will be excavated simultaneously and be staged accordingly. It is recommended Council impose a condition, as mentioned earlier, that the excavation occur only within one stage at one time. This would be beneficial as it would ensure excavation is limited and controlled to a specified area which is manageable and it also allows for the staged areas to be exhausted and rehabilitated prior to moving to a new area/stage.

It is recommended that Council support the proposed extractive industry for sand and gravel at Lot M1313 Great Northern Highway, Muchea subject to the conditions contained in the recommendation.



**9.1.2 Proposed Extractive Industry and Excavation Licence for Sand – Lot 52 Old Gingin Road, Muchea\***

<b>Applicant</b>	Statewest Surveying and Planning on behalf of Temma Nominees Pty Ltd
<b>File ref</b>	A10587 P009/12
<b>Prepared by</b>	Brendan Jeans, Senior Planner
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Locality Plan (1 page) 2. Excavation Plan (1 page) 3. Application Report (9 pages) 4. Schedule of Submissions

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 070612**

**Moved Cr Gibson/ Seconded Cr Rossouw**

**That Council:**

1. **Grant planning approval for the extractive industry for sand at Lot 52 Old Gingin Road, Muchea subject to the following conditions:**
  - a. This planning consent shall be for a period of six (6) years from the date of issue until the 30 June in the year specified as the year of expiration. The proponent may apply for an extension of the approval for a further period of up to six (6) years. This application is to be made no later than three (3) months prior to the expiry of the current consent;
  - b. This planning consent shall only apply to Pit A as shown on the Excavation Plan prepared by Statewest Planning dated 13 January 2012 submitted with the application;
  - c. The excavation licence shall be for a period of three (3) years from the date of issue until the 30 June in the year specified as the year of expiration. The proponent may apply for an extension of the licence for a further period of up to two (2) years. Each of these applications is to be made no later than three (3) months prior to the expiry of the current licence;
  - d. The excavation licence shall only remain valid while there is the appropriate planning approval in place to support the extraction of materials;
  - e. 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;
  - f. Prior to the issue of an excavation licence the Applicant is to establish a buffer area of 500m from all nearby residences, proposed pits, stockpile and loading areas on the site plan;
  - g. 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;



- h. Prior to the issue of an excavation licence a Refuelling Management Plan is to be prepared to the satisfaction of the Chief Executive Officer incorporating:**

  - i. All on-site fuel storage and refuelling to take place within a lined and bunded area;**
  - ii. Any fuel leakages or spills to be cleaned up within 24 hours;**
  - iii. As part of the close-out plan, contaminated soil to be disposed of to the satisfaction of the Chief Executive Officer;**
- 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. that the samples be taken from the site by independent qualified persons;**
  - iii. If the site is found to contain acid sulphate soils or dieback, an Acid Sulphate Soils Management Plan (ASSDMP) or Dieback Management Plan shall be submitted and approved by the Chief Executive Officer in consultation with the Department of Environment and Conservation; 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 enter into an agreement with the Council for payment fees for the construction and sealing of the preferred route to the existing sealed road, and road maintenance;**
- l. Prior to the issue of excavation licence the Applicant is to obtain the works approval from the Department of Environment and Conservation;**
- m. Prior to the issue of an excavation licence the Applicant is to submit a road upgrade and maintenance plan including the preferred option for the traffic route to the satisfaction of the Chief Executive Officer;**
- n. Prior to issue of an excavation licence the applicant is to submit a stormwater management plan detailing the proposed management measures that will be undertaken to ensure there is no negative impact on adjacent Yalyal Brook;**
- o. Prior to the issue of and excavation licence the applicant is to undertake an assessment study of the flora and fauna, to the satisfaction of the Department of Environment and Conservation, and all areas containing rare or endangered species of flora and fauna shall be protected and no excavation shall be permitted in these areas;**



- p. Prior to issue of an excavation licence 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 and Department of Water, 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;**
  - iii. Identify the highest known groundwater level in proposed excavation area A;**
- q. Prior to the issue of an excavation licence a Rehabilitation or Land Management Plan shall be submitted and approved by the Chief Executive Officer 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.**
- r. Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process;**
- s. All stormwater shall be retained on site and no discharge of pit-water shall occur without prior approval from Chief Executive Officer;**
- t. Appropriate dust suppression measures shall be taken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents, to the satisfaction of the Chief Executive Officer;**
- u. Internal access road shall be constructed to a standard that minimises dust emission from machinery and traffic, to the satisfaction of the Chief Executive Officer;**
- v. Access through Lot 23 Reserve Road shall not be permitted;**
- w. 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;**
- x. The development shall comply with the provisions of Council's Town Planning Scheme No 6, 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;**
- y. All vehicle loads leaving the site shall be fully covered and secured prior to leaving the site to prevent the spread of material;**
- z. A maximum of twenty (20) single truck loads are permitted on a daily basis;**





- aa. The hours of operation shall be limited to:**
  - Monday to Friday 0700hrs to 1800hrs**
  - Saturday 0730 to 1700hrs**
  - Sunday and Public Holidays not permitted**
  - Any variation to these times requires written approval from Council;**
- bb. Excavation for the extractive industry shall not occur in the following areas:**
  - i. Within 100 metres of a boundary of any land not owned by the proponent or Planning Consent holder;**
  - ii. Within 20 metres of any land affected by a registered grant of easement;**
  - iii. Within 40 metres of any designated water course;**
  - iv. Within 500 metres of any house;**
  - v. Below the level of winter groundwater table; and**
  - vi. Within 40 metres of any road or road reserve.**
  - vii. Below 6m from the natural ground level.**
- cc. 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;**
- dd. The maximum area of pit being worked at any one time shall be one (1) hectare;**
- ee. 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 e required or accidentally occur;**
- ff. Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases;**
- gg. 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;**
- hh. All static and other equipments will be located on the floor of the quarry to provide visual and acoustic screening;**
- ii. No trucks are to be parked on any public road after hours;**
- jj. Additional screening trees of local native species to be planted along the perimeter of the pit, to be maintained for the duration of two summer periods, to the satisfaction of the Chief Executive Officer;**
- kk. An annual report shall be submitted to the Chief Executive Officer prior to 30 June each year that includes:**
  - i. The progress of excavation;**
  - 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 the close of business 30 June each year will result in the immediate suspension of the excavation licence.

- II. 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;
- mm. Development and operation shall occur in accordance with the Excavation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;
- nn. No more than 100,000 tonnes shall be extracted per annum, a record of each year's output must be kept on the site and must be provided to Council at any time upon request;
- oo. Stockpiles will be located on the floor of the pit to reduce visual impact;
- pp. There will be no processing of materials on site. Materials shall be stockpiled or directly transported for use;
- qq. Breach of any conditions may result in cancellation of this approval;
- rr. The approval of Main Roads WA will be required in regard to the egress and ingress to the Great Northern Highway.

2. Delegate authority to the Chief Executive Officer to issue an excavation licence for sand at Lot 52 Old Gingin Road, Muchea in accordance with the planning consent specified in 1. above, on satisfaction of conditions e, f, g, h, i, j, k, l, m, n, o, p and q.

**Advice Note:**

- 1. Should an 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 may require a permit for the clearing of native vegetation.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0  
7.38PM

**AMENDMENT**

Moved Cr Rossouw / seconded Gibson

- 1. That the following words be included at the end of recommendation nn:  
*"A record of each year's output must be kept on the site and must be provided to Council at any time upon request;"*
- 2. That the word 'crushing' be deleted from recommendation f.
- 3. That an additional point be included under recommendation j. and after point i. as follows:





ii. *that the samples be taken from the site by independent qualified persons;*

4. That recommendation kk. be reworded as follows:

*“kk. Failure to submit the annual report prior to the close of business 30 June each year will result in the immediate suspension of the excavation licence.”*

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION  
7.27PM

#### AMENDMENT

Moved Cr Hawes / Seconded Cr Mackie

That the word *‘negative’* be included in recommendation n. before the words *‘impact on adjacent..’*.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION  
7.28PM

#### AMENDMENT

Moved Cr Norton

That recommendation v. be deleted:

v. *Access through Lot 23 Reserve Road shall not be permitted;*

THE AMENDMENT LAPSED FOR WANT OF A SECONDER

#### Background

Council's consideration is requested for the proposed Extractive Industry and Excavation Licence for Sand at Lot 52 Old Gingin Road, Muchea.

The application details are as follows:

- Subject property is 416.6 hectares;
- The property has been traditionally used for cattle grazing;
- The western boundary of Lot 52 adjoins the Tiwest mineral sands plant;
- Northern boundary adjoins private owned land which is remnant bushland;
- Southern and eastern boundaries adjoin private owned rural land. Lots 22 and 23 Reserve Road have existing extractive industry operations;
- Applicant proposes to use Lot 23 Reserve Road property for access. It is proposed an agreement will be made between the owners upon approval of the application;
- An advised figure of approximately \$3000-\$4000 per annum for the use of Reserve Road will be applicable;
- The applicant proposes 20 trucks per day accessing the site, equivalent to 40 truck movements per day;
- The transport of the sand will be via 18m semi trailer tippers;
- Proposed to be one (1) employee on site from 2-6 hours per day;
- Closest residence is approximately 900m from Excavation Area 'A';
- The subject property is approximately 30m lower in height to surrounding properties. This protects noise impacts. Maximum noise level of all equipment is 85DbA at 15m;
- Water truck to be used for dust suppression to assist dust management.



#### Excavation details

- Total proposed excavation area is 30.2 hectares;
- Area 'A' is 10.5 hectares in area. The application proposes a depth to 15m;
- Area 'B' is 3.6 hectares in area with a depth to 10m;
- Area 'C' is 16 hectares in area with a depth to 5m;
- The applicant proposes to excavate from three (3) separate areas on the property as shown on the plan attached;
- The applicant has surveyed the site and estimates approximately 2,000,000 tonnes of sand may be extracted from the site;
- Estimated life of excavation is ten (10) years,
- No excavation is proposed below the existing ground level. It is anticipated the groundwater throughout the site is consistent with the level of the dams;
- Refuelling will be undertaken on site in a bunded area. A 300 litre tank mounted on a light vehicle will primarily be used;
- Dieback sampling determined no presence of dieback;
- Acid Sulphate Soil assessment classified the soil as Non-Acid Sulphate Soil;
- A light vehicle with a fire unit will be on site as well as the water tanker if required for fire management.

#### Rehabilitation

- Proposed to be a depth of 100-200mm topsoil.
- Plants to be local natives at a ratio of 1:60 planted in conjunction with Chittering Landcare.
- Ongoing rehabilitation undertaken each winter in conjunction with the Swan River Trust and Ellen Brockman Integrated Catchment Group.

#### Consultation

The application was advertised for a period of twenty-one (21) days in accordance with Clause 9.4 of the Scheme.

All likely affected landowners and relevant agencies were consulted. Within this period a total of thirteen (13) submissions were received. Details of these submissions can be found in the Schedule of Submissions attached to this report.

#### Statutory Environment

State: Planning and Development Act 2005

Mining Act 1914

As part of the consultation period it was noted by the Department of Mines and Petroleum that a possible conflict with a tenement subject to the Mining Act could occur as a result of this proposal. The applicant has provided a letter from the tenement holder as part of their revised proposal.

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', 'Water Prone' and 'Military Considerations' Special Control Areas. It is deemed the Military Considerations Special Control Area does not apply to this proposal as it relates to residential development.

## **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 a 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.*

### **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 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 sand, 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.*

By-law relating to Extractive Industries:

The applicant has applied for both planning approval for an 'Industry-Extractive' use and an Excavation Licence. The issue of an Excavation Licence is subject to Planning Approval being granted for an 'Industry-Extractive' use on the land. The requirements contained in the By-law are relevant to the determination of the Planning Approval.

### 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.

Statement of Planning Policy No 4.1 State Industrial Buffer Policy

It is deemed the proposal involves the need for an off-site buffer. An extractive industry land use is subject to this Policy. 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.

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 does not meet Council's preferred extractive industry application under Section 5.4a) as it does not obtain direct access onto a highway and is not identified in the State's Statement of Planning Policy No 2.4 Basic Raw Materials.

**Financial Implications**

Nil

**Strategic Implications**

Local: Shire of Chittering Local Planning Strategy 2001-2015

The Strategy Map shows the 'Vegetation Protection Area' is located on the northern half of the property, in particular the protection of vegetation of the watercourses.

The Strategy Map also identifies the Perth to Darwin Highway to intersect the property. Recent documentation i.e. Muchea Employment Node Structure Plan and the submission from Main Roads to this proposal indicate the alignment of Perth to Darwin Highway has been modified and does not affect this property.

Local: Shire of Chittering Local Biodiversity Strategy 2010

The subject property does not contain any vegetation identified in this Strategy. The property does contain local ecological linkages identified in the Strategy. It is deemed the development would not impact on these linkages provided the operations are staged accordingly.



### **Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic Implications

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

#### Social Implications

Based on the submissions received from the public, it is deemed the proposal may impact negatively upon landowners in the locality. The submissions raised a number of concerns specifically relating to the increase in traffic of heavy haulage on the local road and the unsightly view of the extractive industry operations from their property.

#### Environmental Implications

There are no known significant environmental implications associated with this proposal. Submissions from agencies during the consultation raised some issues with proposed extraction in Area C. The issues raised related to the excavation impacting on the Chandala Nature reserve and possible impacts on the threatened flora community nearby to Area C.

### **Comment**

#### Environment

As noted above, submissions received from the Department of Environment and Conservation, Department of Water and the Ellen Brockman Integrated Catchment Group have noted concerns of the proposal impacting on the environment. In particular Area C of the proposal raises the most concern due to its impact on the Chandala Nature reserve, the proximity to threatened flora communities and the distance to Yalyal Brook. Staff also have some concern regarding the close proximity of Area B, given it is located directly adjacent to Yalyal Brook, where water tables are likely to be high.

The applicant has noted throughout responses to the submissions made that an Environmental Report is currently being undertaken for Area C to provide adequate justification to the proposal. Due to insufficient background study, it is recommended Council do not support excavation in Areas B and C until the applicant can satisfy the concerns of the relevant agencies.

#### Excavation

The proposal seeks to obtain approval to excavate in three (3) nominated areas on the property. These areas combine to propose a total of 30.2 hectares of excavation. The application does mention a maximum of 1 hectare to be stripped at any one time. Whilst it may be assumed the excavation staging would be to excavate and exhaust one (1) area at a time, commencing with Area A, it is not stipulated anywhere in the report. It is recommended Council only support for excavation in Area A. Once Area A is exhausted and rehabilitated, the applicant can then apply for excavation of Area B. This ensures controlled and manageable operations for both Council and the Applicant.

The application proposes excavation down to a depth of 15m. Advice from Image Resources, which currently holds the mining tenement for the land, is that the applicant is not entitled to excavate more than 6m below the natural ground level, as it is the subject of an Exploration License.





### Setback

The applicant proposes a setback of 20m from surrounding lot boundaries to the excavation pits. Whilst this is the minimum requirement within the Shire of Chittering Local Planning Policy No.10, it is recommended that Council impose a larger setback distance based on the following information:

- The slope of the land is quite steep in close proximity to the boundary. As no details have been provided within the application showing any battering of slopes or treatment of the edge of the excavation pit, it is not possible for the Shire to assess interaction of the excavation with the property boundary; and
- A 100m setback to surrounding properties has been consistently applied as a condition of extraction in recent times throughout the Shire. This improves amenity and helps reduce impact on the surrounding lots.

Based upon the above, it is recommended that Council require a setback distance of 100m to the Excavation Areas from the property boundaries.

### Access

The applicant is seeking to use a private owned property, Lot 23 Reserve Road, to gain access to Reserve Road. This option appears to be part of the proposal due to the high costs associated with upgrading Old Gingin Road to be capable of being used for the proposal. The road frontage of Old Gingin Road to the property is gravel and becomes inundated throughout the winter period.

The applicant has stated that an agreement would be made with the owner of Lot 23 Reserve Road should the application be approved. The applicant has advised this would likely be done via an easement over the property for the period of the approval granted. Submissions received from the public raise concerns of heavy haulage use on Reserve Road. Lot 22 Reserve Road is currently being used as an extractive industry. By further increasing the number of heavy haulage vehicles using Reserve Road, greater impacts will affect the owners within the vicinity, particularly the Rural Residential property owners using Reserve Road.

The Shire's Technical Services department provided the following comments to this proposal:

- Access shall be obtained through the subject property only.
- Access from Old Gingin Road is the preferred option.
- The upgrade and maintenance of Old Gingin Road would need to be established and approved prior to any excavation.

Based on the advice from the Shire's Technical Services department and submissions received, the use of Reserve Road, in particular through private property, should not be supported. The applicant has identified three (3) possible access options being Reserve Road (close to Area A), Yalyal Road (near Area B) and Old Gingin Road. It is recommended a road upgrade and maintenance plan be submitted to Council for approval prior to the commencement of any excavation.



**9.1.3 Proposed Extractive Industry and Excavation Licence for Sand and Gravel – Lot 51 (RN 451) Reserve Road, Muchea\***

<b>Applicant</b>	Whelans Pty Ltd on behalf of G & J Edwards
<b>File ref</b>	A10698 P088/11
<b>Prepared by</b>	Brendan Jeans, Senior Planner
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Locality Plan (1 page) 2. Excavation Management Plan 3. Schedule of Submissions

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 080612**

Moved Cr Gisbon/ Seconded Cr Norton

That Council:

1. **Grant** planning approval for the extractive industry for sand and gravel at Lot 51 (RN 451) Reserve Road, Muchea subject to the following conditions:
  - a. This planning consent shall be for a period of six (6) years from the date of issue until the 30 June in the year specified as the year of expiration. The proponent may apply for an extension of the approval for a further period of up to six (6) years. This application is to be made no later than three (3) months prior to the expiry of the current consent;
  - b. This planning consent shall only apply to Stage 1 as shown on the Excavation Plan prepared by Bio Diverse Solutions dated 26/4/12 submitted with the application;
  - c. The excavation licence shall be for a period of three (3) years from the date of issue until the 30 June in the year specified as the year of expiration. The proponent may apply for an extension of the licence for a further period of up to two (2) years. Each of these applications is to be made no later than three (3) months prior to the expiry of the current licence;
  - d. The excavation licence shall only remain valid while there is the appropriate planning approval in place to support the extraction of materials;
  - e. 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;
  - f. Prior to the issue of an excavation licence the Applicant shall obtain a letter from the Tenement Holder stating no objection to the application and forward a copy of the response to Council;
  - g. Prior to the issue of an excavation licence the applicant shall establish a suitable buffer of the excavation from the remnant vegetation to the satisfaction of the Chief Executive Officer;



- h. Prior to the issue of an excavation licence the Applicant is to establish a buffer area of 500m from all nearby residences, proposed pits, stockpile and loading areas on the site plan;**
- i. 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;**
- j. Prior to the issue of an excavation licence a Refuelling Management Plan is to be prepared to the satisfaction of the Chief Executive Officer, incorporating:**
  - i. All on-site fuel storage and refuelling to take place within a lined and bunded area;**
  - ii. Any fuel leakages or spills to be cleaned up within 24 hours;**
  - iii. As part of the close-out plan, contaminated soil to be disposed of to the satisfaction of the Chief Executive Officer;**
- k. 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;**
- l. Prior to the issue of an excavation licence:**
  - i. An assessment shall be conducted to determine whether acid sulphate soils or dieback are present on the land and, if present, their extent and severity;**
  - ii. that the samples be taken from the site by independent qualified persons;**
  - iii. 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; and**
  - iv. Operations shall be carried out in accordance with the provisions of the approved Management Plan;**
- m. Prior to the issue of an excavation licence the Applicant shall enter into an agreement with the Council for payment of fees for road construction and road maintenance of Yalyal Road and Reserve Road;**
- n. Prior to the issue of an excavation licence the Applicant shall submit a Traffic Management Plan for the upgrade, use and maintenance of Yalyal Road and Reserve Road;**
- o. Prior to the issue of an excavation licence the applicant is to undertake an assessment study of the flora and fauna, to the satisfaction of the Department of Environment and Conservation, and all areas containing rare or endangered species of flora and fauna shall be protected and no excavation shall be permitted in these areas;**
- p. Prior to the issue of an excavation licence the Applicant is to provide the water catchment management plan ;**



- q. Prior to the issue of an excavation licence the Applicant is to obtain the works approval from the Department of Environment and Conservation ;
- r. Prior to the issue of an excavation licence a Rehabilitation or Land Management Plan shall be submitted and approved by the Chief Executive Officer 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.
- s. Prior to the issue of an excavation licence 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 and Department of Water, 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;
  - iii. Identify the highest known groundwater level in proposed excavation Stage A;
  - iv. A Catchment Management Plan for Stage 1;
- t. Prior to the issue of an excavation licence the applicant is to submit a detailed Dust Management Plan to the satisfaction of the Chief Executive Officer;
- u. Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process;
- v. All stormwater shall be retained on site and no discharge of pit-water shall occur without prior approval from Chief Executive Officer;
- w. Appropriate dust suppression measures shall be taken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents, to the satisfaction of the Chief Executive Officer;
- x. Internal access road shall be constructed to a standard that minimises dust emission from machinery and traffic, to the satisfaction of the Chief Executive Officer;
- y. Access shall be via Yalyal Road and Reserve Road only;
- z. 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;



- aa. The development shall comply with the provisions of Council's Town Planning Scheme No 6, 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;
- bb. All vehicle loads leaving the site shall be fully covered and secured prior to leaving the site to prevent the spread of material;
- cc. A maximum of four (4) single truck movements are permitted on a daily basis;
- dd. The hours of operation shall be limited to:
  - Monday to Friday 0700hrs to 1800hrs
  - Saturday 0730 to 1700hrs
  - Sunday and Public Holidays not permitted
  - Any variation to these times requires written approval from Council;
- ee. Excavation for the extractive industry shall not occur in the following areas:
  - i. Within 100 metres of a boundary of any land not owned by the proponent or Planning Consent holder;
  - ii. Within 20 metres of any land affected by a registered grant of easement;
  - iii. Within 40 metres of any designated water course;
  - iv. Within 500 metres of any house;
  - v. Below the level of winter groundwater table; and
  - vi. Within 40 metres of any road or road reserve.
  - vii. Below 6m from the natural ground level.
- ff. 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;
- gg. The maximum area of pit being worked at any one time shall be one (1) hectare;
- hh. 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 e required or accidentally occur;
- ii. Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases;
- jj. 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;
- kk. All static and other equipment will be located on the floor of the quarry to provide visual and acoustic screening;
- ll. No trucks are to be parked on any public road after hours;
- mm. An annual report shall be submitted to the Chief Executive Officer prior to 30 June each year that includes:



- i. The progress of excavation;
- 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 the close of business 30 June each year will result in the immediate suspension of the excavation licence.

- nn. 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;
  - oo. Development and operation shall occur in accordance with the Excavation Management Plan submitted with the application for planning approval, unless specified otherwise in this approval;
  - pp. Breach of any conditions may result in cancellation of this approval;
  - qq. The approval of Main Roads WA may be required in regard to the egress and ingress to the Great Northern Highway;
  - rr. Materials extracted from the site must not exceed 100,000 tonnes per annum. A record of each year's output must be kept on the site and must be provided to Council at any time upon request;
  - ss. Stockpiles will be located on the floor of the pit to reduce visual impact;
  - tt. There will be no processing of materials on site. Materials shall be stockpiled or directly transported for use;
  - uu. No water is to be removed from Yalyal brook.
2. Delegate authority to the Chief Executive Officer to issue an excavation licence for sand and gravel at Lot 51 Reserve Road, Muchea in accordance with the planning consent specified in 1. Above, on satisfaction of conditions e, f, g, h, i, j, k, l, m, n, o, p, q, r, s and t.

**Advice Note:**

- 1. Should an 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 may require a permit for the clearing of native vegetation.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 4/2  
7.57PM





## AMENDMENT

Moved Cr Mackie/ seconded Gibson

1. That the word '*crushing*' be deleted from recommendation h.
2. That an additional point be included under recommendation l. and after point i. as follows:
  - ii. *that the samples be taken from the site by independent qualified persons;*
3. That recommendation mm. be reworded as follows:

*"mm. Failure to submit the annual report prior to the close of business 30 June each year will result in the immediate suspension of the excavation licence."*

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

7.40PM

## Background

Council's consideration is required for the proposed extractive industry and excavation licence for sand and gravel at Lot 51 (RN 451) Reserve Road, Muchea.

Following the consultation period, the applicant sought for the application to be deferred from determination by Council. At the June 15, 2011 Ordinary Council Meeting Council resolved:

*"That the motion lay on the table."*

The Officer's Recommendation to Council for the June 15, 2011 Ordinary Council Meeting was as follows:

*"That Council refuses the proposed extractive industry for sand and gravel at Lot 51 (RN 451) Reserve Road, Muchea for the following reasons:*

1. *The proposal does not meet the objectives of the zone "to allow for the extraction of basic raw materials where it is environmentally and socially acceptable".*
2. *The proposal does not meet the requirements of the Landscape Protection Special Control Area of the Shire of Chittering Town Planning Scheme No 6.*
3. *The proposal does not meet the requirements of the Water Prone Special Control Area of the Shire of Chittering Town Planning Scheme No 6.*
4. *The proposal does not meet the objectives and preferred development under Clause 5.4 of the Shire of Chittering Local Planning Policy No 10 Basic Raw Materials and Extractive Industries.*
5. *The proposal does not meet the aims and objectives of the Shire of Chittering Local Biodiversity Strategy as it will require the high disturbance of natural vegetation which is mapped as "High Conservation Value" on the subject property.*
6. *The proposal will cause dust and noise nuisance with the use of Reserve Road, as stated by the submissions received."*

Following this, the applicant has undertaken modifications aiming to resolve issues and concerns raised by the agencies and Council. The proposal includes the following:

- Planning consent is sought for ten (10) years;
- Subject property is 155.39ha;



- Estimated sand reserve on site between 2.4 million cubic metres and 4.4 million cubic metres of which 600,000 cubic metres at depths up to 17m has been identified as resource quality;
- Previous gravel extraction has occurred on site;
- Previous extraction at depths of 2m has been undertaken on the site.
- Proposed excavation for sand is 5m and 2m for gravel;
- No excavation below water table;
- Site ranges from 80m AHD at the southeast corner and 145m AHD in the northwest;
- Yalyal Brook flows east to west along the northern boundary (neighbours property) of the subject property;
- According to a study in the report, Yalyal Brook flows at 3.5million litres a day;
- A fauna survey uncovered a number of bird species with some identified as threatened species;
- Flora survey identified at least one (1) priority three species;
- Approximately 50% of the property is previously cleared;
- Access to be via Reserve Road from Yalyal Road;
- All water supply proposed to be obtained from Yalyal Brook;
- Proposed workforce of 2 to 3 persons.

All other relevant information including dust management, water management, dieback management are contained in the attached Excavation Management Plan (EMP).

The amendments made to the original proposal include the following:

- The EMP has been amended to exclude any areas containing native vegetation from excavation;
- The EMP has been amended to include a 20m vegetation buffer in accordance with the Department of Environment and Conservation's (DEC) suggestion;
- Inclusion of a Weed Management Programme in accordance with the DEC suggestion;
- Water will now be extracted from a licensed bore and not from Yalyal Brook on recommendation of the Swan River Trust.

### **Consultation**

The application was advertised in accordance with Clause 9.4.3 of the Scheme. An advertising sign at the property and advertisement in the local newspaper in was undertaken as well as letters for comment to affected landowners and relevant agencies. Due to minor amendments made to the revised application, further public consultation was not undertaken.

The submissions have been tabled in the attached Schedule of Submissions.

### **Statutory Environment**

State: Mining Act 1914

As part of the consultation period it was noted by the Department of Mines and Petroleum that a possible conflict with a tenement subject to the Mining Act could occur as a result of this proposal. The applicant has provided a letter from the tenement holder as part of their revised proposal.

Planning and Development Act 2005

Local: Shire of Chittering Town Planning Scheme No 6

The subject property is zoned 'Agricultural Resource'. 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 western half of the property falls 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 a 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 south-western edge of the property falls within the Water Prone 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 proposed extractive industry use is defined under the Scheme 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 proposed extractive industry use is an ‘A’ use in the Zoning Table:

*“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 for the extraction of basic raw materials. The following clause of the Scheme applies:

### **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 and 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.*

### **Policy Implications**

State: Statement of Planning Policy No 2.4 Basic Raw Materials

The proposal is not identified as a “Priority Resource Location” or “Key Extraction Area” in the Policy. The proposed extractive industry does not have any state significance.

Statement of Planning Policy No 4.1 State Industrial Buffer Policy



It is deemed the proposal involves the need for an off-site buffer. An extractive industry land use is subject to this Policy. 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.

#### Guidance Statement No 3 Separation Distances between Industrial and Sensitive Land Uses

Guidance Statement No 3 is developed by the Environmental Protection Agency (EPA). Appendix 1 of the Statement sets out the required separation distances between Industrial and Sensitive Land Uses. There are four (4) categories of Extractive Industries in the Appendix. The required separation distance for sand is 300-500 metres. There is no specified separation distance for gravel extraction.

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

It is deemed the applicant has provided sufficient details subject to the Policy.

Section 5.4 of the Policy applies:

#### **5.4 Preferred Development**

- a) *Council prefers extractive industries that:*
  - i) *are located south of the Bindoon Townsite*
  - ii) *do not involve prime agricultural land*
  - iii) *cater for basic raw material needs within the Shire of Chittering*
  - iv) *are situated within areas identified in the WAPC's State Planning Policy No. 10 Basic Raw Materials*
  - v) *are more than 1000m from the nearest house*
  - vi) *do not require the management of acid sulphate soils*
  - vii) *have direct access to Brand or Great Northern Highway*
- b) *Subject to a) above, Council will not approve extractive industries that:*
  - i) *are situated in a visually significant location, such as on a ridge or along an unscreened section of regional or tourist road*
  - ii) *involve major disturbance of high value remnant bushland or natural areas, following detailed environmental assessment*
  - iii) *remove material below the winter groundwater table*
  - iv) *are located on any lot where dieback is present*
  - v) *are situated within 500m of the nearest house*
  - vi) *are located in the Chittering Valley or require access from Chittering, Chittering Valley, Julimar, Blue Plains or Maddern (North) Roads.*

Section 5.4b) of this Policy states which locations/scenarios Council will not approve extractive industries. As part of the revised proposal, the applicant has addressed many of the issues relating to this Section, in particular 5.4b) ii).

The current proposal does not meet some of the items under Section 5.4a) of the Policy. The main concern of this Section that has not been adequately addressed is 5.4a) vii). It is unclear as to what measures the applicant has proposed for the use of Reserve Road and Yalyal Road.

#### **Financial Implications**

Nil



### **Strategic Implications**

Local: Shire of Chittering Local Planning Strategy 2001-2015

The subject property is identified on the Strategy Map to support for Rural Retreat development. The Strategy Map also shows the Perth-Darwin National Highway to intersect the property however recent correspondence from Main Roads confirms this alignment has changed and no longer affects the property.

Currently the property is an Agricultural Resource zone and the following section applies:

## **8.8 AGRICULTURAL RESOURCE AREA**

### **8.8.1 Description/Location**

*The majority of the agricultural land falls into this category with the more productive areas being in the eastern and northern parts of the Shire. Land to the west, mainly on the Dandaragan Plateau and Ellen Brook palusplain are less productive where there are the deeper leachable sands. On the lower plains, waterlogging constricts the full capacity of the land for pasture.*

*The heavier soils are associated with the better class of grazing, cropping and horticulture activities.*

*Lack of water prevents the better land for more intensive and profitable agriculture. When irrigable water becomes available, the land has a high capacity to convert to intensive agriculture.*

### **8.8.2 Aims**

*To maintain agricultural lands for primary productive purposes;*

*To protect and improve the natural environment, including the landscape quality of the land.*

*To facilitate the conversion of suitable land, to intensive agriculture based upon appropriate soils and irrigable water supplies;*

*To prevent the loss of productive land to non-agricultural purposes;*

*To allow agro-tourism and eco-tourism to develop in the rural areas;*

*To allow for the subdivision of non-productive land or areas of vegetation worthy of preservation in sustainable lot sizes under conservation covenants in accordance with WAPC Policy.*

*To protect and revegetate streamlines to provide for biodiversity corridors.*

The proposed is for the extraction of basic raw materials:

## **8.9 PRIMARY BASIC RAW MATERIALS AREAS (Figure 9)**

### **8.9.1 Description/Location**

*The main area for basic raw materials is the lower part of the Shire although there are numerous small pits for gravel and sand throughout the rest of the Shire.*





*Extraction of essential materials for roads and construction are to be permitted in areas where they will not adversely affect living environments, tourism, the landscape quality or contribute to land degradation problems during and after operations.*

#### **8.9.2 Aims**

*To manage the extraction of basic raw materials within the rural zones in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission;*

*To ensure appropriate buffer areas are applied to protect the extractive operations as well as the living or agricultural environment in nearby areas.*

Shire of Chittering Local Biodiversity Strategy 2008:

Figure 5 of Part 2 in the Strategy indicates the subject property to contain “High Conservation Value” with Good to Very Good vegetation condition, as per Figure 6 in Part 2, of the native vegetation covering approximately 50% of the property. Figure 5 also indicates the property to contain “vegetation complexes protected at less than 10% regionally”.

Figure 7 of Part 2 in the Strategy identifies the subject property to contain “Local Ecological Linkages”.

#### **Site Inspection**

Site inspection undertaken: Yes

#### **Triple Bottom Line Assessment**

##### Economic Implications

The proposal could provide the opportunity for local employment and provide sand and gravel material for the locality. It could also be viewed during the operation of extractive industry approval neighbouring properties may be impacted by the use of the local roads for heavy haulage. Submissions raised indicate the heavy haulage use would devalue properties using Reserve Road for access.

##### Social Implications

Based on the submissions received from the public, the proposal may impact negatively upon landowners in the locality. The submissions raised a number of concerns specifically relating to the increase in traffic of heavy haulage on the local road. This was raised in most submissions due to Reserve Road requiring upgrading and sealing to be suitable for the heavy haulage. Use of this road could cause noise and dust nuisances to landowners in the locality and detract from the rural amenity.

##### Environmental Implications

The revised application submitted has addressed many of the concerns raised in the consultation period and under the Scheme and policies. The main concerns related to the impacts on Yalyal Brook and the impacts on the remnant vegetation on the property. The applicant has submitted the revised application, which has removed the use of water from Yalyal Brook in place of a licensed bore and the applicant has proposed to implement a 20m buffer from remnant vegetation. These modifications have met DEC requirements and would address some of the concerns raised by the public.





### Comment

The outlined reasons for refusal are included provided in the Officer's Recommendation to Council for the proposed Extractive Industry and Excavation Licence. Please be advised that these were not considered by Council but withdrawn from the Agenda by the applicant. As previously outlined, the following additional information and/or changes have been provided to the Excavation Management Plan:

- The EMP has been amended to exclude any areas containing native vegetation from excavation;
- The EMP has been amended to include a 20m vegetation buffer in accordance with the Department of Environment and Conservation's (DEC) suggestion;
- Inclusion of a Weed Management Programme in accordance with the DEC suggestion;
- Water will now be extracted from a licensed bore and not from Yalyal Brook on recommendation of the Swan River Trust.

However, it is also necessary to determine whether the reasons for refusal have been adequately addressed by the applicant. These are outlined and discussed below.

1. *The proposal does not meet the objectives of the zone "to allow for the extraction of basic raw materials where it is environmentally and socially acceptable".*

Comment: The socially acceptable nature of the proposal is questionable based upon the submissions received during the initial advertising period. Many complaints arose regarding dust and noise nuisance potential from Reserve Road. It is believed that these claims are substantiated given the road is currently gravel and includes two sharp corners. The intersection of the road with Great Northern Highway would also be undesirable for use by trucks, given it has a small left turning lane and no turning bubble for those turning right onto Reserve Road. It is recommended that Council require a Traffic Management Plan outlining the upgrade requirements for Reserve and Yalyal Roads, given the likely impact the use of these roads is to have on the neighbouring rural residential uses. This should ensure that the proposal remains socially acceptable.

With regards to environmentally acceptable, the applicant has excluded high conservation value remnant vegetation from the extraction areas. However, the proposal still shows excavation to the edge of the high conservation value area with no buffer. Additional advice sought from the Landcare Group substantiates claims of a possible "Edge Effect", whereby dust from extractive industry can impact upon vegetation where it is directly adjacent. A similar effect exists for gravel roads. With the exception of outlining dust control as necessary on the property and roads used for transport, no further information is provided. It is recommended that a Dust Management Plan be provided by the applicant, as well as further evidence detailing justification regarding excavation to the edge of high conservation value remnant vegetation for Stages 2 and 3. At this time, it is not recommended that approval is issued for Stages 2 and 3, as excavation issues have not yet been fully resolved.

The location of Stage 3 is a concern given the high conservation valued area that needs to be preserved in accordance with the Shire of Chittering Local Biodiversity Strategy and the local biodiversity linkages through this area. It is noted that the applicant had identified the required buffer in consultation with the Department of Environment and Conservation (DEC). However, based on the preservation of the high conservation valued area, it is recommended that Council does not support Stage 3 for the area to be included for future extraction.

Similarly Stage 2 has also been identified as the local biodiversity linkages and therefore should be protected from extractive industry as this will have an adverse implication to the environment. Therefore it is also recommended that no extractive industry is to be permitted in stage 2.



If the above issues are addressed, it is believed that the proposal can be considered socially and environmentally acceptable.

- 2. The proposal does not meet the requirements of the Landscape Protection Special Control Area of the Shire of Chittering Town Planning Scheme No 6.*

Comment: Based upon site inspection, the site is not considered to be visually significant, even though it is part of the Gingin Scarp. Extractive industry does occur on other parts of this scarp within the Landscape Protection Special Control Area. Furthermore, distance from public roads (excluding Yalyal Road) ensures that the proposal is not easily viewed. Whilst the proposal will result in the removal of some trees, these are singular and not part of the remnant vegetation. It should be noted that revegetation of the site is proposed at the completion of excavation, with seeds collected on-site.

- 3. The proposal does not meet the requirements of the Water Prone Special Control Area of the Shire of Chittering Town Planning Scheme No 6.*

Comment: Detailed review of the requirements of the Water Prone Special Control Area has revealed that only a small portion of the land, which is outside of the extraction area, is included in the Ellen Brook Palusplain). As such, the requirements relating to this Special Control Area are not applicable to the proposed extractive industry and excavation licence.

The original application proposed extraction of surface water from Yalyal Brook for the operations. The applicant after discussion with the DEC and Swan River trust submitted a revised application proposing for an approved licensed bore to be used for all the operations. This mitigates the impacts on Yalyal Brook and the Ellen Brook Catchment. It is advised however that a Catchment Management Plan be implemented as per Clause 6.3.3(f) of the Scheme to ensure all operations on the site have been dealt with accordingly. The provision of a Catchment Management Plan should address any concerns of leaching and surface water runoff into Yalyal Brook and its catchment system.

- 4. The proposal does not meet the objectives and preferred development under Clause 5.4 of the Shire of Chittering Local Planning Policy No 10 Basic Raw Materials and Extractive Industries.*

The proposal does not meet the preferred development criteria for basic raw material extraction due to the following:

- The land is not identified within the WAPC State Planning Policy No.2.4 Basic Raw Materials;
- The nearest house is within 1km. Stage 3 is fully included within the 1km buffer to the nearby residence and Stage 2 would be partially impacted if a 1km buffer was imposed;
- It is not confirmed whether the property has acid sulphate soils or not in preliminary works.

However, it does meet Council's "will not" approve criteria outlined in Section 5.4 b) of the policy, as evidenced by the following:



- It is not located in a visually significant location.
- Does not involve major disturbance of high value remnant bushland, with the exception of possible "Edge Effect";
- It will not remove material below the winter groundwater table, as outlined in the EMP;
- No dieback is present on the lot, as outlined in the EMP;
- No house is situated within 500m of the extraction, as buffers have been included within the EMP; and
- The proposal is not located in the Chittering Valley, nor will require access from any roads prohibited for transporting from extraction sites.

Based on the above, the proposal still does not meet Council's preferred development criteria outlined in 5.4 a) of Local Planning Policy No.10. Council needs to determine that if the applicant has met the "will not" criteria outlined in Section 5.4 b) of the Policy.

5. *The proposal does not meet the aims and objectives of the Shire of Chittering Local Biodiversity Strategy as it will require the high disturbance of natural vegetation which is mapped as "High Conservation Value" on the subject property.*

The revised application has removed all excavation within remnant vegetation areas on the property. The disturbance of the vegetation due to the proposed activities on site however may still be present due to the likely dust emissions onto the existing vegetation adjoining the excavation areas and the possibility of impact on groundwater due to the use of a licensed bore for all operations. Discussions with the Landcare Group further substantiate the environmental impact of excavation to adjoining vegetation, mostly relating to dust. It is recommended that Council impose a condition for the applicant to establish a buffer from excavation to existing vegetation and that Stage 2 and 3 are not issued approval until such time as additional information is provided justifying that excavation will not impact high conservation value remnant vegetation.

6. *The proposal will cause dust and noise nuisance with the use of Reserve Road, as stated by the submissions received."*

The proposed access route of Yalyal Road and Reserve Road to gain access to the Great Northern Highway requires detailed assessment, given the likely dust and noise nuisance generated. There have been no changes to the matter of access as part of the revised application. The issue lies with the current alignment of Reserve Road having sharp bends which is considered to be unsuitable for heavy haulage use. Furthermore, Reserve Road is currently unsealed and with the use of this road for heavy vehicle will require the ongoing maintenance and upgrading.

The Shire's Technical Services advised that the applicant provide Council with a more detailed plan for the upgrade and maintenance of Reserve Road prior to any excavation commencing. It was also advised that the applicant need to provide additional details as to the types of vehicles used, the consideration on the speed limit would need to be reduced for safety of other road users and further assessment of the sharp bends in Reserve Road for its suitability of heavy haulage use.



**9.1.4 Proposed carpark and picnic ground – Reserve 38837 Great Northern Highway, Chittering\***

<b>Applicant</b>	Ellen Brockman Integrated Catchment Group on behalf of the Shire of Chittering
<b>File ref</b>	A10070
<b>Prepared by</b>	Brendan Jeans, Senior Planner
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Locality Plan (1 page) 2. Application Details (8 pages)

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 090612**

Moved Cr Mackie / Seconded Cr Gibson

That Council endorse the proposed carpark and picnic ground concept at Reserve 38837 Great Northern highway, Chittering subject to securing the necessary funding.

**Advice Note:**

No allocation has been made in the Shire of Chittering 2012/13 budget.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
7.59PM

**OFFICER RECOMMENDATION**

Moved Cr Mackie / Seconded Cr Gibson

That Council endorse the proposed carpark and picnic ground at Reserve 38837 Great Northern highway, Chittering subject to securing the necessary funding.

**AMENDMENT**

Moved Cr Norton / Seconded Cr Mackie

That the word 'concept' be included after the words 'picnic ground' and an advice note be included as follows:

***"Advice Note:***

***No allocation has been made in the Shire of Chittering 2012/13 budget."***

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**  
7.59PM

**Background**

Council's consideration is requested for the development of a carpark and picnic area on Reserve 38837 Great Northern Highway, Chittering.



Reserve 38837 (known as Carty Reserve) is 11.1808 hectares and is vested in the Shire of Chittering as a Reserve for Parks and Recreation. The area subject to this proposal is two (2) hectares.

The proposed development is to extend the existing parking facility by developing part of the open space reserve adjoining the Main Roads highway reserve. It is intended to provide safer, quieter and more attractive parking for tourists. The development could also include information signage to highlight attractions of the Chittering area.

The proposed development also provides the opportunity to improve the watercourse within the reserve by weed control and replanting of natural species. The opportunity also exists to create an interpretive walk trail within the reserve.

The process of development outlined in the application report is as follow:

1. Initial site cleanup. Any rubbish and debris shall be collected for disposal by the Shire of Chittering.
2. Burning off of any dead vegetation. This would be undertaken by the Upper Chittering Bushfire Brigade in conjunction with the Shire Community Emergency Services Manager and Chittering Landcare Centre Officers.
3. Marking out of the parking area and access point from the parking bay in conjunction with Shire Officers and Main Roads WA Officers.
4. Gravel screed of new parking bay and other works by Shire Works Crew.
5. Installation of interpretive signage.
6. Weed control in revegetation areas.
7. Planting of recommended species.
8. Follow up clean up and ongoing monitoring of vegetation and weed control.

### **Consultation**

Nil

### **Statutory Environment**

State: Planning and Development Act 2005

Land Administration Act 1997

A Vesting Order in 1992 under Section 33(2) of the Land Act 1933 (now Land Administration Act 1997) of this Reserve was to be held by the Shire of Chittering for the purpose of 'Public Recreation'. The proposed development is consistent with the purpose of this Reserve designated under the Vesting Order.

Local: Shire of Chittering Town Planning Scheme No 6

The subject land is designated as a 'Local Reserve' on the Scheme Map. Part 3 of the Scheme relates to the requirements of Reserves:

## **PART 3 - RESERVES**

### **3.1 RESERVES**

*Certain lands within the Scheme Area are classified as Local Reserves.*



**3.2 REGIONAL RESERVES**

*There are no Regional Reserves in the Scheme Area.*

**3.3 LOCAL RESERVES**

*“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.*

**3.4 USE AND DEVELOPMENT OF LOCAL RESERVES**

**3.4.1** *A person must not-*

*(a) use a Local Reserve; or*

*(b) commence or carry out any development on a Local Reserve,*

*without first having obtained planning approval under Part 9 of the Scheme.*

**3.4.2** *In determining an application for Planning Approval the Local Government is to have regard to:*

*(a) the matters set out in Clause 10.2; and*

*(b) the ultimate purpose intended for the Reserve.*

**3.4.3** *In the case of land reserved for the purposes of a public authority, the Local Government is to consult with that authority before determining an application for Planning Approval.*

The subject land is intended for ‘Parks and Recreation’ on the Scheme Map. As required by Clause 3.4.2(b), the intended purpose for the Reserve is stipulated under the Vesting Order as being ‘Public Recreation’.

The proposed development includes a carpark and picnic area.

The carpark is defined under the Scheme:

*“means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale.”*

The picnic area falls under the definition of the ‘Community Purpose’ land use:

*“means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.”*

The land is a Reserve and the Zoning Table does not apply. It is deemed the proposed development meets the requirements under Clause 10.2 of the Scheme and is consistent with the designated purpose of the Reserve.





**Policy Implications**

Nil

**Financial Implications**

Cost of construction and ongoing maintenance to Council.

**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: Yes

**Triple Bottom Line Assessment**

Economic Implications

The proposed developments would require the regular maintenance by Council. Currently the parking area is within the Main Roads highway reserve and maintained by Main Roads. It would be necessary to allocate funding for the maintenance of this reserve.

Social Implications

The proposal would provide the public with a safer site away from the noise and fumes of the highway traffic and a site that is far more pleasant and enjoyable. .

Environmental Implications

It can be viewed that the proposed developments would enhance the environmental values of the reserve. This would be achieved with assistance through the Ellen Brockman Integrated Catchment Group and other relevant groups. The negative environmental impact on the reserve could be the increase of littering, particularly into the watercourse.

**Comment**

Subject land

The area selected by Landcare for this proposal is deemed to be suitable for the developments. The area to be developed is directly adjacent to the existing Main Roads parking area. No new crossovers to Great Northern Highway will be required and the proposal to provide picnic areas and interpretive information of the reserve provides a greater benefit to the community. The area to be developed is previously cleared of any native vegetation and does not require any interference with the watercourse.

Design

The application was referred to the Shire's Technical Services department for comment. Some of the concerns discussed included:

- Altering the location of the access to the carpark from the Main Roads carparking area to ensure access at all times.
- Whether Public Liability Insurance needs to be addressed by Council.
- The application acknowledges issues of erosion and drainage. A drainage design and management plan should be carried out.
- Compliance of overnight camping.
- Costs and responsibilities of maintenance and cleaning.

The comments raised by the Shire's Technical Services department have been incorporated into the Officer's Recommendation. The condition of approval requiring a Stormwater Management Plan (SMP) would address any drainage and erosion issues. Further to this the SMP would consider the access points proposed.





The ongoing costs for maintenance of the Reserve will require further study and has been imposed as a condition of approval. The comments of Public Liability Insurance and compliance of overnight camping would not be subject to the approval of development. It is intended that the informative signage proposed would mitigate these concerns.

*Environmental Values*

The proposed actions by the Landcare Group aim to enhance the Reserve. This is proposed to be achieved by:

- Revegetating the watercourse and reserve area;
- Removal of gully dams within the reserve to improve natural water flow; and
- Provide interpretive info and walk trail.

It is the Officer's Recommendation that Council support the proposed carpark and picnic area.



**9.1.5 Proposed shed extension and expansion of laydown area – Lot 5D67144 (RN 3571) Great Northern Highway, Muchea\***

<b>Applicant</b>	Aussie Modular Solutions Pty Ltd
<b>File ref</b>	A3084 P042/12
<b>Prepared by</b>	Brendan Jeans, Senior Planner
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Locality Plan (1 page) 2. Site Plan (1 page)

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 100612**

**Moved Cr Gibson / Seconded Cr Mackie**

**That Council:**

1. **Refuse** planning approval for the proposed shed extension and expansion of laydown area at Lot 5 (RN 6) Great Northern Highway, Muchea for the following reasons:
  - a. The proposal cannot be accurately defined as a permissible land use under the Scheme for the current zone;
  - b. The proposed developments alter the predominant land use, which falls outside of the currently approved 'Industry-Rural' use.
2. Provide in-principle **support** for the applicant to submit a scheme amendment.

**Advice Note:**

1. The applicant is advised the land, the subject of this request may be the subject of a future land resumption for the proposed Perth – Darwin Highway. Based on the current alignment depicted in the Muchea Employment Node Structure Plan as this will impact on the Existing Hard Stand in the western portion of the development. It is therefore recommended that the applicant liaised with the Main Roads WA of the proposed Perth Darwin Highway alignment.
2. If the applicant is aggrieved by the determination, there is a right of Review under Part 14 of the Planning and Development Act 2005 (as amended). This right must be exercised within 28 days of the determination.

**THE MOTION WAS PUT AND DECLARED CARRIED 5/1**  
8.04PM

**Background**

Council's consideration is requested for the proposed shed extension and expansion of laydown area on Lot 5D67144 (RN 3571) Great Northern Highway, Muchea.



On 7 November 2002 Council approved a 'Rural Service Industry (shed manufacture)' use on the land. On 13 September 2011 planning approval was granted for an amendment to the 'Industry-Rural land use on the land to allow for the assembly of transportable buildings, temporary storage of these transportable buildings and a transport depot in conjunction with the operation. Council at that meeting resolved as follows:

- "1. This approval, in addition to existing approval (P071/02 13/11/02), shall be only for:
  - a. The manufacture of sheds and/or shed kit homes;
  - b. The manufacture of structural framework additions and similar to existing habitable buildings;*
- 2. Temporary storage on site shall only be for products manufactured on site and other associated pre-fabricated materials as per condition 1;*
- 3. Temporary storage shall only be to the rear of the manufacturing shed as shown on the approved plans and shall be drained and maintained on site;*
- 4. Temporary storage area to the rear of the manufacturing shed as shown on the approved plans shall be screened from public view with indigenous plant species to the satisfaction of the Chief Executive Officer;*
- 5. Temporary storage area to the rear of the manufacturing shed as shown on the approved plans shall be setback a minimum 10m from the creek line;*
- 6. Temporary storage shall be within the permitted setback requirements as per the approved plans;*
- 7. Open air display, in conjunction with approval as per condition 1, shall only be permitted at the front of the existing shed within the prescribed setback area to the highway and shall require prior approval from Main Roads WA and a copy of this evidence provided to Council;*
- 8. Associated transport and freight operations incidental to the predominant land use shall be permitted within the area identified on the approved plans (dated 13/08/2011);*
- 9. Transport Depot use is not permitted under this approval.*
- 10. Any amendment or variation to this approval and/or the existing approval shall require prior Council approval."*

The application presented to Council is to:

- extend the existing shed used as the workshop for construction/assembly of the transportable buildings; and
- expand the laydown area where minor works are carried out on the transportable buildings.

#### **Consultation**

Nil

Should Council support the Officer's recommendation for the applicant to undertake a scheme amendment, consultation would be undertaken with relevant agencies and affected landowners.

#### **Statutory Environment**

State: Planning and Development Act 2005

Local: Shire of Chittering Town Planning Scheme No 6

The 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 property falls within the 'Water Prone' and 'Military Considerations' Special Control Areas. The requirements of the Military Considerations Special Control Area relate to residential development and is deemed not to be applicable to the proposal. It has been assessed that the proposal meets the aims of the Water Prone 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-*

- (g) *The construction and occupation of any dwelling or outbuilding;*
- (h) *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.;*
- (i) *Minimum floor levels for any building above the highest known water levels;*
- (j) *Any land use that may contribute to the degradation of the surface or sub-surface water quality.*
- (k) *No development other than for conservation purposes will be permitted within 30 metres of any natural water body;*



- (l) *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-*

- (f) *The likely impact on the health and welfare of future occupants;*
- (g) *The proposed activities for the land and their potential increase in the risk of causing an increase in nutrients entering the water regimes;*
- (h) *Any provision or recommendation from any Catchment Management Plan.*
- (i) *The likely impact on any wetland;*
- (j) *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.*

It is deemed that the proposed application exceeds the current planning approval of an 'Industry-Rural' which is defined as:

- (a) *an industry handling, treating, processing or packing rural products; or*
- (b) *a workshop servicing plant or equipment used for rural purposes;*

It is deemed that the proposed development and current developments in combination are more accurately defined under the Scheme as an 'Industry' use:

*means premises used for manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises, on the same land used for-*

- (a) *the storage of goods;*
- (b) *the work of administering or accounting;*
- (c) *the selling of goods by wholesale or retail; or*
- (d) *the provision of amenities for employees,*

An 'Industry' land use is not listed in the Zoning Table and must be assessed as a 'use not listed'. The application shall be dealt with in accordance with clause 4.4.2 of the Scheme:



*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**

Nil

**Financial Implications**

Nil

**Strategic Implications**

State: Muchea Employment Node Structure Plan 2011

The subject property is identified in the Muchea Employment Node Structure Plan (MENSP). The MENSP identifies the Perth to Darwin Highway intersecting the property. The proposed highway is to intersect to the rear of the proposed shed expansion and does not impact on the developments on the property.

The property is identified as 'short term industrial development zone'. It is deemed that the current use of the land would meet the general aims and objectives of the MENSP and future industrial land uses.

Local: Shire of Chittering Local Planning Strategy 2001-2015

The subject property falls within the Ellen Brook Palusplain Geographical Area. The aims for this area are stipulated under 6.4.2 of the Strategy. The aims in this section relate to retaining productive agricultural land, protecting and enhancing the rivers and wetlands, and prohibiting non-agricultural development that may detriment the ecological values of the Ellen Brook Catchment.

The Strategy also identifies the environmental issues within the Shire, which particularly focuses on the Ellen Brook Catchment system, deemed applicable to this property.

As identified earlier in the report in the Muchea Employment Node, the future alignment of the Perth-Darwin Highway impacts on this property directly. Section 7.5.1 of the Strategy identifies the aims of Roads and Transport Links in the Shire:

*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 press for urgent improvements to Great Northern Highway to reduce traffic problems and accidents;*

*To improve the standard of the roads used for the lime sands cartage route;*





*To ensure all future developments follow the nominated routes to allow for a cohesive road network throughout the Shire.*

Section 8.8 of the Strategy applies to the subject property as the land is currently an 'Agricultural Resource' zone:

## **8.8 AGRICULTURAL RESOURCE AREA**

### **8.8.1 Description/Location**

*The majority of the agricultural land falls into this category with the more productive areas being in the eastern and northern parts of the Shire. Land to the west, mainly on the Dandaragan Plateau and Ellen Brook Palusplain are less productive where there are the deeper leachable sands. On the lower plains, waterlogging constricts the full capacity of the land for pasture.*

*The heavier soils are associated with the better class of grazing, cropping and horticulture activities.*

*Lack of water prevents the better land for more intensive and profitable agriculture. When irrigable water becomes available, the land has a high capacity to convert to intensive agriculture.*

### **8.8.2 Aims**

*To maintain agricultural lands for primary productive purposes;*

*To protect and improve the natural environment, including the landscape quality of the land.*

*To facilitate the conversion of suitable land, to intensive agriculture based upon appropriate soils and irrigable water supplies;*

*To prevent the loss of productive land to non agricultural purposes;*

*To allow agro-tourism and eco-tourism to develop in the rural areas;*

*To allow for the subdivision of non-productive land or areas of vegetation worthy of preservation in sustainable lot sizes under conservation covenants in accordance with WAPC Policy.*

*To protect and revegetate streamlines to provide for biodiversity corridors.*

Section 10.2 of the Strategy applies as the property is located within the Water Prone- Ellen Brook Palusplain Special Control Area:

## **10.2 WATER PRONE AREAS**

*This control refers specifically to the Ellen Brook palusplain where seasonal flooding or waterlogging occurs and incidentally to the minor flood plains of the Brockman River System.*

*The intent is to protect people from the risk to health because of flooding, high water tables and their association with septic disposal systems and to manage the susceptible areas from undue discharge of excess nutrients into the drainage systems.*



### **Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic Implications

It is deemed the proposal will provide opportunity for local employment and contribute to industrial type operations in the Shire.

#### Social Implications

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

#### Environmental Implications

The Ellen Brockman Integrated Catchment Group has been involved with the landowners to ensure the environmental values have not been jeopardised by the current operations on the property. The proposed developments do not cause any significant environmental implications.

### **Comment**

#### Land Use

In 2002, the property contained a 'Rural Service Industry' approval on the land. The application was dealt with as a 'use not listed'.

The planning approval granted in 2011 contains approval for 'Industry-Rural'. The current operations on the property involve:

- transportation of transportable buildings;
- minor works of transportable buildings on site;
- storage of transportable buildings on site;
- temporary parking of commercial vehicles used in conjunction with the operations.

The proposed development seeks to expand on the current operations. The extension to the shed is for the use as a workshop for the major works undertaken on the transportable buildings. The expansion of the laydown area at the front is used for the undertaking of minor works and display of transportable buildings.

As stated earlier in the report, it is deemed that the proposed development falls within the 'Industry' land use class. The 'Industry' land use is not listed in the Zoning Table in the Scheme and would require to be assessed under Clause 4.4.2 under the Scheme, by which it is at Council's discretion to determine if the proposed use is consistent with the objectives of the zone.

The property falls within the MENSPP area. The land is identified as suitable for rezoning to 'Future Industry' and is intersected by the Perth to Darwin Highway. It is recommended that Council not support the proposed development and provide in-principle support requiring the applicant to submit documentation initiating the rezoning of the subject land to a more appropriate zone. This would permit the land use applied for and be consistent with the MENSPP and the Shire's Local Planning Strategy.

#### Environmental

The property falls within the Ellen Brook Palusplain Geographical Area identified under the Local Planning Strategy. This section of the Strategy mostly outlines the need to protect the current agricultural uses and prevent uses of the land which will cause impacts on the Ellen Brook Catchment area, which includes wetlands, groundwater and surface water.



The property has not been used for agricultural purposes for a significant period. The proposed development further expands the current land use in a fashion similar to industrial development. Any issues and concerns regarding nutrient export into catchment systems can be negated with appropriate development provisions in place. The use of the land for the proposed development could be seen as causing less environmental issues than agricultural practices, both extensive and intensive, on the land.

**Conclusion**

It is the Officer's recommendation that Council aim to formalise the land use/s on the subject property. The proposed use is a further expansion of the current planning approval granted for an 'Industry-Rural' however is deemed the proposed developments do not to fall within this approval and exceed the approved land use. With this said, the proposed development to expand the current operations on the property should not be supported by Council

It is the Officer's recommendation that Council do not support the application for planning approval for the proposed development for the shed extension and expansion to the laydown area. However, it is the Officer's recommendation that Council provide in-principle support for the applicant to submit an amendment to the Scheme to formalise the land uses on the property through a rezoning to "Additional Use", the additional use being 'Industry'.



#### 9.1.6 Section 70A Notification – Lots 3 & 4 Maddern South Road, Chittering

<b>Applicant</b>	George Cugley
<b>File ref</b>	18/03/16 (WAPC140247)
<b>Prepared by</b>	Azhar Awang, Executive Manager Development Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple
<b>Documents tabled</b>	Nil

<b>Attachments</b>	1. Section 70A notification 2. Deposited Plan 67898
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#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 110612

Moved Cr Mackie / Seconded Cr Gibson

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the following:

1. Notification under Section 70A of the *Transfer of Land Act 1893 (as amended)* relating to no reticulated water supply on Deposited Plan 67898.
2. Notification under Section 70A of the *Transfer of Land Act 1893 (as amended)* relating to the lot being subject to the Fire Management Plan on Deposited Plan 67898.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0  
8.05PM

#### Background

On 6 October 2009 the Western Australian Planning Commission granted a subdivision approval for Lots 3 and 4 Maddern South Road, Chittering subject to a number of conditions.

Condition 5 and 9 of the subdivision approval requires a notification in the form of section 70A notification, pursuant to the Transfer of the land Act 1893 (as amended) is to be placed on the Certificate(s) of Titles of the proposed lot(s) in regards to no reticulated water supply can be provided to the land and the land is subject to a Fire Management Plan.

There is no delegation in place for the Shire's Administration to authorise the Shire of Chittering to affix the Common Seal and hence the report to Council to formally request the common seal to be affixed.

#### Consultation

Nil

#### Statutory Environment

Transfer of Land Act 1893 (as amended)

#### Policy Implications

Execution of documents

#### Financial Implications

Nil



**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: 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 applicant has submitted a subdivision clearance for stage 1 which is comprised of fifteen (15) lots as shown on the attached deposited plan 67898. In order to satisfy conditions 5 and 9 of the condition of subdivision, the applicant is to provide a section 70A notification of the *Transfer of Land Act 1893* (as amended) which requires a Common Seal to be affixed to the notification.

As this is a formality, it is recommended that Council supports the authorisation of the Chief Executive Officer and the Shire President to affix the Common Seal as a requirement of the subdivision clearance.



**9.1.7 Proposed Setback Variation – Lot 21P27633 Chittering Road, Chittering\***

<b>Applicant</b>	Shire of Chittering Planning Department
<b>Prepared by</b>	Scott Penfold, Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil

<b>Attachments</b>	1. Locality Plan (1 page) 2. Site Plan (1 page) 3. Site Photos (2 pages)
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**OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 120612**

**Moved Cr Norton / Seconded Cr Gibson**

That Council grants planning approval for the proposed setback variation for the Single House, Outbuilding (Shed) and Water Tank on Lot 21 Chittering Road, Chittering, subject to the following conditions:

1. The Single House, Outbuilding (Shed) and Water Tank as depicted on the approved plan (dated 30/05/2012) being constructed of non-reflective materials and materials with natural tones to the satisfaction of the Chief Executive Officer.
2. The proposed Shed on the approved plan being setback at least 15m from Chittering Road, or an equal or greater distance than the proposed Single House, whichever is the greater.
3. The proposed Shed on the approved plan being setback at least 10 metres from the drain on the property.
4. Provision of satisfactory screening along the property boundaries to a width of 10m to provide screening from Chittering Road and buffer the Single House from surrounding agricultural land uses.
5. The driveway and crossover is to be constructed and filled to the satisfaction of the Chief Executive Officer.
6. Any further developments/setback variations on site shall be the subject of subsequent planning applications/approvals.
7. 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.
8. 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 Note:**

1. This approval does not constitute a Building Licence.
2. In regards to condition 4, screening vegetation on the Chittering Road frontage of the property is to be of a maximum height of 5 metres or sufficient height to ensure that landscape views are not blocked but the Single House and Ancillary Structures are screened.





3. 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 days of Council's decision.
4. Any building would need to take into consideration possible flooding.

THE MOTION WAS PUT AND DECLARED CARRIED 3/3  
BY THE CASTING VOTE OF CR DOUGLAS  
8.14PM

Cr Norton requested that an additional advice note be added as follows:

*"4. Any building would need to take into consideration possible flooding."*

At the agreeance of Council the additional advice note was included in the recommendation

### Background

Council is asked to consider issuing planning approval for a setback variation for a proposed Single House, Outbuilding (Shed) and Water Tank at Lot 21 on Plan 27633, Chittering Road, Chittering. The property does not have a street address as it currently contains no buildings. This property is currently for sale by the public trustee. The attached site plan demonstrates the potential of the land to be developed for a single house and ancillary uses.

At this address it is requested that Council consider reducing the minimum setback to 15 metres for the single house and 10 metres to the shed, from Chittering Road, Chittering. It is also requested that the side setback is reduced to 10 metres. This will facilitate the development of the property should sale occur.

### Consultation

No consultation was undertaken for the proposed setback variation.

### 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 is Single House, with use ancillary to the Single House, Outbuilding and Water Tank, also being proposed. This particular use is a "P" permitted use under the Scheme. This report assesses the proposed setback variation, but does not question the permitted use itself, although the two are inherently connected.

The property is 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 request 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.

The Planning Requirements and Relevant Considerations relating to the Landscape Protection Areas are outlined in Clauses 6.2.4 and 6.2.5 of the Scheme and included below.

6.2.5 *In dealing within 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 tress 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 any area planted for fodder, timber plantation, or any other crop;*
  - vi. *in association with the establishment of a Building Envelope.*

6.2.5 *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 enhancement.*

## **Policy Implications**

### Local Planning Policy 18 - Setbacks

The proposed dwelling is subject to Local Planning Policy No.18 – Setbacks. 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*



Section 5.5 also outlines a minimum setback of a building to a drainage easement is 10 metres. Within the "Landscape Protection" Special Control Area, Section 5.6 of the Policy specifies that *Dams, buildings and other structures are to be setback from ridgelines.*

The requirement for Council approval of the setback within the "Agricultural Resource" zone comes from Section 5.11 of the Policy which specifies that:

- 5.11 Council may permit variations to the minimum setbacks specified in 5.5 and 5.7 above, as permitted by TPS No.6, in the following circumstances:
- a) additions to an existing building
  - b) reduced size or irregularly shaped lot
  - c) commercial or industrial use
  - d) temporary or minor structures
  - e) heritage buildings
  - f) other cases where it is reasonable to do so, as determined by Council.

The current application is permitted to be assessed based on criteria b).

Local Planning Policy No.7 – Outbuildings and Swimming Pools

Section 5.2 a) gives the ability for Council to assess outbuildings. Section 5.2 d) requires that:

*All outbuildings are to be placed behind the main residential building line.*

**Financial Implications**

Nil

**Strategic Implications**

Chittering Road is part of the Chittering Valley wine and sculpture trail and state tourism route. This is a strategic tourism route within the Shire. Applications for development along the trail should be assessed based on visual impact on this scenic route.

**Site Inspection**

Site inspection undertaken: Yes

**Triple Bottom Line Assessment**

Economic Implications

The sale of this land is to recoup Council's cost in unpaid rates.

Social Implications

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

Environmental Implications

There is a potential for the proposed Single House and ancillary structures to impact on the visual amenity of the locality.

**Comment**

Whilst Single House is a permitted use within the "Agricultural Resource" zone, the need to vary the required setbacks allows Council to consider the impact of the Single House and ancillary structures.



### Statutory Requirements

The Statutory Requirements applicable to the proposed setback variation arise from the Scheme. With regards to the objectives of the “Agricultural Resource” zone, it is believed that the proposal complies with these objectives as:

- The proposal represents only a small area of agricultural land. As the land is historically subdivided, it is not believed that precedent will be created for similar development and subdivision on “Agricultural Resource” zoned land;
- Landscape values of the Chittering Valley can be mitigated through appropriate measures;
- Similar development lies opposite to the proposed Single House; and
- Similarly, land management techniques can be implemented to ensure that the development does not impact on the surrounding agricultural activities.

The requirements of the “Landscape Protection” Special Control Area are most pertinent to this application. The application meets the minimum requirements for Council to support a proposal, as outlined below:

- The proposed Single House and ancillary structures are not located on a ridgeline, although the proposal is visible from Chittering Road, part of the Chittering Valley Way tourism route;
- The property is the lowest point in the surrounding landscape, being located lower than the road, the opposite house. It is not anticipated that the Single House will obscure views to the distant ridgeline;
- A Single House is permitted and related to uses within the “Agricultural Resource” zone, although not normally associated with such a small parcel of land;
- The storage of vehicles and non-agricultural materials on the land can be appropriately managed; and
- The property is currently clear, therefore no clearing will result from the proposed Single House and ancillary structures.

The “Landscape Protection” Special Control Area also outlines the factors the Council shall have regard to when assessing an application in this special control area. An assessment as to whether these considerations are met is included below:

- The key aspects of the landscape in this locality are the ridgelines, side slopes and floodplain of the valley. The proposed Single House and ancillary structures will be located in the low point of the landscape. This is lower than the existing road, opposite house and will not likely obscure views to the distant ridgeline. It is recommended that Council require future structures on the property to be single storey only;
- The colour of the Single House has not been detailed in the application. However, it is recommended that Council require natural tones as part of the future development;
- It is recommended that Council require non-reflective building materials to be utilised, given the close location to the road and neighbouring buildings and the possible impact reflective materials could have on the rural landscape;
- The proposed Single House and ancillary structures proposes native planting. It is suggested that Council impose requirements for the planting of screening vegetation of a low height adjacent to Chittering Road and on other lot boundaries to reduce visual impact of the proposed development.

### Policy Requirements

In regard to meeting the requirements of Local Planning Policy No.18 – Setbacks, the following comment is made:



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- Council is required to consider the Single House as outlined in Section 5.11 of the policy;
- The Single House is proposed to be constructed on a reduced size and irregularly shaped lot. The lot is approximately 4075m<sup>2</sup> in area, which is significantly reduced from the surrounding lot areas. The property is also irregularly shaped, being triangular;
- If setbacks outlined at 5.7 a) were applied, there would not be a building envelope on the property;
- The ability for this lot to be developed upon has arisen from Council's auctioning of the property, following the failure of the previous landowner to pay rates; and
- As the property is undersized and not held as part of a bigger land collection, it can be reasonably assumed that the owner would seek to develop a Single House and ancillary structures, with the use of the land for agriculture in such a small area being unviable and redundant.

In accordance with Local Planning Policy No.7, it is recommended that Council require the proposed shed (outbuilding) and tank to be located at the same or a greater distance from Chittering Road.



## 9.2 CORPORATE SERVICES

### 9.2.1 Financial statements for the period ending 31 May 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>	Normal - more than half elected members present required to vote in favour
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. List of accounts paid for period ending 31 May 2012 (6 pages)</li><li>2. Bank reconciliation for period ending 31 May 2012 (1 page)</li><li>3. Monthly Statement of Financial Activity ending 31 May 2012 (27 pages)</li><li>4. Financial Statements for period ending 31 May 2012 (59 pages)</li></ol>

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 130612

Moved Cr Mackie / Seconded Cr Hawes

That Council:

1. endorse the list of payments:

- PR2802
- PR2806
- PR2812
- PR2813
- EFT 6781 - EFT 6906
- Municipal Fund Vouchers 13078 - 13097
- Direct Debits as listed
- BPV15 to BPV15
- Trust Vouchers 290-298

Totalling \$1,122,168.24 for the period ending 31 May 2012.

2. receive the bank reconciliation for the period ending 31 May 2012 as presented.

3. receive the financial statements for the period ending 31 May 2012.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0  
8.15PM

#### Summary

The bank reconciliation together with the list of accounts paid for the period ending 31 May 2012, and the financial statements for the period ending 31 May 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 association with this proposal.

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**

Council is requested to:

1. endorse the list of payments:
  - PR2802
  - PR2806
  - PR2812
  - PR2813
  - EFT 6781 - EFT 6906
  - Municipal Fund Vouchers 13078 - 13097
  - Direct Debits as listed
  - BPV15 to BPV15
  - Trust Vouchers 290-298Totalling \$1,122,168.24 for the period ending 31 May 2012.
2. receive the bank reconciliation for the period ending 31 May 2012 as presented.
3. receive the financial statements for the period ending 31 May 2012.



### 9.2.2 Disability Access and Inclusion Plan\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	03/01/0008
<b>Prepared by</b>	Karen Parker, Manager Human Resources & Community Services
<b>Supervised by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Shire of Chittering Disability Access and Inclusion Plan

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 140612

Moved Cr Gibson / Seconded Cr Mackie

That Council adopts the Shire of Chittering 2012 - 2017 Disability Access and Inclusion Plan.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0  
8.16PM

#### Background

The *Western Australia Disability Services Act 1993* requires local governments to develop and implement a Disability Service Plan which identifies barriers to access and proposes to ensure people with disabilities have equality of access to services and facilities.

The plan also serves to assist Council to meet its obligations under the *Disability Discrimination Act 1992* and the *Equal Opportunity Amendment Act Western Australia 1988*.

The Shire of Chittering Disability Access and Inclusion Plan expired on the 30 June 2010.

The Shire has undergone major key staff changes over the last few years and many of the outcomes for the 2006 – 2010 Plan have not been achieved. It was therefore determined that a further audit is not required for the development of the 2012 – 2017 Disability Access and Inclusion Plan.

The Draft Shire of Chittering Disability Access and Inclusion Plan was presented to Council for consideration at the April 2012 Council Meeting.

The Draft Plan was then advertised for Public Comment from 2 May 2012 to 1 June 2012 and a copy sent to the Disability Services Commission for comment.

Only one public comment was received:

*“Upon reading it I found the document to be satisfactory. More importantly, the document contains ideas and goals that are measurable and achievable. The aspects detailed within the Disability and Access Inclusion Plan will most definitely improve things for the aged, frail and individuals with disabilities that are living or visiting within the Shire.*



*As a mother of children specifically, I am loving the ideas pertaining to making an inclusive playground of sorts, even if this won't be instigated until December 2014. I know that it will make a huge difference in the lives of my children who will be seven years old and five years old at the time that the playground is planning to be operational.*

*If the Shire would like any ideas from parents of children with disabilities as to how to make this playground functional for a range of abilities, I would be more than happy to be part of the process in order to improve the Shire of Chittering."*

The Disability Services Commission has advised that the Plan meets all requirements.

#### **Consultation**

Gary Tuffin, Chief Executive Officer  
Azhar Awang, Executive Manager Development Services  
Jean Sutherland, Executive Manager Corporate Services  
Gavin Pollock, Executive Manager Technical Services  
Disability Services Commission  
General Public

#### **Statutory Environment**

Western Australian Disability Services Act 1993.  
Disability Discrimination Act 1992.  
Equal Opportunity Act 1988.  
Building Code of Australia.

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil, all projects and goals will need to be costed for future budget consideration.

#### **Strategic Implications**

The Acts require that all planning for local governments shall include accommodation for the disabled of all categories and this principle is now exemplified in most legislation and codes.

#### **Site Inspection**

Inspections have been undertaken by the Principal Environmental Health Officer and Principal Building Surveyor of all Council owned facilities.

#### **Triple Bottom Line Assessment**

##### Economic Implications

Strategically planning for universal access will benefit the whole community. To include disabled provision after a project has been completed can become a very costly exercise.

##### Social Implications

The plan and its implementation is a vital component in the social fabric of the community. The outcomes are far reaching, bringing individuals and therefore the community together to go forward as equals.

##### Environmental Implications

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



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**Comment**

The Disability Access and Inclusion Plan is not viewed as an obligation thrust upon local government but as a vital tool with which local government through consideration and implementation, can service the community, treating all persons as equal.

Council is requested to adopt the Shire of Chittering 2012 -2017 Access and Inclusion Plan.



### 9.2.3 Discovering Golden Horizons Tourism Group\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	08/02/003
<b>Prepared by</b>	Grace Pritchard, Club & Community Development Officer
<b>Supervised by</b>	Karen Parker, Manager Human Resources & Community Services
<b>Voting requirements</b>	Absolute majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Signage Audit

#### **SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 150612**

**Moved Cr Gibson / Seconded Cr Rossouw**

**That Council receive the Discovering Golden Horizon Signage Audit Plan.**

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
8.19PM

#### **OFFICER RECOMMENDATION**

Moved Cr Gibson / Seconded Cr Rossouw

That Council endorse the Discovering Golden Horizon Signage Audit Plan.

#### **AMENDMENT**

**Moved Cr Rossouw/ Seconded Cr Mackie**

**That the word 'endorse' be deleted and replaced with the word 'receive'.**

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0**  
**AND FORMED PART OF THE SUBSTANTIVE MOTION**  
8.18PM

#### **Background**

Discovering Golden Horizons is a regional tourism group consisting of the Shires of Chittering, Dalwallinu, Moora, Victoria Plains and Wongan-Ballidu. It is the group's intention to promote the new entity through printed material, online and signage. An audit of existing signage was conducted to identify and list what currently exists and to plan for the new brand on future signage.

The tourism signage audit identified and listed all tourism related signage, commented on the suitability of the current signage and made recommendations where signs should be changed or removed. Recommendations for new branded tourism signage as well as directional signage were also included in the audit.

#### **Consultation**

Discover Golden Horizons Meeting Group – Chittering, Dalwallinu, Moora, Victoria Plains and Wongan-Ballidu.

#### **Statutory Environment**

Nil



**Policy Implications**

Nil

**Financial Implications**

There will be no financial implications for Council in the 2012/13 budget unless Council decides to update signs inside the Shire.

There will be financial implications for the Council in 2013/14 budget for approximately \$6,000 for two new boundary signs.

**Strategic Implications**

Nil

**Site Inspection**

N/A

**Triple Bottom Line Assessment**

Economic Implications

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

Social Implications

There are no known social implications associated with this proposal.

Environmental Implications

There are no known environmental implications associated with this proposal

**Comment**

Council is requested to consider endorsing the Discover Golden Horizons Signage Audit.





#### 9.2.4 Shire of Chittering Change to Authorised Officers

<b>Applicant</b>	Not Applicable
<b>File ref</b>	13/05/2
<b>Prepared by</b>	Karen Parker, Manager Human Resources & Community Services
<b>Supervised by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Voting requirements</b>	Absolute majority required
<b>Documents tabled</b>	List of Authorised Person's

##### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 160612**

**Moved Cr Mackie / Seconded Cr Gibson**

**That Council:**

1. **Approve** the removal of Gavin Pollock, Adam Majid, Terri Godsell and Elena Bull from the Register of Authorised Officers.
2. **Endorse** the appointment of Scott Penfold, Planning Officer, to represent the Shire of Chittering in the capacity nominated under the *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 of the Local Government Act*.
3. **Endorse** the appointment of Grayson Hindmarsh, Principal Building Surveyor, to represent the Shire of Chittering in the capacity nominated under the:
  - *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 of the Local Government Act; and*
  - *Dog Act 1976 & Regulations, Control of Off-Road Vehicles Act 1978 & Regulations, Litter Act 1979 & Regulations, Local Government Laws, Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15).*
4. **Endorse** the appointment of James Garrett, Executive Manager Technical Services to represent the Shire of Chittering in the capacity nominated under the:
  - *Dog Act 1976 & Regulations, Control of Off-Road Vehicles Act 1978 & Regulations, Litter Act 1979 & Regulations, Local Government Laws, Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15);*
  - *Issue of Infringement Notices – Section 59 (2) (a) of the Bush Fires Act 1954 and Section 64 (1) of the Cemeteries Act 1986; and*
  - *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 of the Local Government Act.*

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
8.20PM

#### **Background**

The appointment of all Authorised Officers for the Shire of Chittering is required to be advertised in the Government Gazette, confirming Council endorsement of nominated Shire officers to carry out their duties as per the Acts nominated.

Council is requested to endorse the removal from the Register of Gavin Pollock, Adam Majid, Terri Godsell and Elena Bull who have resigned from and left the Shire.

Council is also requested to approve the following changes to the Register of Authorised Officers to ensure all new staff have the necessary approvals to carry out their duties:



**1. Grayson Hindmarsh, Principal Building Surveyor:**

- *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 of the Local Government Act; and*
- *Dog Act 1976 & Regulations, Control of Off-Road Vehicles Act 1978 & Regulations, Litter Act 1979 & Regulations, Local Government Laws, Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15).*

**2. James (Jim) Garrett, Executive Manager Technical Services:**

- *Dog Act 1976 & Regulations, Control of Off-Road Vehicles Act 1978 & Regulations, Litter Act 1979 & Regulations, Local Government Laws, Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15);*
- *Issue of Infringement Notices – Section 59 (2) (a) of the Bush Fires Act 1954 and Section 64 (1) of the Cemeteries Act 1986; and*
- *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 of the Local Government Act.*

**3. Scott Penfold, Planning Officer:**

- *Powers of Entry – Part 3 – Division 3 Section 3.28 & 3.29 of the Local Government Act*

**Consultation**

Gary Tuffin, Chief Executive Officer

Azhar Awang, Executive Manager Development Services

**Statutory Environment**

*The Local Government Act 1995*

*The Bush Fires Act 1954*

*The Dog Act 1976*

*Control of Off Road Vehicles Act 1978*

*Litter Act 1979*

*Local Government Laws*

*Local Government (Miscellaneous Provisions) Act 1960*

*Cemeteries Act 1986*

*Health Act 1911*

*Building Act 2011*

*Environmental Protection Act 1986*

*Food Act 2008*

**Policy Implications**

Nil

**Financial Implications**

There will be a charge for advertising in the Government Gazette.

**Strategic Implications**

NA

**Site Inspection**

NA

**Triple Bottom Line Assessment**

**Economic Implications**

There are no economic implications associated with this report.



*Social Implications*

There are no social implications with this report.

*Environmental Implications*

There are no environmental implications associated with this report.

**Comment**

Endorsement of the changes requested will ensure that compliance of the associated Acts can be fulfilled at all times.



### 9.3 CHIEF EXECUTIVE OFFICER

#### 9.3.1 Bush Fire Brigades Local Law\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	19/04/0007
<b>Prepared by</b>	Natasha Mossman, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Absolute majority
<b>Documents tabled</b>	Nil

**Attachments** 1. "Draft" Shire of Chittering Bush Fire Brigades Local Law 2012

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 170612

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. **Endorse** the proposed Shire of Chittering Bush Fire Brigades Local Law 2012, as contained in the attachment;
2. pursuant to Section 3.12 of the *Local Government Act 1995* give local and state-wide **public notice** that it intends to make the Shire of Chittering's Bush Fire Brigades Local Law 2012 as contained in attachment 3 with the purpose and effect of this local law being as follows:

**Purpose** To make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.

**Effect** To align existing local laws with changes in the law and operational practice.

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0  
BY AN ABSOLUTE MAJORITY VOTE**

8.20PM

#### Background

At the Ordinary Council meeting held on 16 March 2011 Council resolved to endorse the Shire of Chittering Bush Fire Brigades Local Law 2011.

While the *Local Government Act 1995* does not expressly prescribe a timeframe in which the procedure for making a local law is to be completed, the procedure should be undertaken with "all convenient and speed" in line with the *Interpretation Act 1984*.

As a rule of thumb, a part of a local law procedure that takes more than a year could be subject to questions of legal validity. Accordingly, if the local law making process has experienced significant delays, it is recommended that the procedure for making a local law should be restarted.

#### Consultation

Steven Elliott, Department of Local Government  
Mike Terraci, FESA  
Executive Management Team  
Elected Members  
Jamie O'Neill, Community Emergency Services Manager



**Statutory Environment**  
**Bush Fires Act 1954**

**Local Government Act 1995 – Section 3.12(2)**

3.12. Procedure for making local laws

- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

**Local Government (Functions and General) Regulations – Regulation 3**

*Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))*

*For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that—*

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting; and*  
(b) *the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

**Policy Implications**

Not applicable

**Financial Implications**

There will be costs incurred for the advertising of the local law in the local papers (Northern Valley News and Advocate) plus in the state-wide paper (The West Australian).

**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 Council and Executive Management team work-shopped the Shire's current local laws in February 2011. The outcome from the workshop was to use the WALGA model Bush Fire Brigades Local Law as the template for the Shire's "Bush Fire Brigades Local Law 2012". The purpose and effect of the "Bush Fire Brigades Local Law 2012" is:



**Purpose:** to make provisions about the organisations, establishment, maintenance and equipment of bush fire brigades.

**Effect:** to align existing local laws with changes in the law and operational practice.

If Council's decision is to make the "Bush Fire Brigades Local Law 2012"; then state-wide public notice will be advertised in The West Australian, The Advocate and Northern Valley News for public comment for a period of forty-two days.

As soon as notice is given, a copy of the "Bush Fire Brigades Local Law 2012" and the advertisement is to be forwarded to the Minister for Local Government. Copies will also be made available on the Shire's website, administration centre and public library.

After the forty-two (42) day period any public comments received will be presented at the next Ordinary Council meeting for Council's resolution.

If during the procedure for making a proposed local law the Shire decides to make a local law that is significantly different from what was first proposed (i.e. what was initially adopted and advertised for public comment); the local law making procedure must be re-commenced.

Following the final adopted of the local law the Shire must publish it in the Government Gazette, give a copy to the Minister for Local Government and if another Minister administers the Act under which the local law is proposed to be made, to the other Minister.

The final adoption of the local law will be duly signed by the Chief Executive Officer and the Shire President and sealed as a matter of course. In addition, the Joint Standing Committee on Delegated Legislation (see below) requires copies to be signed by the Chief Executive Officer and Shire President.

After the local law has been published in the Gazette the Shire is to give local public notice—

- (a) Stating the title of the local law
- (b) Summarising the purpose and effect of the local law (specifying the day on which it comes into operation)
- (c) Advising that copies of the local law may be inspected or obtained from the Shire's administration office.





### 9.3.2 Registration of Voting Delegates – WALGA 2012 Annual General Meeting

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	14/01/0004
<b>Prepared by</b>	Danica Kay, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple majority
<b>Documents tabled</b>	Nil

#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 180612

Moved Cr Douglas / Seconded Cr Rossouw

That Council appoints the following as voting delegates at the 2012 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday 1 August 2012:

1. Cr Douglas and Cr Hawses as voting delegates; and
2. Cr Gibson and Cr Norton as proxy voting delegates.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0  
8.23PM

#### Background

The 2012 Annual General Meeting for the Western Australian Local Government Association (WALGA) will be held during the Local Government Convention on Wednesday 1 August 2012 at the Perth Convention and Exhibition Centre in Perth.

#### Details

Pursuant to the WALGA Constitution, all member councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. In the event that a voting delegate is unable to attend, provision is made for proxy delegates to be registered.

The Shire of Chittering must notify WALGA of its voting delegates by Monday 9 July 2012.

In 2011, Cr Alex Douglas and Cr Robert Hawes were nominated as Council's representatives at the WALGA Annual General Meeting, with Cr Barni Norton and Cr Doreen Mackie as proxy delegates.

#### 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**

It is recommended that Council appoints voting delegates and proxy voting delegates for the 2012 Annual General Meeting of WALGA.



### 9.3.3 New Staff Policy – Vehicle Use

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/03/1
<b>Prepared by</b>	Natasha Mossman, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Absolute majority
<b>Documents tabled</b>	Nil

#### **SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 190612**

**Moved Cr Mackie / Seconded Cr Gibson**

**That Council adopts the new Staff Policy – Vehicle Use and updates the Register of Policies booklet accordingly with the following amendment:**

**The Policy – Vehicle Use be amended to reflect a restriction to a 300km radius from Bindoon instead of the Perth CBD as follows:**

***“Private use of Shire vehicles will be restricted to a 300km radius of Bindoon, subject to the terms of the individual negotiated employment contract.”***

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
8.26PM

#### **OFFICER RECOMMENDATION**

**Moved Cr Mackie / Seconded Cr Gibson**

**That Council adopts the new Staff Policy – Vehicle Use and updates the Register of Policies booklet accordingly.**

#### **AMENDMENT**

**Moved Cr Gibson / Seconded Cr Rossouw**

**That the Policy – Vehicle Use be amended to reflect a restriction to a 300km radius from Bindoon instead of the Perth CBD as follows:**

***“Private use of Shire vehicles will be restricted to a 300km radius of Bindoon, subject to the terms of the individual negotiated employment contract.”***

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**  
8.26PM

#### **Background**

Council were presented with a draft copy of the proposed new staff policy in relation to ‘Vehicle Use’ at the Council information session dated 2 May 2012.

#### **Consultation**

Chief Executive Officer  
Executive Manager Development Services  
Executive Manager Corporate Services  
Manager Human Resources and Community Services



## **Statutory Environment**

### **Local Government Act 1995, Section 2.7(2)**

#### *2.7. Role of council*

##### *(2) Without limiting subsection (1), the council is to—*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

## **Policy Implications**

Register of Policies - new policy

## **Financial Implications**

Implement new measures to control the level of vehicle operating costs incurred by Council.

## **Strategic Implications**

Nil

## **Site Inspection**

Not applicable

## **Triple Bottom Line Assessment**

### Economic Implications

There are no known Economic implications associated with this proposal.

### Social Implications

There are no known Social implications associated with this proposal.

### Environmental Implications

There are no known Environmental implications associated with this proposal.

## **Comment**

Below is the draft wording for the Vehicle Use policy:

## **Vehicle Use**

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<b>Policy Owner:</b>	Governance
<b>Person Responsible:</b>	All Executive Managers
<b>Date of Approval:</b>	
<b>File Reference:</b>	

---

**Objective** To supply employees with a means of transportation in order that they may provide effective and efficient services.

**Policy** Allocation of Shire vehicles is dependent on the requirements of the position.



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This practice applies to all employees excluding the Chief Executive Officer.

No employee shall drive a Shire vehicle without a valid "C" class driver's licence. Upon request, employees will produce their current driver's licence for inspection by a delegated officer.

The employee shall be responsible for payment of fines incurred as a result of failing to observe the Road Traffic Code and/or any parking prohibitions.

All vehicles shall be appropriately housed and secured at the residence of the employee. It is the responsibility of the employee to maintain the vehicle in a clean and tidy state, and report immediately any damage or malfunction.

It is not the intention to restrict the use of Shire vehicles to those employees' allocated vehicles as determined by this policy. Vehicles are to be made available for Council business during working hours to those officers who are performing a Council function, responsibility or duty.

The Chief Executive Officer reserves the right to alter the terms/restrict or withdraw the use of a vehicle by an employee where it is determined that the officer has breached the terms and conditions of this policy; or as a result of poor performance, irresponsible use, or repeated breaches of the Road Traffic Code.

Any proposal to withdraw or restrict the use of a vehicle must take into account any conditions of a fixed term contract.

All fuel costs will be met by Council, with the exception of periods of leave (annual, long service and sick), grouped days of rostered days off (RDO / time in lieu) subject to the terms of the individuals negotiated employment contract.

Private use of Shire vehicles will be restricted to a 300km radius of Bindoon, subject to the terms of the individual negotiated employment contract.

Vehicle odometer readings are to be submitted each month to the CSO Technical Services for processing.

At the conclusion of each month receipts for fuel purchased shall be presented to the CSO Technical Services and authorised for payment by the Executive Manager Corporate Services.

As per the **Smoking, Other Drugs and Alcohol** policy smoking is banned in all Shire of Chittering vehicles.

Reviewed	Next Review	Record No

Council are now requested to give consideration to endorsing the Staff Policy – Vehicle Use.



#### 9.3.4 Electronic Council Agendas

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	13/02/28
<b>Prepared by</b>	Danica Kay, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Support Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

#### **SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 200612**

**Moved Cr Norton / Seconded Cr Mackie**

- 1. That Council include in the 2012/13 Shire budget the purchase of 7 64GB iPads for Councillor use at the total cost of \$6,300.**
- 2. That Chittering email addresses be established for all Councillors.**

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
8.37PM

#### **OFFICER RECOMMENDATION**

**Moved Cr Norton / Seconded Cr Mackie**

- 1. That Council include in the 2012/13 Shire budget the purchase of 7 iPads for Councillor use at the total cost of \$5,523.**
- 2. That Chittering email addresses be established for all Councillors.**

#### **AMENDMENT**

**Cr Gibson / Seconded Cr Rossouw**

**That recommendation 1. be amended as follows:**

- 1. That Council include in the 2012/13 Shire budget the purchase of 7 64GB iPads for Councillor use at the total cost of \$6,300.***

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0**  
**AND FORMED PART OF THE SUBSTANTIVE MOTION**  
8.37PM

#### **Background**

Councillors and Executive Staff currently receive their Council Agendas and attachments in hard copy. It has been noted by Councillors and staff that the quality of pictures and maps is low due to the size, printing and copying of the agendas and attachments. The size of the Council agendas and attachments is also ever increasing and in 2012 alone the size of Council Agenda Attachments has been: February – 375 pages; March – 438 pages, April – 261 pages and May – 630 pages.

#### **Consultation**

Perfect Computer Solutions  
Telstra  
Councillors  
Executive Staff





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**Statutory Environment**

Not Applicable

**Policy Implications**

Not Applicable

**Financial Implications**

The cost of a 64 GB 4G iPad is \$899 each and the cost of a 32GB iPad is \$789 each.

There is also the option of purchasing the iPads through Telstra over a 24 month period at \$32.87 per months for 32 GB and \$37.45 per month for a 64 GB iPad only.

Sim cards would then need to be purchased for each iPad with a data package at a cost of \$34.95 per month for 4 GB and \$44.95 per month for 8 GB which would be deducted from the Councillors IT allowance. Currently the Councillors IT allowance is \$1000 per Councillor per year.

However the costs of printing, paper use, toner use, photocopier maintenance, binding supplies would be significantly decreased. The current costs for printing of agendas and attachments for Ordinary Council meetings only are as follows:

**Black & White**

Photocopying Charge	6.37
Paper	3.43
	9.80
13 Agendas per month	127.40
11 Agendas per year	1,401.40
Admin - 4hrpm x 11 months	1,760.00
	<u><u>3,161.40</u></u>

**Colour**

Photocopying Charge	60.39
Paper	3.43
	63.82
13 Agendas per month	829.66
11 Agendas per year	9,126.26
Admin - 4hrpm x 11 months	1,760.00
	<u><u>10,886.26</u></u>

This does not include draft copies, mistakes or committee agendas and minutes.

**Strategic Implications**

Not Applicable

**Site Inspection**

Site inspection undertaken: No



### **Triple Bottom Line Assessment**

#### Economic Implications

There are no known Economic implications associated with this proposal.

#### Social Implications

There are no known Social implications associated with this proposal.

#### Environmental Implications

There are no known Environmental implications associated with this proposal.

### **Comment**

It is estimated that the printing of Council agendas and attachments takes up 70% of all of the Shires printing and copying. Since the purchase of the current photocopier in 2009/2010 the copier has done a total of 549,086 pages in black and white and 212,268 pages in colour.

Due to the amount of printing and copying, it has been advised to us by our photocopier supplier that after only 3 years the photocopier needs to be replaced/upgraded at the cost of approximately \$12,000 and this has been submitted to the 2012/13 budget.

To provide secure emails for Councillors, generic Chittering email addresses could be set up and linked to the iPads. For example [crdouglas@chittering.wa.gov.au](mailto:crdouglas@chittering.wa.gov.au). This would eliminate the need for Councillors to use their own personal email addresses for Council business.

The use of iPads for Council agendas and attachments would also eliminate the problem of unclear maps as they would not be copied/scanned etc however electronic and able to be zoomed in, at the discretion of the Councillor during the meeting.

Agendas, attachments and minutes would be accessed by Councillors through the website and eventually through the Councillors Intranet. The iPads would have wireless internet connection and therefore would connect to the Shires internet whilst in Council meetings etc.

This service could also be implemented for other printed documents such as the Information Bulletin.

Another option Council may wish to consider is laptops for each Councillor:

Toshiba Sat Pro – 15" screen \$1,020 each (inc GST)  
(4Gb RAM, 15" screen, Windows 7 Pro carry bag and 3 yr RTb warranty)

Office 2010, Home & Business (Outlook, Word, Excel, Powerpoint) \$295 each (inc GST)

It is suggested that Council consider purchasing a 32GB iPad outright with a 4GB sim card and include in the 2012/13 Shire budget.



Azhar Awang left the meeting at 8.40pm during item 9.3.5 and returned to the meeting at 8.43pm.

### 9.3.5 Shire of Chittering Logo\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	02/08/2
<b>Prepared by</b>	Danica Kay, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Support Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

**Attachments** Quote and information from Platinum Mix

#### **SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 210612**

**Moved Cr Gibson / Seconded Cr Rossouw**

**That Council:**

1. **Engages** the Platinum Mix to digitize the Shire Logo and design new stationery items for implementation in the next financial year at the cost of \$3,840 and include in the 2012/13 Shire budget.
2. **Replace** and include in the 2012/13 Shire budget:
  - a. all signs surrounding the Shire Office building (\$545);
  - b. 5 events notice boards signs (\$895);
  - c. 'Welcome to the Shire of Chittering' and 'Thank you for visiting' signs (\$2905).
3. **Update** the Shire website with the new colours and logo and include \$900 in the 2012/13 Shire budget;
4. **Replace** street name signage and all other signs in the Shire of Chittering on an as needs basis overtime.

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
8.44PM

#### **OFFICER RECOMMENDATION**

**Moved Cr Gibson / Seconded Cr Rossouw**

**That Council:**

1. **Engages** the Platinum Mix to redraw the Shire Logo and design new stationery items for implementation in the next financial year at the cost of \$3,840 and include in the 2012/13 Shire budget.
2. **Replace** and include in the 2012/13 Shire budget:
  - a. all signs surrounding the Shire Office building (\$545);
  - b. 5 events notice boards signs (\$895);
  - c. 'Welcome to the Shire of Chittering' and 'Thank you for visiting' signs (\$2905).
3. **Update** the Shire website with the new colours and logo and include \$900 in the 2012/13 Shire budget;
4. **Replace** street name signage and all other signs in the Shire of Chittering on an as needs basis overtime.



## AMENDMENT

Moved Cr Rossouw / Seconded Cr Norton

That the word 'redraw' be replaced with the word 'digitize' in recommendation 1.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION

8.43PM

## Background

With Council's endorsement the Chittering Community Planning Advisory Committee (CPAC) ran a Logo competition in the first half of the 2011/2012 financial year.

A number of submissions were received and at the 8 December 2011 CPAC meeting the Committee considered all submissions and determined the entry by Brett Walton as the successful winner.

At the Ordinary meeting of Council held 15 February 2012 Council resolved as follows:

*"That Council:*

- 1. formally endorse the recommendations of the Chittering Community Planning Advisory Committee from its meeting held on the 8 December 2011.*
- 2. instruct the Chief Executive Officer to investigate the costs associated with the full implementation of the new Shire logo, and provide a further report to council."*

The winner, Mr Brett Walton, advised that the colours on the wings of the bird represent:

- Orange - agriculture of Chittering
- Purple - vineyards and grapes
- Green - environment / biodiversity of the Shire

It was also suggested that the 'feet or tt' in Chittering could represent the people and the two river systems of the Shire.

## Consultation

Chittering Community Advisory Committee

Councillors

Chief Executive Officer

Marketing and Printing companies

## Statutory Environment

Nil

## Policy Implications

There are no policy implications relevant to this issue.

## Financial Implications

The Shire of Chittering website would have to be updated with the new colours corresponding to the Shire logo and the new logo replacing the old one. A quote from Clue Design our website provider has been obtained at approximately \$900.



The Shire of Chittering street signs would also need replacing and it is suggested that this be implemented over time on an as needs basis, when new signs are required for new roads and replacing old signs. Road signs Australia currently supplies our street name plates at the cost of \$46.64. 'Welcome to the Shire of Chittering' and 'Thank you for visiting' signs in six locations on the outskirts of the Shire would cost \$2,904 to be replaced.

All other signs across the Shire can also be obtained from Roadsigns Australia and would be replaced over time. As an example, to begin with, the events notice boards currently located at the Bindoon oval and other locations across the Shire would cost \$894.30 each (5 in total). Shire office signs – Library open, administration hours of operation, shire directory and technical services building total \$542.30.

Print Services (these are costs that the Shire would incur regardless of the new logo)

DL Plain envelopes – 1 colour – quantity 5000	\$480.20 plus GST
Letterheads - full colour – quantity 5000	\$677.60 plus GST
DL window faced envelopes – 1 colour – quantity 5000	\$480.20 plus GST
C4 (A4 size) envelopes – 1 colour – quantity 2000	\$314.00 plus GST
C3 (A3 size) envelopes – 1 colour – quantity 2000	\$961.34 plus GST
C5 (A5 size) Envelopes– 1 colour – quantity 2000	\$315.37 plus GST
Document cover and back pages – quantity 1000	\$806.00 plus GST
Business cards – full colour – quantity 500	\$117.27 plus GST
Artwork to change names and email address for each business card (7 councillors, 7 staff)	\$16.50 per officer

### **Strategic Implications**

There are no strategic implications relevant to this issue.

### **Site Inspection**

Site inspection undertaken: No

### **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**

Research has been undertaken for Council to consider in relation to the costs associated with the full implementation of the new shire logo.

The chosen logo would need to be re-drawn and digitized into a suitable and usable format for print production by graphic design professionals.

Once the logo is finalised, a business card design will need to be chosen and then applied to other stationery items such as letterhead, with compliments slips etc. It has been suggested that a small team comprising of the Chief Executive Officer, Executive Support officer and one Councillor be allocated to finalise the design before presenting to Council for final approval to ensure efficiency.

The Shire of Chittering currently contracts the Loft Group for all its stationery printing requirements.



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Quotes received from the Loft Group are: redraw of new Shire Logo being \$500.00 plus GST, and; Graphic design concept using new logo to include letterheads, Business cards, envelopes and document covers being \$1,159.00 plus GST.

A quote from marketing company Platinum Mix is attached for your reference. They have provided a detailed plan on the implementation for the new Shire Logo and graphic design services at a cost of \$3,840.00 ex GST.

Concept Marketing have also provided a cost estimate for the graphic design services of redraw of the Shire logo of \$560.00 and design of the stationery items at \$700.00.

It is requested Council consider implementing the new shire logo engaging the services of the Platinum Mix to redraw and design new stationery items and continue to use the Loft Group for all our printing needs. The Shire website be updated and shire signage be replaced overtime.







### 9.3.6 Proposed Silver Chain Lease\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/18/33
<b>Prepared by</b>	Gary Tuffin, Chief Executive Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil

**Attachments** Proposed Lease agreement

#### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 220612**

**Moved Cr Gibson / Seconded Cr Norton**

**That Council:**

1. **Endorse the proposed terms of lease for 6138 Great Northern Highway to Silver Chain as per the terms & conditions outlined in Report 9.3.7; and**
2. **Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the lease agreement.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
8.45PM

#### **Background**

In December 2009 an Aged Care Steering Committee was formed with membership comprising of local community members, Council and Shire staff representation, and representatives from Silver Chain and the Chittering Gingin St John Ambulance.

Lack of social opportunities for the Shire were identified as a serious concern and Silver Chain representatives undertook a survey of their current clients living in the Shire of Chittering and neighbouring Shires to see if they would attend a day centre type facility.

The Shire of Chittering also undertook a survey of members of target organisations within the Shire (Including Wannamal Retirees Inc., Bindoon Retirees WA Inc., Bindoon Arts and Crafts Inc. and Bindoon Country Women's Association) where the average age of members fits into the category for attendance at a day centre. Individual residents were also identified through advice from Councillors, Community Care Groups and ADRA. The survey was an important and simple way to establish if such a facility would be supported by the aged residents living in the Shire.

- One hundred and thirty three responses were received:
- Forty four (44) indicated they were interested in attending a day centre in Bindoon;
- Eighty eight (88) indicated they would attend one day per week and thirty seven (37) two days per week;
- Seventy three (73) indicated that they believed such facilities were essential; sixty indicated the facility was important and only two (2) chose minor as rate of importance for such a facility within the Shire. Nil (0) felt the service was not required.



The services Silver Chain currently provides in Bindoon include domestic assistance, personal care, nursing, social support, palliative care, meals on wheels and respite.

#### Building refurbishment

All works have now been completed on the refurbishment of 6138 Great Northern Highway (Chittering Senior Community Centre) for a total cost of \$172,500 excluding the construction of the Carpark (\$40,000). Expected total project cost \$212,500.

#### **Consultation**

Mrs Gill Walsh (Regional Manager Country Services - Silver Chain)

#### **Statutory Environment**

##### **Section 3.58 (1) (Disposing of property) of the Local Government Act;**

(1) *In this section —*

*Dispose includes to sell, **lease**, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.*

##### **The Local Government (Functions and General) Regulations 1996;**

30. *Dispositions of property to which section 3.58 of Act does not apply*

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if —*

(a) *The land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*

(i) *Its market value is less than \$5 000; and*

(ii) *The local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

(b) *The land is disposed of to a body, whether incorporated or not —*

(i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

(ii) *The members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

(c) *The land is disposed of to —*

(i) *The Crown in right of the State or the Commonwealth;*

(ii) *A department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*

(iii) *Another local government or a regional local government;*

(d) *It is the leasing of land to an employee of the local government for use as the employee's residence;*

(e) *It is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;*



(f) *It is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*

(g) *It is the leasing of residential property to a person.*

### **Policy Implications**

Nil

### **Financial Implications**

Rental income of \$5,200 pa, adjusted annually in line with CPI.

Council will be responsible for the on-going building maintenance costs.

Council is responsible for insuring the building.

### **Strategic Implications**

In 2010 Council endorsed the Shire of Chittering Strategic Plan for 2010/2011 – 2014/2015 which identified this as priority project S2 (Day Centre).

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### Economic Implications

There are no known economic implications associated with this proposal.

#### Social Implications

To provide services to support and enhance independence, well-being and quality of life for older people within the Shire of Chittering and surrounding district.

#### Environment Implications

There are no known environmental implications associated with this proposal.

### **Comment**

The Chief Executive Officer contacted Mrs Gillian Walsh (Silver Chain) on the 22/05/12 requesting a lease agreement be established for the Chittering Senior Community Centre.

Silver Chain offered the following terms;

*"The annual rent I have calculated based on the amount of income generated by the proposed care delivery is \$3,147.00pa and a figure of \$1,000 for electric/water."*

Proposed Terms & Conditions of lease offered and accepted by Silver Chain:

- Term of lease - 5 years, with an option for a further 5 years.
- Commencement date 1<sup>st</sup> July 2012
- Rental charge of \$5,200 pa, adjusted annually in line with CPI
- Lessee responsible for all outgoings (Power, Water & Telephone).
- Silver Chain to be the sole occupier of the premises.
- The lease may be terminated by either party giving 3 months' notice, in writing.
- Lessee to provide Public Liability Insurance cover \$10 million & insure contents.



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Cr Hawes declared an impartiality interest in item 9.3.7 as the Bindoon Medical Centre's Practice Managers daughter shares a house with his daughter.

**9.3.7 Accommodation request for additional Doctor in Bindoon\***

<b>Applicant</b>	Not applicable
<b>File ref</b>	04/18/7
<b>Prepared by</b>	Danica Kay, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Support Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil

**Attachments** Letter from Bindoon Medical Centre

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 230612**

**Moved Cr Hawes / Seconded Cr Mackie**

**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.**

**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 4/2**  
9.05PM

**OFFICER RECOMMENDATION**

Moved Cr Hawes / Seconded Cr Mackie

That Council make provision in the 2012/13 budget towards accommodation for a third doctor at the Bindoon Medical Centre to the value of \$20,800.

**AMENDMENT**

Moved Cr Gibson

That Council make provision in the 2012/13 budget towards accommodation for a third doctor at the Bindoon Medical Centre to the value of \$10,400.

LAPSED FOR WANT OF A SECONDER

**AMENDMENT**

Moved Cr Gibson / Seconded Cr Mackie

That the word '*third*' be deleted and replaced with the words '*full time*'.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0**  
**AND FORMED PART OF THE SUBSTANTIVE MOTION**  
9.00PM



#### AMENDMENT

Moved Cr Rossouw / Seconded Cr Norton

That an additional recommendation 2 be included as follows:

- "2. That Council prefer that the Saturday surgery commence within 6 weeks from the start of the 2012/13 financial year."*

THE AMENDMENT WAS PUT AND DECLARED LOST 3/3  
BY THE CASTING VOTE OF CR DOUGLAS  
9.03PM

#### Background

The Shire President and Chief Executive Officer have been approached by the Bindoon Medical Centre to assist them in accommodating a third doctor who is currently residing in temporary accommodation at the back of the Practice Managers property, which is not considered viable for the long term.

#### Consultation

Bindoon Medical Centre  
Chief Executive Officer  
Shire President

#### Statutory Environment

Nil

#### Policy Implications

Nil

#### Financial Implications

The Bindoon Medical Centre is seeking a contribution towards the accommodation for a third doctor at a limit of \$400 per week (\$20,800 per annum).

#### Strategic Implications

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

#### Site Inspection

Site inspection undertaken: No

#### Triple Bottom Line Assessment

##### Economic Implications

There are no known significant 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 and surrounding district.

##### Environmental Implications

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

#### Comment

Council has the opportunity to expand the current level of medical services provided to the Community.



**MINUTES OF THE ORDINARY COUNCIL MEETING  
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Negotiations between the Bindoon Medical Centre and the Chief Executive Officer and Shire President have resulted in Saturday consultations being provided by the Bindoon Medical Centre in return for assistance in providing accommodation.

The lease will be in the Doctors name and they will be responsible for any shortfall in the rental value of the property.

The proposed arrangement will be formalised via a Memorandum of Understanding between the Shire of Chittering and the Bindoon Medical Centre.

It is recommended that Council make a provision in the 2012/13 budget for accommodation to assist in attracting and retaining a third doctor at the Bindoon Medical Centre.



### 9.3.8 Delegated Authority Register Amendment

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	13/05/0001
<b>Prepared by</b>	Danica Kay, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil

#### **OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 240612**

**Moved Cr Mackie / Seconded Cr Rossouw**

**That Council amends the Delegated Authority Register to remove all references to Elena Bull and replace them with Grayson Hindmarsh in Delegations:**

**DA38 Demolition Permits**

**DA39 Building Permits**

**DA40 Building Orders**

**DA41 Extension of Period of Duration of an Occupancy Permit or Building Approval Certificate**

**DA53 Occupancy Permits or Building Approval Certificates**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
9.05PM

#### **Background**

Following the resignation of Elena Bull, Principal Building Surveyor and the employment of Grayson Hindmarsh into that position, the Delegated Authority Register is required to be updated. Grayson's commencement date is 9 July 2012.

#### **Consultation**

Chief Executive Officer

#### **Statutory Environment**

##### **Local Government Act 1995**

5.46. *Register of, and records relevant to, delegations to CEO and employees*

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

##### **Building Act 2011**

127. *Delegation: special permit authorities and local governments*

- (3) *A delegation of a local government's powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36.*

#### **Policy Implications**

Nil





**Financial Implications**

Nil

**Strategic Implications**

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Economic Implications

There are no known Economic implications associated with this proposal.

Social Implications

There are no known Social implications associated with this proposal.

Environmental Implications

There are no known Environmental implications associated with this proposal.

**Comment**

It is recommended that the Council endorses amending the Delegated Authority Register, where all references made to Elena Bull are removed and updated to make reference to Grayson Hindmarsh, Principal Building Surveyor.

The delegations required to be amended are:

DA38 Demolition Permits

DA39 Building Permits

DA40 Building Orders

DA41 Extension of Period of Duration of an Occupancy Permit or Building Approval Certificate

DA53 Occupancy Permits or Building Approval Certificates



## 10. REPORTS OF COMMITTEES

### 10.1 Minutes of the Australia Day Advisory Committee meeting held on 5 June 2012\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	02/01/2
<b>Prepared by</b>	Natasha Mossman, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple majority
<b>Documents tabled</b>	Nil

<b>Attachments</b>	1. "Unconfirmed" minutes of the Australia Advisory Committee meeting held Tuesday, 5 June 2012
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#### OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 250612

Moved Cr Norton / Seconded Cr Gibson

That Council:

1. Receives the unconfirmed minutes of the Australia Day Advisory Committee meeting held on Tuesday, 5 June 2012.
2. Endorse the suggested nomination form for the Australia Day awards.
3. Endorse the change of date for the next meeting of the Australia Day Advisory Committee and advertise the change of date accordingly.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.06PM

### Background

A meeting of the Australia Day Advisory Committee was held on Tuesday, 5 June 2012. There were two formal recommendations moved at the meeting:

#### COMMITTEE RECOMMENDATION

Moved Barni Norton / Seconded Annette Howard

That the suggested nomination form be endorsed by Council.

CARRIED UNANIMOUSLY

#### COMMITTEE RECOMMENDATION

Moved Sharon Blake / Seconded Annette Howard

That the next meeting of the Australia Day Advisory Committee be held on Tuesday, 2 October 2012.

CARRIED UNANIMOUSLY

### 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 minutes of the Australia Day Advisory Committee meeting will be presented to the next meeting of the Committee for confirmation.

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



**10.2 Minutes of the Chittering Health Advisory Committee meeting held on 9 May 2012\***

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	03/01/3
<b>Prepared by</b>	Natasha Mossman, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple majority
<b>Documents tabled</b>	Nil

**Attachments** 1. "Unconfirmed" minutes of the Chittering Health Advisory Committee meeting held Wednesday, 9 May 2012

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 260612**

**Moved Cr Mackie / Seconded Cr Gibson**

**That Council:**

1. Receives the unconfirmed minutes of the Chittering Health Advisory Committee meeting held on Wednesday, 9 May 2012.
2. Amend the Shire's Committee booklet to include Karen Beardsmore, Coordinator Primary Care Integration WACHS (SIHI) as a full member of the Chittering Health Advisory Committee.

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
9.08PM

**Background**

A meeting of the Chittering Health Advisory Committee was held on Wednesday, 9 May 2012. There was one formal recommendation moved at the meeting:

**COMMITTEE RECOMMENDATION**

*That the Shire's Committee booklet be amended to include Karen Beardsmore, Coordinator Primary Care Integration WACHS (SIHI) as a full member of the Chittering Health Advisory Committee.*

**CARRIED UNANIMOUSLY**

**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 minutes of the Chittering Health Advisory Committee meeting will be presented to the next meeting of the Committee for confirmation.

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



**10.3 Minutes of the Chittering Mining Advisory Committee meeting held on 9 May 2012\***

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	02/08/3
<b>Prepared by</b>	Natasha Mossman, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. "Unconfirmed" minutes of the Chittering Mining Advisory Committee meeting held Wednesday, 9 May 2012

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 270612**

**Moved Cr Hawes/ Seconded Cr Gibson**

**That Council receives the unconfirmed minutes of the Chittering Mining Advisory Committee meeting held on Wednesday, 9 May 2012.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**

9.08PM

**Background**

A meeting of the Chittering Mining Advisory Committee was held on Wednesday, 9 May 2012. There were no formal recommendations moved at the meeting.

**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.



## MINUTES OF THE ORDINARY COUNCIL MEETING WEDNESDAY, 27 JUNE 2012

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### **Comment**

The minutes of the Chittering Mining Advisory Committee meeting will be presented to the next meeting of the Committee for confirmation.

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





**10.4 Minutes of the Chittering Community Planning Advisory Committee Meeting  
held on 12 April 2012 and 10 May 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 Administration and Community Services
<b>Voting requirements</b>	Simple majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Confirmed Minutes of the Chittering Community Planning Advisory Committee meeting held on Thursday, 12 April 2012</li><li>2. Confirmed Minutes of the Chittering Community Planning Advisory Committee meeting held on Thursday, 10 May 2012</li></ol>

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 280612**

**Moved Cr Rossouw / Seconded Cr Gibson**

1. That Council receives the confirmed Minutes of the Chittering Community Planning Advisory Committee meeting held on Thursday, 12 April 2012.
2. That Council receives the confirmed Minutes of the Chittering Community Planning Advisory Committee meeting held on Thursday, 10 May 2012.

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
9.10PM

**Background**

A meeting of the Chittering Community Planning Advisory Committee (CCPAC) was held on Thursday, 12 April 2012 and 10 May 2012. There were no formal recommendations moved at the meeting.

**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 minutes of the CCPAC meeting held on 12 April 2012 were presented at the meeting held in May for CCPAC confirmation.

The minutes of the CCPAC meeting held on 10 May 2012 were presented at the meeting held in June for CCPAC confirmation.

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



**10.5 Minutes of the Chittering Bushfire Advisory Committee meeting held on 12 June 2012\***

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	09/02/4
<b>Prepared by</b>	Danica Kay, Executive Support Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	"Unconfirmed" minutes of the Chittering Bushfire Advisory Committee meeting held 12 June 2012

**SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 290612**

**Moved Cr Mackie / Seconded Cr Norton**

**That Council**

1. **Receives** the unconfirmed minutes of the Chittering Bushfire Advisory Committee meeting held on Tuesday, 12 June 2012.
2. **Appoint** the following Bushfire Control Officers for a period of two (2) years from 1 July 2012 to 30 June 2014:
  - (a) Frank Schubert representing Bindoon VBFB;
  - (b) Ian Hollick representing Lower Chittering VBFB;
  - (c) Paul Martin representing Muchea VBFB;
  - (d) Phil Humphrey representing Upper Chittering VBFB; and
  - (e) Kim Haeusler representing Wannamal VBFB.
3. **Appoint** the following Fire Weather Officers for a period of one (1) year from 1 July 2012 to 30 June 2013:
  - (a) Greg Cocking in the position of Northern Fire Weather Officer.
  - (b) Paul Martin in the position of Southern Fire Weather Officer.
4. **Appoint** Greg Cocking as Deputy Chief Bushfire Control Officer, Northern Region for a period of two (2) years from 1 July 2012 to 30 June 2014.
5. **Appoint** Ian Hollick as Deputy Chief Bushfire Control Officer, Southern Region for a period of two (2) years from 1 July 2012 to 30 June 2014.
6. **Reduce** the size of the property that requires a fire break to include 2ha and above. However allow a grace period for all existing properties to the year 2015. Make changes to the fire break notice to reflect these changes.
7. **Ensures** consultation occurs with Fire Control Officers when subdivisions take place.
8. **Include** the Chittering Incident Support Brigade as a member of the Chittering Bushfire Advisory Committee and update the Terms of Reference accordingly.
9. **Give local public notice** of the appointment of the Bushfire Control Officers, Deputy Bushfire Control Officers and Fire Weather Officers, and also give notice of the appointment of the Fire Weather Officers in the Government Gazette.



**THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
9.12PM

**OFFICER RECOMMENDATION**

Moved Cr Mackie / Seconded Cr Norton

That Council

1. Receives the unconfirmed minutes of the Chittering Bushfire Advisory Committee meeting held on Tuesday, 12 June 2012.
2. Appoint the following Bushfire Control Officers for a period of two (2) years from 1 July 2012 to 30 June 2014:
  - (a) Frank Schubert representing Bindoon VBFB;
  - (b) Ian Hollick representing Lower Chittering VBFB;
  - (c) Paul Martin representing Muchea VBFB;
  - (d) Phil Humphrey representing Upper Chittering VBFB; and
  - (e) Kim Haeusler representing Wannamal VBFB.
3. Appoint the following Fire Weather Officers for a period of one (1) year from 1 July 2012 to 30 June 2013:
  - (a) Greg Cocking in the position of Northern Fire Weather Officer.
  - (b) Paul Martin in the position of Southern Fire Weather Officer.
4. Appoint Greg Cocking as Deputy Chief Bushfire Control Officer, Northern Region for a period of two (2) years from 1 July 2012 to 30 June 2014.
5. Appoint Ian Hollick as Deputy Chief Bushfire Control Officer, Southern Region for a period of two (2) years from 1 July 2012 to 30 June 2014.
6. Reduce the size of property that requires firebreaks to include 2.2ha and over, allowing a grace period.
7. Ensures consultation occurs with Fire Control Officers when subdivisions take place.
8. Include the Chittering Incident Support Brigade as a member of the Chittering Bushfire Advisory Committee and update the Terms of Reference accordingly.
9. Give local public notice of the appointment of the Bushfire Control Officers, Deputy Bushfire Control Officers and Fire Weather Officers, and also give notice of the appointment of the Fire Weather Officers in the Government Gazette.

**AMENDMENT**

Moved Cr Mackie/ Seconded Cr Gibson

That recommendation 6. be reworded as follows:

- “6. Reduce the size of the property that requires a fire break to include 2ha and above. However allow a grace period for all existing properties to the year 2015. Make changes to the fire break notice to reflect these changes.”***

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0**  
**AND FORMED PART OF THE SUBSTANTIVE MOTION**  
9.11PM



### Background

A meeting of the Chittering Bushfire Advisory Committee was held on Tuesday, 12 June 2012. There were seven formal recommendations moved at the meeting:

*That the Chittering Bushfire Advisory Committee recommends that Council appoint the following Bushfire Control Officers for a period of two (2) years from 1 July 2012 to 30 June 2014:*

- (a) Frank Schubert representing Bindoon VBFB;*
- (b) Ian Hollick representing Lower Chittering VBFB;*
- (c) Paul Martin representing Muchea VBFB;*
- (d) Phil Humphrey representing Upper Chittering VBFB; and*
- (e) Kim Haeusler representing Wannamal VBFB.*

*That the Chittering Bushfire Advisory Committee recommends that Council appoint the following Fire Weather Officers for a period of one (1) year from 1 July 2012 to 30 June 2013:*

- (a) Greg Cocking in the position of Northern Fire Weather Officer.*
- (b) Paul Martin in the position of Southern Fire Weather Officer.*

*That the Chittering Bushfire Advisory Committee recommends that Council appoint Greg Cocking as Deputy Chief Bushfire Control Officer, Northern Region for a period of two (2) years from 1 July 2012 to 30 June 2014.*

*That the Chittering Bushfire Advisory Committee recommends that Council appoint Ian Hollick as Deputy Chief Bushfire Control Officer, Southern Region for a period of two (2) years from 1 July 2012 to 30 June 2014.*

*That the Chittering Bushfire Advisory Committee recommends that Council:*  
*1. Reduce the size of property that requires firebreaks to include 2.2ha and over, allowing a grace period.*  
*2. Ensures consultation occurs with Fire Control Officers when subdivisions take place.*

*That the Chittering Bushfire Advisory Committee recommends that Council include the Chittering Incident Support Brigade as a member of the Chittering Bushfire Advisory Committee and update the Terms of Reference accordingly.*

The appointment of all Authorised Officers for the Shire of Chittering is required to be advertised in the Government Gazette, confirming Council endorsement of nominated Shire officers to carry out their duties as per the Acts nominated.

### Consultation

Not applicable



**Statutory Environment**  
**Local Government Act 1995**

**Bush Fires Act 1954**

38. Local government may appoint Bush Fire Control Officer

- (1) *A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*
- (2A) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*
- (8) *An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.*
- (13) *The local government shall give notice of an appointment made under subsection (8) or (10) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the Government Gazette.*

**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**

Comment from Community Emergency Services Manager

It is recommended that the shire reduce properties that require a fire break to 2ha. The introduction of this requirement could potentially reduce costs of maintenance of strategic fire breaks to the shire as in some cases they may not be required with property fire breaks installed, this will also assist with concern of further development with in subdivisions and the impact on Fire Management Plans.

**Alternative Recommendation 6:**

6. *Reduce the size of the property that requires a fire break to include 2ha. However allow a grace period for all existing properties to the year 2015. Make changes to the fire break notice to reflect these changes.*

The minutes of the Chittering Bushfire Advisory Committee meeting will be presented to the next meeting of the Committee for confirmation.

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





**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**

Cr Hawes drew to the attention of Council a discrepancy in recommendation nn. of item 9.1.1 (Proposed Extractive Industry for Sand and Gravel – Lot M1313 (RN 3886) Great Northern Highway, Muchea) as it is inconsistent with the details in the report. He advised that the recommendation should state '*no more than 50,000 tonnes per annum shall be extracted*' instead of '*no more than 50,000 tonnes in total shall be extracted*'. At the agreeance of Council the item was revisited.

**PROCEDURAL MOTION - 300612**

**Moved Cr Hawes / seconded Cr Gibson**

**That Council revisit item 9.1.1 - Proposed Extractive Industry for Sand and Gravel – Lot M1313 (RN 3886) Great Northern Highway, Muchea**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
9.13PM



**9.1.1 Proposed Extractive Industry for Sand and Gravel – Lot M1313 (RN 3886) Great Northern Highway, Muchea\***

<b>Applicant</b>	F & M Fewster
<b>File ref</b>	A3112 P045/12
<b>Prepared by</b>	Brendan Jeans, Senior Planner
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil

<b>Attachments</b>	1. Locality Plan (1 page) 2. Application Report (43 pages) 3. Schedule of Submissions (3 pages)
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**AMENDMENT / COUNCIL RESOLUTION - 310612**

**Moved Cr Hawes / Seconded Cr Douglas**

**That recommendation nn be reworded as follows:**

***nn. No more than 50,000 tonnes per annum shall be extracted;***

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
9.14PM



#### 14. CONFIDENTIAL ITEMS

##### OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 320612

Moved Cr Mackie / Seconded Cr Norton

That Council moves into a confidential session to discuss this items 14.1 and 14.2 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 6/0  
9.15PM

At 9.15pm the meeting was closed to the public and all members of the gallery left the chambers and the meeting.

#### 14.1 Removal of Caveats – Confidential Report

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	18/07/0023
<b>Prepared by</b>	Gary Tuffin, Chief Executive Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Normal
<b>Documents tabled</b>	Nil

**Attachments** Letter and application (Form AW)

##### OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 330612

Moved Cr Mackie / Seconded Cr Gibson

That Council:

1. Instruct Chief Executive Officer to lodge the Applications for the removal of caveats for the properties detailed in report 14.1;
2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Application Form AW for the removal of the caveats in accordance with section 138B of the Transfer of Land Act 1893.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0  
9.16PM



**14.2 22/01/0001 Human Resources – Conditions of Employment**

<b>Applicant</b>	NA
<b>File ref</b>	13/05/2
<b>Prepared by</b>	Karen Parker, Manager Administration & Community Services
<b>Supervised by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Voting requirements</b>	Absolute majority required
<b>Documents table</b>	Nil
<b>Attachments</b>	Deed of Settlement and Release

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 340612**

Moved Cr Mackie / Seconded Cr Rossouw

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

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**  
9.19PM

**PROCEDURAL MOTION / COUNCIL RESOLUTION – 350612**

Moved Cr Mackie / Seconded Cr Gibson

That the meeting come out from behind closed doors.

**THE MOTION WAS PUT AND DECLARED CARRIED 6 /0**  
9.20PM

At 9.20pm the meeting was reopened to the public and no members of the gallery returned.

**15. CLOSURE**

The presiding member declared the meeting closed at 9.20pm.