

**MINUTES FOR  
ORDINARY MEETING OF COUNCIL**

**16 April 2014**

**Council Chambers  
6177 Great Northern Highway  
Bindoon**

**Commencement: 7.00pm  
Closure: 8.54pm**



**These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 21 May 2014.**

**SIGNED BY**

Person presiding at meeting which minutes were confirmed

**DATE**

**Disclaimer**

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

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

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

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

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\* indicates separate attachments

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

The presiding member 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 Robert Hawes	President (Presiding Member)
Cr Michelle Rossouw	Deputy
Cr Sandra Clarke	
Cr Alex Douglas	
Cr Don Gibson	
Cr Doreen Mackie	
Cr Barni Norton	

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Jim Garrett	Executive Manager Technical Services
Mrs Karen Parker	Manager Human Resources
Mr Brendan Jeans	Senior Planner
Ms Danica Kay	Executive Assistant (Minute Secretary)

There were four members of the general public in attendance.

### 2.2 Apologies

Mr Azhar Awang	Executive Manager Development Services
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### 2.3 Approved leave of absence

Nil

## 3. DISCLOSURE OF INTEREST

Cr Clarke disclosed an impartiality interest in the 9.4.1 as she is the vice president and a member of the Bindoon Sport and Recreation Association.

## 4. PUBLIC QUESTION TIME

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

Nil

### 4.2 Public question time

#### 4.2.1 Public Question Time – Maryville Bridle Trails

C Bingham, Lower Chittering

Question 1     How does the shire plan to make it safer for horse riders on the Maryville estate, especially Santa Gertrudis Drive which is a 70km/ph road?

Response     *Unfortunately, the road has not been designed for horse movements; it has been designed for vehicles in a rural residential area. Furthermore, speed limits on local roads are set by Main Roads WA.*

Question 2     Does the shire plan to put in any traffic calming?

Response     *No, not at the current time.*

Question 3     Does the shire plan to put in any signage warning drivers that horses are in the area?

Response     *Whilst this issue has been previously discussed by Council there are no immediate plans to introduce any new horse signage. Furthermore, no provision has been made in the current budget for purchasing any road horse signs. It is understood that similar type signage was put up a couple of years ago in Bindoon, however, the shire was told to remove them by Main Roads as the design did not comply with Main Roads standards.*

Question 4     What Improvements does the shire intend to make to the current verges to help keep riders off the road as there is currently few adequate verges to accommodate horses?

Response     *No provision has been made in the current budget to undertake any such works.*

Question 5     Which verges are the Officer referring too that are considered Safe?

Response     *The author of the report did not make any comments in relation to the safety of verges for horse riding, however, a respondent made a comment that they believed "the road reserve widths are adequate to provide trails",*

Question 6     Is the officer a horse rider?

Response     No

Question 7     What does the council plan to do about the unlicensed, unsafe dirt bikes and quads that frequent the roads, mainly by children and teens as this causes further hazards for horse riders?

*Response*     *It is a traffic offence under the Road Traffic Act 1974 to ride an unlicenced dirt bike on a public road within the road reserve, and any such activity should be reported directly to the Gingin Police for their response.*

Question 8     Are there any plans to consider trials on the new development phase?

*Response*     *Council has identified the need for a horse riding area in Lower Chittering, and is currently investigating its options in this respect. The Shire's Trails Master Plan strategically plans and budgets for such trails and can be revised in the future to accommodate Lower Chittering however further investigation will need to be taken.*

Question 9     I for one have experienced abuse and drivers going past too close and too fast, a friend was taking her daughter out for a ride on her pony recently and a driver came too close and the daughter (who is 4) was thrown from her horse. When will the council realise that this is becoming more and more dangerous?

There is a forever increasing number of horses in the area and this will only increase with the next building phase, the interaction between horses and traffic will increase and it's not a question of if but when a serious accident will occur will something be done.

*Response*     *The roads are not currently promoted by Council as fit for riding horses, and the majority of properties within the Maryville Estate are of a suitable size to allow for safe horse riding.*

J Davis, Santa Gertrudis Drive, Lower Chittering

Question 1     Who's responsibility is it to look after the road verges?

*Response*     *The Executive Manager Technical Services advised that road verges are the Shires responsibility.*

## 5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

### 5.1 Petition – Maryville Bridle Trails

A petition has been received containing 82 names (36 names from the Shire of Chittering) regarding the bridle trails in Maryville. This issue is being considered by Council in item 9.1.2 '*Proposal for Bridle/Pedestrian Use of Pedestrian Access Ways in Maryville Downs Estate*' during tonight's meeting.

**COUNCIL RESOLUTION - 010414**

**Moved Cr Douglas / Seconded Cr Rossouw**

**That Council accept the petition regarding Maryville Bridle Trails and forward to the responsible officer.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

**COUNCIL RESOLUTION - 020414**

**Moved Cr Norton / Seconded Cr Gibson**

**That Council reaccept petition regarding Maryville Bridle Trails submitted to Council in February 2010.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**7.1 Ordinary meeting of Council – Wednesday, 19 March 2014**

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 030414**

**Moved Cr Gibson / Seconded Cr Rossouw**

**That the minutes of the Ordinary meeting of Council held on Wednesday, 19 March 2014 be confirmed as a true and correct record of proceedings.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

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

Nil

## 9. OFFICER'S REPORT

### 9.1 DEVELOPMENT SERVICES

#### 9.1.1 Proposed Building Envelope Relocation – Lot 117 (RN 20) Malbec Close, Lower Chittering

<b>Applicant</b>	K Duggan & D Notte
<b>File ref</b>	A11003   P308/13
<b>Prepared by</b>	Mark Johnston, Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Locality Plan</li><li>2. Site Plan</li><li>3. Aerial Photograph</li><li>4. Old Winery Estate Building Envelope Plan</li><li>5. Schedule of Submissions</li><li>6. Consultation Plan</li><li>7. Site Photographs</li><li>8. Required Screening</li></ol>

#### Background

Council's consideration is requested for a proposed building envelope relocation at Lot 117 (RN 20) Malbec Close, Lower Chittering. The purpose of the proposal is to capture more views from the Eastern side of the property.

Currently the approved building envelope is located 45m from the front property boundary and 20m from the Western side property boundary. The applicant is proposing to relocate the building envelope 30m from the rear property boundary, 15m from the Eastern property boundary and 10m from the drainage easement running through the middle of the property (refer to Attachment 2).

The current building envelope is 40m long and 25m wide being 1000m<sup>2</sup> in area. The proposed building envelope is approximately 22.8m wide and 89.26m long with a portion of the North Western corner removed to maintain a 10m setback from the existing drainage easement at the property. The area of the proposed building envelope is 1996m<sup>2</sup>.

#### Consultation

##### External

The application was referred to four (4) affected surrounding landowners for comment (refer to Attachment 6). Four (4) submissions were received with one (1) submission supporting the application and three (3) submissions objecting to the proposal (refer to Attachment 5).

##### Internal

The application was referred to The Shire's Principal Environmental Health Officer (PEHO) in regard to effluent disposal given the application proposes the building envelope at the minimum prescribed setback of 10m to a drainage easement. The PEHO advised that the current location of the building envelope does not require a high performance effluent disposal system (such as an Aerobic Treatment Unit) and the proposed location of the new building envelope would not alter this requirement given it is a similar contour height and only marginally closer to the drainage easement.

The PEHO advised that any effluent disposal system would not impact the drainage easement or any local waterway as long as the system is not washed out by surface water. This is something that is addressed through the effluent system approval process and therefore would be an issue as the result of this proposal.

### Statutory Environment

Local:

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

The property is zoned 'Rural Residential'. The objectives of the zone are as follows:

- *To designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- *To meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.*
- *To maintain and enhance the rural character and amenity of the locality.*

The following Clause 5.8.2 relates to building envelopes in Rural Residential Zones.

#### *5.8 Development Provisions – Rural Residential Zone, Rural Retreat Zone, Rural Small holdings Zone and Rural Conservation Zone.*

##### *"5.8.2 Building Envelopes/Setbacks*

*Development will only be permitted in the areas identified as building envelopes provided that Council may vary the boundaries of such envelopes if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.*

*With respect to the Rural Conservation zone, building envelopes must be shown on the development plan where it is within an area subject to an Environmental Management Plan. The building envelopes are to be located to minimise:*

- a) Fragmentation and disturbance of remnant vegetation taking into account vehicle access;*
- b) Bush fire risk.*

*Clearing of remnant vegetation for the construction of buildings within the defined envelope shall not exceed 2000m<sup>2</sup> without the prior approval of Council."*

Clause 5.8.8 of Scheme relates to Council requiring replanting in Rural Residential Areas:

##### *"5.8.8 Protection of Vegetation and Tree Cover*

*In order to enhance the rural amenity of the land in areas, that the Council considers deficient in understorey and tree cover, it may require as a condition of any planning approval the planting of such understorey and trees and/or groups of trees and species as specified by the Council."*

Building Envelope is defined as the following under the Scheme:

*"Building Envelope means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained."*

The subject property is within Military Considerations Special Control Area identified under Section 6.5 of the Scheme. The purpose of this Special Control Area is to protect the integrity of the operations of the RAAF Air Base Pearce and its flight paths.

Clause 10.2 of the Scheme outlines the relevant matters to be considered in considering an application for Planning Approval. The relevant considerations applicable to this application are as follows:

- (a) the aims and provisions of the Scheme;
- (f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;
- (j) the compatibility of a use or development within its setting taking into consideration any Special Control Area;
- (k) any social issues that have an effect on the amenity of the locality;
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (o) the preservation of the amenity of the locality;
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (aa) any relevant submissions received on the application; and
- (cc) any other planning consideration the Local Government considers relevant.

### **Policy Implications**

#### Local Planning Policy No 18 – Setbacks

The following Policy Statements of Local Planning Policy No 18 are applicable to the application:

- 5.1 Where specified, setbacks are to be in accordance with the requirements of Local Planning Policies, Development Plans (including any building envelopes) and the Residential Design Codes. The procedure for variation is as specified in TPS No. 6 and the Residential Codes respectively.
  - 5.5 The minimum building setback from a drainage easement is 10m;
  - 5.7 The following minimum setbacks generally apply to buildings (including retaining walls), dams and water tanks:
    - a) **Rural Residential, Small Rural Holdings and Rural Retreat Zones**, in the absence of building envelopes
      - Highway – 100m
      - Major Road – 50m
      - Other Road – 20m
      - Rear – 20m
      - Side – 15m
- The minimum separation between dwellings on adjoining lots is 50m."

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

Three (3) submissions were received opposing the proposal due to amenity and privacy concerns (refer to Attachment 5).

#### Environmental implications

Three (3) submissions were received opposing the proposal due to concerns regarding drainage and the effect of an effluent disposal system on the drainage easement and local ground water systems (refer to Attachment 5).

### **Comment**

#### Consultation

The application was referred to surrounding landowners for comment. Four (4) submissions were received with one (1) supporting the proposal and three (3) objecting to the proposal (refer to Attachment 5). A number of social and environmental concerns were raised through this process.

#### Social Concerns

The main social concerns raised regarded amenity concerns and the impact on privacy the closer proximity of potential development to adjoining properties would have (refer to Attachment 5). Amenity concerns included the potential for increased noise and the impact of building structures on the valley landscape.

The proposal meets the setbacks prescribed under Council's *Local Planning Policy 18 Setbacks*. This includes the 50m separation between existing dwellings and any dwelling. This is generally considered sufficient for providing privacy between adjoining properties. The subject property is higher than the adjoining properties to the South. This allows overlooking onto adjoining properties.

It is recommended that the application be approved subject to vegetation screening being implemented at varying heights, to a total minimum height of 3m in accordance with Attachment 8. The proponent would still be able to develop a dwelling that can capture the views to the South West of the property over the top of the 3m high screening. The Southern adjoining properties will be screened sufficiently, providing privacy, due to the site being at a lower contour level.

Development within the proposed building envelope is not considered to pose a noise issue or alter the effect on the amenity to the surrounding development.

#### Environmental Concerns

Environmental concerns were raised regarding the effect of development within the proposed building envelope on drainage to adjoining properties. Particular concern regarded drainage during instances of heavy and/or persisting rainfall.

Any development at any property within the proximity of the drainage easement will result in water being directed in the drainage easement. It is the purpose of the drainage easement to capture and direct this run-off water. As a dwelling has been developed at the end of a drainage easement it is responsibility of the owner to ensure the water flowing out of the easement does not impact upon their dwelling through redirecting the water around the dwelling.

Other environmental concerns included the impact of any development on the drainage easement and the possibility of an effluent disposal system contaminating local water systems (refer to Attachment 5). The PEHO advised that any effluent disposal system would not impact the drainage easement or any local waterway as long as the system was not washed out by surface water. This is something that is addressed through the effluent system approval process and therefore would be an issue as the result of this proposal.

#### Local Planning Policy

It is noted that the proposal complies with all the setback requirements of *Local Planning Policy 18 Setbacks*. The minimum separation of 50m between dwellings can be achieved through the proposed location of the building envelope. Therefore, it is recommended that the application be approved.

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

The objectives of the zone are as follows:

- *To designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.*
- *To meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.*
- *To maintain and enhance the rural character and amenity of the locality.*

Clause 5.8.2 of the Scheme gives Council the ability to approve the application in varying the existing building envelope given that it does not detrimentally affect the objectives of the zone. The proposal is considered to be consistent with the objectives of the zone. Development within the proposed building envelope would have the same effect on amenity as development within the existing building envelope in the context of the locality. The proposed building envelope is predominantly cleared. Therefore, the proposal does not detriment the environment as minimal additional clearing would result from development.

Pursuant to Clause 5.8.8 of the Scheme Council can require replanting as a condition of planning approval to enhance the rural amenity of the area. It is recommended that replanting be required as outlined above to enhance the rural amenity of the area and provide greater privacy to Southern adjoining landowners.

The proposal is deemed to be consistent with the requirements and consideration of the military Considerations Special Control Area identified under Section 6.5 of the Scheme. Furthermore, the proposal is considered to pose no issue regarding the relevant considerations under Clause 10.2 of the Scheme.

#### **9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 040414**

**Moved Cr Gibson / Seconded Cr Norton**

**That Council grants Planning Approval for the proposed Building Envelope Relocation at Lot 117 (RN 20) Malbec Close, Lower Chittering subject to the following conditions:**

1. All current and future development shall be contained within the approved envelope;
2. Screening shall be established through the planting of local native plant species of varying heights to a minimum height of 3m in accordance with Attachment 8 within 6 months of the date of this decision to the satisfaction of the Chief Executive Officer;
3. The screening outlined in Condition 2 shall be maintained by the Landowner at all times to satisfaction of the Chief Executive Officer;
4. Driveway access to the proposed building envelope shall not alter or block water flow along the drainage easement; and
5. Clearing of remnant vegetation for development within the defined building envelope shall not exceed 2000m<sup>2</sup> without prior approval of Council.

**Advice Notes:**

1. 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 within twenty-eight (28) days of Council's decision.
2. The Landowner is advised to contact Chittering Landcare Group in regard to possible native plant species that should be utilised to satisfy Condition 2 above.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

### 9.1.2 Proposal for Bridle/Pedestrian Use of Pedestrian Access Ways in Maryville Downs Estate

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/08/0003; A11079
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Proposed Pedestrian Access Route 2. Schedule of Submissions 3. Previous Council Minutes

#### Background

Council's consideration is requested for the proposed bridle and pedestrian use of pedestrian access ways (PAW) in Maryville Downs Estate (refer to Attachment 1).

At its Ordinary Meeting held on the 18 December 2013 Council resolved to endorse the route for advertising. The resolution was as follows:

*"9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 071213*

*Moved Cr Norton / Seconded Cr Rossouw*

*That Council:*

- 1. Endorse the proposed Bridle/Pedestrian Trails in Maryville Downs Estate as per Attachment 1;*
- 2. Initiate the public consultation process for the proposed Bridle/Pedestrian Trails for a period of 42 days; and*
- 3. Acknowledges that all submissions will be tabled and presented to Council at the next available Ordinary Council Meeting.*

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

Subsequently, public consultation has been undertaken in accordance with the resolution with all the submissions received presented to Council for consideration.

The proposal has the purpose of providing a suitable trail for horse riding and pedestrians. The proposal of the trail is in response to the high number of horse owners in the area and lack of suitable public land for horse riding and pedestrian trails (refer to Attachment 3).

#### Consultation

The proposed trail was referred in accordance with the resolution above, with a 42 day period in which submissions could be made to the Shire, including the following:

- Referral to forty three (43) affected landowners;
- Notice in a local newspaper circulating the district; and
- Signs were placed at either end of the trail giving notice of the proposal.

A total of fifteen (15) submissions were received with six (6) supporting and nine (9) objecting to the proposal (two submissions were lodged by the same property owner). Refer to Attachment 2 to view the submissions.

Comment was sought from Landgate in relation to the restrictions on the use of the PAW.

#### Statutory Environment

Planning and Development Act 2005

Section 152 of the *Planning and Development Act 2005* relates to the vesting of land for the purpose of Pedestrian Accessways.

### **Policy Implications**

Nil

### **Financial Implications**

Should Council resolve to approve the proposed trail there will be costs associated with the advertisement of the resolution and ongoing maintenance and administration costs (i.e. compliance inspections).

### **Strategic Implications**

#### Strategic Community Plan 2012-2022

One of the 'Key Priorities' in the *Strategic Community Plan 2012-2022* is the provision of trails to promote the protection of the environment and places to visit. This outcome is achieved through the *Chittering Trails Network Master Plan 2013-2023*.

#### Chittering Trails Network Master Plan 2013-2023

The proposed trail has not been identified in the *Chittering Trails Network Master Plan 2013-2023*.

### **Site Inspection**

Site inspection undertaken: Yes

The proposed route was inspected by the Community Emergency Services Manager and Senior Planning Officer. The inspection revealed the accessibility and safety of the proposed route was mostly acceptable for general pedestrian use, in particular for the use as bridle/pedestrian trails. It was noted the lack of fencing of the route along the Marbling Brook.

### **Triple Bottom Line Assessment**

#### Economic implications

Should Council approve the use of the PAWs as a bridle trail and for pedestrian use, the maintenance by the Shire of these PAWs will increase. The associated costs have not been calculated and not been allocated in Council's budget.

#### Social implications

The proposal to use the PAWs for pedestrian use was brought to the Shire's attention by residents of Maryville Downs Estate and is considered to be of social benefit for this reason. It may also be considered that the increase and change in use of the PAWs may impact adjoining property owners. Both the support and objection to the proposal from the public is evident from the submissions received.

#### Environmental implications

The proposed use of the PAWs for horse riding and pedestrian access may cause some environmental issues such as weed infestation and accumulation of waste (both animal waste and general litter). The possible impact on Marbling Brook has also been raised (informally) by the Ellen Brockman Integrated Catchment Group.

### **Comment**

The PAWs are currently used for the intended purpose of fire management. This is stated on the approved Deposited Plan (plan of subdivision and in the approved Fire Management Plan and Development Plan as 'strategic firebreaks'. The PAWs are gated and only used in the case of an emergency. An officer from

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Landgate advised the Shire that the PAW should be used solely for its purpose and should Council wish to alter this purpose, approval from the Department of Lands must be sought.

Consultation

The advertising period of 42 days resulted in a total of fifteen public submissions, with six supporting the proposal. In brief the submissions outlined the following points:

Reasons of support:

- Provide an alternative for local horse riders;
- Provide a safe route for horse riders as opposed to the roads; and
- Would be an asset for the area.

Reasons of objection:

- Road reserve widths are adequate to provide trails;
- Increased security risk ;
- Impact on privacy;
- Conflict between users of the trail;
- Conflict between trail users and landowners; and
- Concerns of motor vehicles/bikes using trail.

It is the Officer's view that the submissions received convey strong objection to providing a trail within the existing firebreak network. The submissions should be utilised in the planning of future trails in updating the *Chittering Trails Network Master Plan 2013-2023*.

Final comment

Council's Resolution was to undertake advertising to seek the local landowners' and public's view of the proposed trail to then consider the option of a trial period. The advertising has revealed more objection than support, in particular landowners adjoining the proposed trail. It is considered supporting such trail would not be in the benefit of local landowners. It is however acknowledged that should an opportunity arise, Council should investigate other alternatives for the Lower Chittering locality.

Based on the above comments and findings, it is the Officer's Recommendation that Council do not support a trial period for the bridle and pedestrian use of the identified Pedestrian Accessways in Maryville Downs Estate (Attachment 1) and consider other options when formally recognised by the *Chittering Trails Network Master Plan 2013-2023*.

### **9.1.2 OFFICER RECOMMENDATION**

Moved Cr Rossouw / Seconded Cr Mackie

That Council do not proceed with the proposed bridle and pedestrian use of Pedestrian Accessways in the Maryville Downs Estate.

THE MOTION WAS PUT AND DECLARED LOST 2/5

**Reasons the motion was lost:**

- Safety concerns for the horse riding community
- Acknowledgement and receipt of a petition in support for the bridle trails
- Introduction of a trial period to allow a comprehensive review to be undertaken in relation to any perceived concerns raised during the consultation period.

- Council acknowledges the lack of suitable riding areas in the lower portion of the shire which has the largest population of horse riders.

**COUNCILOR MOTION / COUNCIL RESOLUTION - 050414**

**Moved Cr Rossouw / Seconded Cr Douglas**

**That Council:**

1. **Proceeds with the proposed bridle and Pedestrian Accessways in the Maryville Downs Estate, subject to amending the trail access from Main Anjou Road north to the proposed trail point, bypassing 4 properties against the proposal, for a trial period of 12 months.**
2. **Prior to the Pedestrian Accessways being made available for bridle and pedestrian use, the Chief Executive Officer is to:**
  - a. **Request approval from the Department of Lands for the modification to the purpose of the Pedestrian Accessway in Maryville Downs Estate as per Attachment 1 to allow the pedestrian/bridle use; and**
  - b. **Seek advice from LGIS regarding public liability matters of 2a above.**

**THE MOTION WAS PUT AND DECLARED CARRIED 5/2**

**9.1.3 Request for extension to Temporary Approval of Demountable Classrooms and Ablution Blocks - Lot 1 Santa Gertrudis Drive, Lower Chittering**

<b>Applicant</b>	Immaculate Heart College Ltd
<b>File ref</b>	A11199 P226/11
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Aerial Photo 2. Site Plan 3. Applicant's cover letter

**Background**

Council's consideration is requested to extend the approval for the temporary demountable classrooms and ablution blocks at Lot 1 Santa Gertrudis Drive, Lower Chittering.

As per the cover letter (Attachment 3), the Applicant is requesting an extension to the approval period for the demountable buildings which was granted at the 19 October 2011 Ordinary Council Meeting. In 2011 the Applicant was seeking the approval of the temporary structures to provide the school service whilst construction of the permanent primary school development was undertaken. At this time it was proposed to be completed by 2014. The temporary approval granted was until 31 December 2014 by which time the temporary school use was to cease and the demountable buildings removed.

The Applicant's cover letter explains the difficulties in establishing the permanent school development and is seeking an extension of the temporary school buildings for a further three years.

**Consultation**

N/A

**Statutory Environment**

*Planning and Development Act 2005*

*Shire of Chittering Town Planning Scheme No 6*

The property is a **Special Use Zone**. Schedule 5 of the Scheme lists the land uses for the site:

No.	Description of Land	Special Use	Conditions
1	Lot 9003 (Cnr of Santa Gertrudis Drive and Muchea East Road) (AMD 16 30/09/08)	a. Arts and Crafts centre b. Bed and Breakfast c. Caretaker's Dwelling d. Child Care Premises e. Civic Use f. Community Purpose g. Convenience Store h. Lunch Bar i. Place of Assembly j. Public Utility k. Restaurant l. Shop m. Telecommunications	Subject to Planning Approval being granted by Council to any use (a-e)

		Infrastructure n. Veterinary Centre	
--	--	--	--

The proposal is for **Community Purpose** and is defined in the Scheme as:

*"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."*

### **Policy Implications**

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

#### ***8.4 MARYVILLE – LOWER CHITTERING***

##### ***8.4.1 Location***

*Maryville is the centre of the rural living areas in the southern part of the Shire being strategically located on the junction of local distributor roads (Muchea East Road, Chittering Road). In the future there is to be a main collector road connecting Maryville to the northern rural residential areas along Maddern Road.*

##### ***8.4.2 Aims***

- *To establish a minor centre for recreation, community and retail purposes at Maryville;*
- *To permit a range of rural residential lot sizes where scheme water is provided;*
- *To promote the use of appropriate suitable and capable land for small rural holdings and agro-tourism."*

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic Implications

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

#### Social implications

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**

#### Existing Approval

Council resolved at the 19 October 2011 Ordinary Council Meeting to approve the temporary demountable school development at the subject property. Condition 1 of Council's Resolution required the temporary school development use to cease and all buildings be removed prior to 31 December 2014. At the time of the 2011 application the Applicant sought the approval for use of the demountable for a period of time to construct the Assembly Hall to use as the first stage of the primary school.

It should also be noted that the site plan showing the school development has altered over time and the temporary school structures have not been developed as what was approved by Council.

Proposed request

Since approval of the temporary school in October 2011, the Applicant has not progressed any construction of the permanent school development. The Applicant only recently advised the Shire to process the Planning Application for Stage 1 of the permanent school development which was submitted in December 2012 but put on hold at the Applicant's request. It should be noted that Planning Approval does not allow for the commencement of building construction and is not indicative of Stage 1 being constructed.

It is believed that the request to extend the approval period for the temporary school development for a further three years is acceptable. By extending the period it will allow for the education service to continue whilst providing sufficient opportunity for the Applicant to undertake construction of the permanent school development. As previously mentioned the Shire is in the process of assessing Stage 1 of the permanent school development. Should Council resolve to support the extension for three years, it is considered that no further extensions be granted as the period for the temporary school development would have been for five years. It is recommended that new conditions be placed on the Planning Approval to further progress development of the site and improve the amenity of the site.

**9.1.3 OFFICER RECOMMENDATION**

Moved Cr Gibson / Seconded Cr Rossouw

That:

1. Prior to Council supporting an extension to Planning Approval (P226/11) for the temporary demountable school, the Applicant shall:
  - a. Construct a turning and/or slip lane on Santa Gertrudis Drive in liaison with the Shire's Technical Services Department prior to 31 July 2014 to the satisfaction of the Chief Executive Officer.
  - b. Construct and seal the access roads and parking bays for the temporary school development and/or Stage 1 area prior to 31 December 2014 to the satisfaction of the Chief Executive Officer.
  - c. Landscape access roads and parking areas in conjunction with (b) above prior to 31 December 2014 to the satisfaction of the Chief Executive Officer.
2. Subject to the completion of 1 above, Council support the request to amend condition 1 of the Planning Approval (P226/11) for the temporary school development to extend the approval period to 31 December 2016.
3. Council Delegate to the Chief Executive Officer to grant planning approval for the temporary school development with the extension as per 2 above.
4. Council advise the Applicant that no further extensions to the planning approval for the temporary school development shall be granted.

**AMENDMENT**

Moved Cr Douglas

That the word 'support' in recommendation 2 be deleted and replaced with the words 'agrees to reconsider'.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER  
AND THE OFFICER RECOMMENDATION WAS RECONSIDERED

### 9.1.3 OFFICER RECOMMENDATION

Moved Cr Gibson / Seconded Cr Rossouw

That:

1. Prior to Council supporting an extension to Planning Approval (P226/11) for the temporary demountable school, the Applicant shall:
  - a. Construct a turning and/or slip lane on Santa Gertrudis Drive in liaison with the Shire's Technical Services Department prior to 31 July 2014 to the satisfaction of the Chief Executive Officer.
  - b. Construct and seal the access roads and parking bays for the temporary school development and/or Stage 1 area prior to 31 December 2014 to the satisfaction of the Chief Executive Officer.
  - c. Landscape access roads and parking areas in conjunction with (b) above prior to 31 December 2014 to the satisfaction of the Chief Executive Officer.
2. Subject to the completion of 1 above, Council support the request to amend condition 1 of the Planning Approval (P226/11) for the temporary school development to extend the approval period to 31 December 2016.
3. Council Delegate to the Chief Executive Officer to grant planning approval for the temporary school development with the extension as per 2 above.
4. Council advise the Applicant that no further extensions to the planning approval for the temporary school development shall be granted.

THE MOTION WAS PUT AND DECLARED LOST 2/5

#### Reasons the motion was lost:

- When the original Development Approval was granted, Council advised they would not provide an extension, as a three (3) year period was considered sufficient time to construct the school. This point being made evident by the level of other major construction that has been achieved on site, being the assemble hall, church & presbytery.
- Serious consideration has been given as to the potential impact of not supporting the officer recommendation may have on the current students (approximately 90) and the need to provide suitable notice period to the affected families so that they have a reasonable amount of time to make alternative arrangements for the 2015 school year, if required.
- Due to the lack of progress being made in relation to this matter, Council took the initiative to contact the school board to request an update on the progress of the planned permanent school facilities (classrooms) given the current approval expires December 2014.
- Concern is held that if a further extension was to be provided, at the end of that extension, would a further extension be requested – where will it end.
- Failure from the applicant to observe previous conditions and commitments in relation to this project.
- There is an expectation of high standard of development as was originally proposed and approved. Transportable classrooms are not considered to be of an appropriate long term standard and were granted approval as a short term option only to assist with the development of the school.
- Visual amenity of transportables is not considered appropriate given the standard of existing housing and expectations of the local residents – median house price \$650,000.

- Lower Chittering is a high growth area, and will continue to grow for the foreseeable future and the current transportable buildings are not considered sustainable or appropriate for the area.
- As no internal works have been undertaken in relation to the vehicle movements and parking, Council holds concerns for the safety of the students in the current environment, accessing the school and inside the school grounds.
- The proponent has consistently refused to take any measures to rectify the situation concerning the visual amenity or take any appropriate measures requested to improve road safety in the area.
- The original development plan has not progressed, as considered by Council on 19 October 2011 other than for the construction of a multi-million dollar church and accommodation for the sisters & father.

**9.1.4 Section 70A Notification and Grant of Easement WAPC 146568 – Lot 9002 Morley Road, Lower Chittering**

<b>Applicant</b>	Halcyon Property
<b>File ref</b>	18/03/70
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Section 70A Notification documents</li><li>2. Grant of Easement documents</li><li>3. Draft Deposited Plan 401246</li></ol>

**Background**

On 31 October 2012 the Western Australian Planning Commission granted a subdivision approval which covers the newly created Lot 9002 Morley Road, Lower Chittering (super lot) subject to a number of conditions. The subdivision is for fourteen (14) lots as part of Stage 3 of the Chittering Retreat Estate.

Conditions 8, 9 and 10 of the subdivision approval requires a notification in the form of a Section 70A notification, pursuant to the *Transfer of Land Act 1893 (as amended)*, to be placed on the Certificate of Titles of the proposed lot(s). The purpose of the Section 70A Notifications is to advise the landowner there is no reticulated water supply, no reticulated sewerage service and that the land is subject to a Fire Management Plan.

An easement for access for firefighting purposes (strategic firebreak) is required over the lots consistent with the approved Fire Management Plan. The Grant of Easement notes the Mining Tenement over the subdivision area.

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**

N/A

**Statutory Environment**

State: *Transfer of Land Act 1893 (as amended)*

**Policy Implications**

Execution of documents

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: 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 significant social implications associated with this proposal.

Environmental implications

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

**Comment**

In order to satisfy conditions 8, 9 and 10 of the subdivision approval, the applicant is to provide a Section 70A Notification and Grant of Easement 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.

**9.1.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 060414**

**Moved Cr Gibson / Seconded Cr Mackie**

**That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the subdivision at Lot 9002 Morley Road, Lower Chittering 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 401246.
2. Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating to the lot being subject to a Fire Management Plan on Deposited Plan 401246.
3. Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating to no reticulated sewerage service on Deposited Plan 401246.
4. Grant of Easement Notification of the *Transfer of Land Act 1893* (as amended) relating to the access for firefighting purposes on Deposited Plan 401246.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

### 9.1.5 Scheme Amendment No.49 – Shire of Chittering Town Planning Scheme No.6

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	18/02/17
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Scheme Amendment Documents
<b>Attachments</b>	1. Scheme Amendment document 2. Council minutes 9.1.1 - 18 December 2013

#### Background

Council at its 18 December 2013 Ordinary Council Meeting (OCM) resolved to initiate Scheme Amendment No. 49 relating to Commercial Vehicle Parking (Attachment 2).

#### Consultation

Following referral to the Environmental Protection Agency, the scheme amendment was advertised for a period of forty two (42) days. No objections were received. Three (3) agency submissions were received advising no objection and no comment.

#### Statutory Environment

##### Planning and Development Act 2005

The power to make and amend a Town Planning Scheme is provided for by the *Planning and Development Act 2005*. The process to be followed in making or amending schemes is controlled by the *Town Planning Regulations 1967*.

##### Section 75 of the Act:

###### 75. Local Planning Scheme may be Amended

*A local government may amend a local scheme with reference to any land within its district, or with reference to land within its district and other land within it district, by and amendment –*

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

##### Section 81 of the Act:

###### 81. Referral of Scheme or Amendment to the EPA

*When a local government resolves to prepare or adopt a local planning scheme, or to prepare an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –*

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

Once the Council has received advice from the EPA, it can advertise the amendment in accordance with regulation 15 of the *Town Planning Regulations 1967*.

###### 15. Advertising of Scheme

1. Where consent has been given for the Scheme to be advertised for public inspection under regulation 14 and, if that consent was conditional, the conditions have been satisfied, the local government specified in the Scheme as such shall become the responsible authority under the Act and notice of the Scheme shall be advertised in the Form No.3 in Appendix A in accordance with sub-regulation (3) and the responsible authority shall take such other steps, if any, as it considers necessary, or as it is directed by the Commission to take, to make public the details of the Scheme.
2. The responsible authority shall make available for inspection by the public during office hours –
  - a. At the office of the responsible authority; and
  - b. At the office of the Commission,A copy of the Scheme, Scheme Report and other supporting documents, and there shall be made available at the office of any local government affected by the Scheme a copy of that part of the Scheme that relates to land within the district of that local government.
3. The advertisement required to be made pursuant to sub-regulation (1) shall be effected by publication by the Commission of the notice referred to in that sub-regulation once in the Government Gazette and the Commission shall forward to the responsible authority a copy of the notice so published and thereupon the responsible authority shall publish the notice once in a newspaper circulating in the district where the land the subject of the Scheme is situated and shall also display a copy of the notice in a prominent place in the offices of the responsible authority for the period prescribed by sub-regulation (5) for the lodging of submissions.
4. The responsible authority shall give to each public authority and other person whom the local government is required under section 7(2aa) of the Act to consult, and in the case of a development scheme to every landowner within the area the subject of the Scheme a notice in writing in the Form No.3 in Appendix A.
5. The Commission shall, in the notice advertised or given pursuant to this regulation, describe the purpose of the Scheme, state the times and places where the Scheme may be inspected, and specify a date on or before which submissions in respect of the Scheme may be made,; which date shall be not less than 3 months from the date of publication of advertisement in the Government Gazette pursuant to this regulation, except that in the case of a Development Scheme or a Scheme that does not involve the zoning or classification of land the Commission may specify a lesser period for lodging of submissions but subject in the case of a Town Planning Scheme Amendment to regulation.

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

The proposed Scheme Amendment (Attachment 1) outlines the proposed amendments to the Town Planning Scheme.

#### **Policy Implications**

Whilst a policy does not currently exist for ‘Commercial Vehicle Parking’ or ‘Transport Depot’, it is envisaged that this will occur following adoption of the scheme amendment to provide guidance to the public and applicants when submitting an application for approval and for Council in making a decision.

#### **Financial Implications**

Nil

#### **Strategic Implications**

The Shire of Chittering Local Planning Strategy (LPS) does not refer to the implementation of ‘Transport Depots’ or ‘Commercial Vehicle Parking’ in the Shire. However, it does refer to the development of light industrial land uses on appropriate land identified throughout the Shire, and general industrial uses in the Muchea Employment Node.

### Site Inspection

Site inspection undertaken: N/A

### Triple Bottom Line Assessment

#### Economic Implications

The initiation of the scheme amendment is not considered to cause any economic implications.

#### 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

No modifications are proposed to be made to the scheme amendment following advertising. No public or agency submissions were made. It is recommended however that should the scheme amendment be adopted and gazetted that extensive public notice of the scheme amendment be undertaken by the Shire's Planning Department. This will ensure existing and prospective landowners are fully aware of the requirements. It is considered greater public awareness of the amendment to the Town Planning Scheme will assist in compliance efforts of commercial vehicle parking.

### 9.1.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070414

Moved Cr Clarke / Seconded Cr Gibson

That Council:

1. In pursuance of section 87 of the *Planning and Development Act 2005* and regulations 17(2)(a) and 25 of the *Town Planning Regulations 1967* resolves to adopt without modifications Scheme Amendment No 49 by amending the *Shire of Chittering Town Planning Scheme No.6* by:

a) Amend Schedule 1 – Dictionary of Defined Words and Expressions as follows:

i. *Delete the existing definitions of 'Transport Depot', 'Commercial Vehicle' and 'Home Business'.*

ii. *Include in appropriate alphabetical order definitions as follows:*

*Commercial Vehicle - means a motorised vehicle or a non-motorised vehicle, whether licensed or not, which has a tare weight of greater than 4.5 tonnes and which is designed, used or intended to be used for carrying goods or persons for hire or reward or for earthworks or construction.*

*Without limiting the generality of the above definition:*

a) *examples of a motorised vehicle include a van, truck, prime mover, tractor, grader or a mobile crane; and*

b) *an example of a non-motorised vehicle is a trailer.*

*Commercial Vehicle Parking - means the parking or garaging of no more than one motorised commercial vehicle and/or no more than one non-motorised commercial vehicle, (but not including the maintenance or repair of any such vehicle).*

**Home Business – means a business, service or profession carried out in a dwelling or on land in the curtilage of a dwelling by an occupier of the dwelling which-**

- (a) Does not employ more than two persons full time, or a part time or mixed full time and part time equivalent of two full time employees over the year, in any case where such employees are not members of the occupier's household;**
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;**
- (c) does not occupy an area greater than 50m<sup>2</sup> unless in the Agricultural Resource zone or Rural Smallholdings zone where the Local Government may permit an area up to 200m<sup>2</sup>;**
- (d) does not involve the retail sale, display or hire of goods of any nature;**
- (e) does not include provision for refuelling, repair or maintenance of motor vehicles;**
- (f) in relation to vehicles and parking, will not result in traffic difficulties as a result of inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;**
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone; and**
- (h) does not involve display of a sign of more than 1.0m<sup>2</sup> in area.**

**Transport Depot - means premises used or intended for use for the parking or garaging of:**

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

**and the use includes maintenance and repair of vehicles so parked or garaged on the land but not of other vehicles.**

- b) Insert the following clause into Scheme Text:

#### **5.18 Commercial Vehicle Parking**

**5.18.1 Subject to this clause, commercial vehicle parking on any land within the Scheme area requires the prior approval of the Local Government;**

**5.18.2 An application for the approval of the Local Government under this clause may be made on the form prescribed in Schedule 7;**

**5.18.3 This clause 5.18 does not apply where the proposed parking or garaging of a commercial vehicle(s):**

- (a) occurs during the period that the commercial vehicle(s) is engaged in work on the lot on which it is parked or garaged (for example, harvesting or earthmoving on the lot);**
- (b) is solely for the purpose of visiting the subject lot for business purposes or the delivery or receiving of goods;**
- (c) is approved under this Scheme as a transport depot;**
- (d) is considered to be ancillary to a lawful use of the land upon which the commercial vehicle(s) is parked or garaged; or**

*(e) is exempted under clause 8.2(e) from the need to obtain approval.*

**5.18.4** *The maximum number of commercial vehicles which may be parked or garaged on any lot within a particular zone as part of an approval under clause 5.18.1 is set out in Schedule 15.*

**5.18.5** *An approval under this clause may only be granted where:*

*(a) an occupier of the lot upon which the commercial vehicle parking is to occur is also:*

*(i) the owner of; or*

*(ii) the driver of; or*

*(iii) the proprietor of a business which owns or operates,*

*any commercial vehicle to be parked or garaged there.*

*(b) the lot is currently being resided on;*

*(c) provision is made for each commercial vehicle to be parked or garaged behind the building line of the dwelling;*

*(d) provision is made for adequate screening of each commercial vehicle;*

*(e) the Local Government has ensured the observance of other matters relevant to the particular case by the imposition of appropriate conditions.*

**5.18.6** *If a commercial vehicle owner who has been granted approval for commercial vehicle parking on a lot wishes to replace a vehicle identified in the approval with another commercial vehicle, a further application to the Local Government is required, except where the replacement vehicle is of an equivalent tare weight or less. In such cases, approval is not required if the landowner or the commercial vehicle owner submits a photograph of the new commercial vehicle to the Local Government in writing and receipt of the photograph is acknowledged by the Local Government.*

- c) Amend Schedule 2 – Zoning Table to include a Use Class for Commercial Vehicle Parking with the following permissibilities and renumber the use classes in Schedule 2 accordingly:

		Townsite	Light Industrial	Agricultural Resource	Rural Residential	Rural Smallholdings	Rural Retreat	Rural Conservation	Residential R2
	USE CLASS								
22	Commercial Vehicle Parking	A	P	P	D	D	D	X	A

- d) Insert “Schedule 15 – Commercial Vehicle Parking”:

**Schedule 15 – Commercial Vehicle Parking**

Zone	Lot size	Max number of Motorised Commercial vehicles	Max number of trailers designed to be attached to a Motorised Commercial Vehicle

Townsite	Up to 3,999sq m	No Commercial Vehicles permitted.	No trailers permitted.
Townsite	4,000sq m and above	A maximum of one – (a) Prime mover; or; (b) Rigid (non-articulated) Commercial Vehicle of max 8 tonne tare weight.	No trailers permitted.
Residential R2	N/A	A maximum of one – (a) Prime mover; or; (b) Rigid (non-articulated) Commercial Vehicle of max 8 tonne tare weight.	No trailers permitted.
Rural Residential  Rural Small Holdings  Rural Retreat	N/A	A maximum of one – (a) Prime mover; or; (b) Rigid (non-articulated) Commercial Vehicle of max 8 tonne tare weight.	A maximum of one trailer.
Light Industrial  General Industry  Industrial Development	N/A	Approval not required if parking of commercial vehicle is ancillary to the industrial activities of a lawful predominant use of the land. Parking of commercial vehicles which are not associated with the lawful predominant use will require planning approval. A maximum of one – (a) Prime mover; or; (b) Rigid (non-articulated) commercial vehicle.	Approval not required if parking of commercial vehicle is ancillary to the industrial activities of a lawful predominant use of the land. Parking of commercial vehicles which are not associated with the lawful predominant use will require planning approval. (a) A maximum of one trailer.
Agricultural Resource	N/A	Approval not required if parking of commercial vehicle is ancillary to the lawful predominant use of the land. Parking of commercial vehicles which are not associated with the lawful predominant use will require planning approval. A maximum of one – (a) Prime mover; or; (b) Rigid (non-articulated) commercial vehicle.	Approval not required if the commercial vehicles are ancillary to the lawful predominant use of the land. Parking of commercial vehicles which are not associated with the lawful predominant use will require planning approval. (a) A maximum of one trailer.
<p><b>2. Authorises the Shire President and Chief Executive Officer to execute the Scheme Amendment documents and forward them to the Western Australian Planning Commission.</b></p> <p style="text-align: right;"><b>THE MOTION WAS PUT AND DECLARED CARRIED 6/1</b></p>			

This application has been WITHDRAWN at the request of the applicant.

**9.1.6 Application for retrospective approval for conversion of outbuilding to dwelling - Laid on the table Lot 388 (RN 145) Santa Gertudis Drive, Lower Chittering\***

<b>Applicant</b>	SW Devos
<b>File ref</b>	A10224 P030/14
<b>Prepared by</b>	Mark Johnston, Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Council Minutes 19 March 2014

**Background**

This matter was presented to Council at the Ordinary Meeting of Council held on the 19 March 2014 (refer to Attachment 1). At the Meeting Council resolved the following:

*"9.1.1 COUNCILLOR MOTION / COUNCIL RESOLUTION – 020314*

*Moved Cr Douglas / Seconded Cr Gibson*

*That item 9.1.1 (Application for retrospective approval for conversion of outbuilding to dwelling – Lot 388 (RN 145) Santa Gertudis Drive, Lower Chittering) lay on the table until the April Ordinary Meeting of Council to enable staff to investigate the officer recommendation further to determine whether there are any other alternative solutions to resolve this matter.*

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

**9.1.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080414**

**Moved Cr Rossouw / Seconded Cr Douglas**

**That the item relating to the Application for retrospective approval for conversion of an outbuilding to a dwelling at Lot 388 (RN 145) Santa Gertudis Drive, Lower Chittering be lifted from the table.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

## 9.2 TECHNICAL SERVICES

Nil

## 9.3 CORPORATE SERVICES

### 9.3.1 Financial statements for the period ending 31 March 2014\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Prepared by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Financial Statements for period ending 31 March 2014
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Statement of Financial Activity for period ending 31 March 2014</li><li>2. Bank reconciliation for period ending 31 March 2014</li><li>3. List of accounts paid for March 2014</li></ol>

#### Background

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

The statement of financial activity is to be presented at an ordinary meeting of council within two (2) months after the end of the month to which the statement relates.

The statement of financial activity for the period ending 31 March 2014, financial statements, bank reconciliation and list of accounts paid for the period ending 31 March 2014 are hereby presented for Council's information.

#### Consultation

- Chief Executive Officer
- Executive Manager Development Services
- Executive Manager Technical Services
- Manager Human Resources
- Community Emergency Services Manager
- Building Co-ordinator

#### Statutory Environment

State: *Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

#### Policy Implications

Not applicable

#### Financial Implications

Not applicable

**Strategic Implications**

Not applicable

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Economic implications

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

Social implications

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

Environmental implications

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

**Comment**

Council is requested to accept the monthly statement of financial activity, financial statements, bank reconciliation and list of payments as presented.

**9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 090414**

Moved Cr Douglas / Seconded Cr Mackie

That Council:

1. endorse the list of payments:

- PR3274
- PR3277
- EFT 9261 - EFT 9393
- Municipal Fund Cheques 13561 - 13582
- Direct Debits and Transfers as listed
- BPV38 to BPV38
- Trust Fund Cheques 394 - 403

Totalling \$671,483.74 for the period ending 31 March 2014.

2. receive the bank reconciliation for the period ending 31 March 2014.

3. receive the financial statements for the period ending 31 March 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

### 9.3.2 Community Development Plan 2014 - 2024

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	03/01/6
<b>Prepared by</b>	Arlene Carter, Club and Community Development Officer
<b>Supervised by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Draft Community Development Plan 2014 - 2024

#### Background

Council is requested to endorse the Shire of Chittering Community Development Plan 2014-2024. The aim of a Community Development Plan 2014-2024 is to assist for future planning and provide the Community within Chittering a strategic direction. The Plan has been produced to work in conjunction with the Shire of Chittering Strategic Community Plan 2012-2022 and linked with the Sports and Recreation Plan 2012-2022, Disability Access and Inclusion Plan and Chittering Trails Network Master Plan 2013-23.

#### Consultation

- Community engagement workshops with 175 community members took place in February 2012, where they provided extensive feedback via a survey
- Feedback from youth within Chittering through events held in Muchea, Lower Chittering and Bindoon, organised by the Shire of Chittering and the Chittering Youth Krew
- Executive Manager Corporate Services
- Chief Executive Officer

#### Statutory Environment

Nil

#### Policy Implications

Nil

#### Financial Implications

There are no budgets included in this plan, all events are subject to the annual budget process.

#### Strategic Implications

The creation of the Shire of Chittering Community Development Plan 2014-2024 is a significant step forward for Council establishing a clear long-term vision for community development in the Shire.

With reference to the *Shire of Chittering Strategic Community Plan 2012 -2022*:

*Social: Building a sense of community:-*

*Outcome:* **Strengthened Social Connections**

*Strategies:* **Facilitate and nurture community interaction**

*Key Priorities:* **Support volunteers**

*Develop a Community Development Plan*

*Create and support festivals*

*Encourage new markets*

#### Site Inspection

Not applicable

### **Triple Bottom Line Assessment**

#### Economic Implications

The Plan will provide an opportunity to build a stronger relationship between Council and the community. A healthy active community creates a more livable and attractive area for current residents, along with prospective investors, employers, employees, visitors and residents.

#### Social Implications

An engaged community adds value to the community planning process and is a key underlying resource for community development. The Shire's Club and Community Development/Grants Officer engages with local clubs/groups by regularly attending their meetings. Assisting them with projects, events and grants contributes towards the health and well-being of the clubs, their members and the community. Local events and projects add value to the community through inclusion and involvement.

#### Environmental Implications

There are no significant environmental implications associated with this report.

### **Comment**

The Shire of Chittering Community Development Plan 2014-2024 will provide a coordinated and strategic approach to community goals, recognises the importance of volunteers within our community to overall benefit for the community.

The endorsement of this Plan will also assist with seeking alternative funding sources in regard to grant applications for events etc.

#### **9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100414**

**Moved Cr Gibson / Seconded Cr Clarke**

**That Council endorse the Shire of Chittering Community Development Plan 2014-2024.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

**9.3.3 Amendments to the Shire of Chittering's "Council Committees and Advisory Groups Booklet" and "Citizen of the Year Award Policy"\***

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	04/06/0001; 04/03/1
<b>Prepared by</b>	Natasha Mossman, Executive Support Officer
<b>Supervised by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Terms of Reference for Chittering Australia Day Advisory Group showing track changes</li><li>2. Citizen of the Year Award Policy showing track changes</li><li>3. Australia Day Award Nomination Form showing new layout</li></ol>

**Background**

The Chittering Australia Day Advisory Group met on Tuesday, 18 March 2014. During this meeting the group reviewed the selection criteria that the nominations are judged against and put forward new judging criteria. The group discussed how the current selection criteria is hard to judge against and also that when residents complete the nomination form it is hard for them to answer against the criteria. Having the new selection criteria will not only assist the group in their judging process but with the nomination form also amended it should make it easier to complete.

The group's suggestions for the new selection criteria are:

*Recognise outstanding members of the local community for their contribution towards community life and their active participation in local projects:*

- *How has the nominee contributed to the Chittering community?*
- *How has the nominee demonstrated leadership on a community issue resulting in the enhancement of community life?*
- *What has the nominee achieved that has brought about change and value to community life?*

The group also discussed their future as the issue that arose from the recent selection process and breach of confidentiality. And as Council ultimately selects the winners was it worth having a group review and make recommendation to Council if the decision can be altered. The group was advised that the reason why Council's decision was different to the groups was that the group members failure to hand in their completed matrixes and also the breach in confidentiality. With the new selection criteria it should assist the group in completing the matrix. The group agreed to carry on for another year.

**Consultation**

Chittering Australia Day Advisory Group

**Statutory Environment**

Nil

**Policy Implications**

*Citizen of the Year Award*

**Financial Implications**

During the meeting the group also discussed the budget for the 2014/2015 financial year. The current allocation for the Australia Day Celebrations is \$6,700 and the group agreed to leave the budget amount

the same. There will be a change to the allocation towards each locality, as this year's allocated funds there were not taken up by a locality were put towards the Shire event; this has been amended so that the funds (\$500 per each locality) that is not taken up is distributed to those localities who have requested funding.

**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**

Council is requested to endorse the new selection criteria to assist the Chittering Australia Day Advisory Group's selection process. By making the Australia Day Nomination Form a question it should help residents in their completing of the form.

**9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 110414**

**Moved Cr Rossouw / Seconded Cr Mackie**

**That Council:**

1. amends the:
  - a. Council Committees and Advisory Groups Booklet; and
  - b. Citizen of the Year Award Policy as attached.
2. considers an allocation of \$6,700 in the 2014/15 budget for the Australia Day Celebrations.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

## 9.4 CHIEF EXECUTIVE OFFICER

Cr Clarke disclosed an impartiality interest in the 9.4.1 as she is the vice president and a member of the Bindoon Sport and Recreation Association.

### 9.4.1 Bindoon Oval

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	05/01/0002
<b>Prepared by</b>	Danica Kay, Executive Assistant
<b>Supervised by</b>	Gary Tiffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

#### Background

At the Ordinary Meeting of Council held 18 December 2013 Council resolved as follows:

*"Moved Cr Gibson / Seconded Cr Norton*

*That Council requests the Chief Executive Officer to commence negotiations with the Bindoon Sport and Recreation Association regarding the exclusion of the Bindoon Town Oval from the Chinkabee lease, and return the oval to Public Open Space under Council administration.*

Reasons for the motion:

- All maintenance and improvements are currently at Council expense and booking fees could offset some of the cost to Council.*
- Community groups should be encouraged to use the oval at no cost*
- Council administration of the town oval would be seen by the community as a more acceptable method of managing public open space."*

Following this, the Acting Chief Executive Officer held a meeting with the Bindoon Sport and Recreation Association to commence the negotiations on 23 January 2014. Councillor Hawes, Councillor Clarke and Arlene Carter (Community Development Officer) were also in attendance. At this meeting it was requested that a further meeting be held with all Councillors in attendance.

On 19 March 2014 a further meeting was held with all Councillors (excluding Cr Mackie) and representatives from the Bindoon Sport & Recreation Association (BSRA). At this meeting the representatives of the BSRA stated that they did not understand why the oval needed to be removed from the lease area as they had managed it for over 20 years without issue, and raised concerns about attending to issues out of hours and handling bookings for its use.

#### Consultation

Councillors  
Bindoon Sport and Recreation Association

#### Statutory Environment

Nil

#### Policy Implications

Nil

### Financial Implications

There would be little financial change if Council were to take over management of the Bindoon Oval as all costs associated with the maintenance and up keep of the oval are currently being met by Council. However, there would be some minor administrative costs associated with taking bookings for its use.

Current & Budget operating costs for 2013/14

BINDOON OVAL	2013/14	
	Budget	Actual
Employee Costs	30,832	20,977
Plant Costs	3,432	3,909
Materials & Contracts	13,634	8,615
Insurance	855	854
Electrical Upgrade	16,450	18,887
	<b>\$65,203</b>	<b>\$53,242</b>

### Strategic Implications

SOC Strategic Community Plan – Active Communities

- *Increase in participation and activities available through community led groups.*

### 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 have been allegedly a number of complaints in regards to the restricted access that is provided to community groups.

#### Environmental implications

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

### Comment

It is understood the cricket oval is used for up to 8 official games per year, plus weekly training (during the cricket season), and the balance of the use is for community events.

Council currently manages the use of the Muchea and Lower Chittering oval with success, and to date no problems have occurred with this process. In both cases Council was requested to take back control of the facilities at the respective community's request.

Two officer's recommendations have been provided for Council to consider below.

**Option 1** - That the oval area (only) to be excluded from the lease area, with all other current facilities within the current lease area remaining.

**Option 2** - New terms be developed in relation to the use of the Bindoon oval under the current lease arrangement that provide greater flexibility for general community use, outside those times the oval has been booked by annual users such as the Bindoon Cricket Club.

Such terms may include that the oval be made available for a nominal charge for all local community groups, without the need to become a financial member of the Bindoon Sport & Recreation Association. (Subject to the ovals availability – out of cricket season). Furthermore, that individuals who wish to use the oval for training for reward on a regular basis be charged a set annual fee, not the individual participants.

**Option 3** – the lease remain unchanged

**9.4.1 OFFICER RECOMMENDATION 1**

That Council:

1. update the Lease held by the Bindoon Sport and Recreation Association to remove the Bindoon oval from the lease area; and
2. take over the management of the Bindoon Oval.
3. authorise the Shire President & Chief Executive Officer to sign and affix the Common Seal to the amended lease document.

The motion was put and declared carried 4/3

Cr Clarke voted against the motion

OR

**9.4.1 OFFICER RECOMMENDATION 2**

That Council liaise with the Bindoon Sport and Recreation Association to redefine the conditions of use of the Bindoon oval for the community use.

OR

**9.4.1 OFFICER RECOMMENDATION 3**

That Council take no further action in relation to this matter.

**9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 120414**

**Moved Cr Norton / Seconded Cr Douglas**

That Council:

1. update the Lease held by the Bindoon Sport and Recreation Association to remove the Bindoon oval from the lease area; and
2. take over the management of the Bindoon Oval.
3. authorise the Shire President & Chief Executive Officer to sign and affix the Common Seal to the amended lease document.

**THE MOTION WAS PUT AND DECLARED CARRIED 4/3  
CR CLARKE VOTED AGAINST THE MOTION**

#### 9.4.2 Bush Fire Brigade Rules

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	19/04/0007
<b>Prepared by</b>	Karen Parker, Manager Human Resources
<b>Supervised by</b>	Gary Tiffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Brigade Rules

#### Background

Council's consideration is requested in endorsing an individual Brigade Rules Template document that links to the *Shire of Chittering Bush Fire Brigade Local Laws 2012*.

At the 27 June 2012 Council Meeting Council endorsed the *Shire of Chittering Bush Fire Brigade Local Laws 2012* and they have since been gazetted.

At the February 2014 Chittering Bushfire Advisory Committee meeting members of the Bindoon Volunteer Bush Fire Brigade advised that the Brigade had an opportunity to receive a donation from one of their member's employers.

To receive this donation the Brigade needs to be a 'Deductible Gifts Recipient' registered with the Australian Taxation Office.

Investigations into the process for the Brigade to apply for this status revealed that the Brigade Rules (or Constitution) need to include the following two clauses for the Brigade to be eligible to apply:

- 'not for profit'; and
- 'dissolution'.

The 11 February 2014 CBFAC Meeting Minutes recorded the following:

#### 14.6 Deductible Gifts Recipient

*The Bindoon VBFB have an opportunity to receive a donation but need to be a Deductible Gift Recipient (ie donations to the Brigade are tax deductible). Investigations into the process for the Brigade to apply for this status reveal that the Brigade Rules or Constitution need to include two clauses in relation to 'not for profit' and 'dissolution' for the Brigade to be eligible to apply. CESM will investigate options.*

#### ACTION

***CESM to investigate options to ensure Brigades meet the requirements to apply to be a Deductable Gifts Recipient.***

The Community Emergency Services Manager sought advice from the relevant Officer at the Department Fire and Emergency Services and was informed that individual Brigade Rules, which have been endorsed by Council; contain the Rules detailed in the Shire's Bushfire Brigade Local Laws as a minimum; and have the two clauses listed above inserted, will fulfill the Australian Taxation Office requirements.

---

The Brigade Rules Template presented for Council's consideration is a replication of the Rules contained within the *Local Law*, with the addition of the following two clauses, to meet the ATO requirements:

**8.3 Non-profit**

*The assets and income of the Brigade shall be applied solely in furtherance of its above mentioned objects and no portion shall be distributed directly or indirectly to the members of the Brigade except as bona fide compensation for services rendered or expenses incurred on behalf of the Brigade.*

**8.4 Dissolution**

*As per Section 2.6 of the Shire's Bush Fire Brigades Local Law 2012 'In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established.'*

*In the event of the Brigade being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to any or all of the other Chittering Volunteer Bushfire Brigades as they have similar purposes and to ensure funds will not be used for the profit or gain of individual members.*

**Consultation**

Chittering Bush Fire Advisory Committee  
Bindoon Volunteer Bushfire Brigade  
Chittering Fire Services Volunteer Bushfire Brigades  
Chief Executive Officer  
Community Emergency Services Manager  
Department Fire and Emergency Services

**Statutory Environment**

*Bushfires Act 1954*  
*Shire of Chittering Bush Fire Brigades Local Law 2012*

**Policy Implications**

Nil

**Financial Implications**

There are no financial implications to Council.

**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 Community Emergency Services Manager has contacted all Brigades seeking their instruction on whether they require a set of rules. There have been no responses to date, however this may be due to the matter needing to be presented at an ordinary Brigade meeting.

It is therefore proposed that the Bindoon Bushfire Brigade Rules be endorsed as a template for other Brigades to use if requested.

The Individual Bush Fire Brigade Rules template endorsed by Council will provide the Volunteer Brigade/s with the relevant supporting documentation required to apply to the Australian Taxation Office to be an approved 'Deductible Gifts Recipient'.

Once an approved 'Deductible Gifts Recipient' all donations to the Brigade/s are able to be claimed as a tax deduction.

Council is requested to give consideration to endorsing the Brigade Rules Template for use by the Chittering Fire Services Volunteer Bushfire Brigades.

**9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 130414**

**Moved Cr Gibson / Seconded Cr Mackie**

**That Council:**

1. endorse the Brigade Rules Template to be utilised by individual Chittering Fire Services Volunteer Bushfire Brigades;
2. request the Chief Executive Officer advise the Chittering Fire Services Volunteer Bushfire Brigades that their Brigade can be provided with an endorsed copy of the Brigade Rules upon request through the Community Emergency Services Manager; and
3. authorise the Chief Executive Officer to sign the Rules on behalf of Council.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

#### 9.4.3 Change of Ordinary Meeting of Council Date – June 2014

<b>Applicant</b>	N/A
<b>File ref</b>	13/02/30
<b>Prepared by</b>	Gary Tiffin, Chief Executive Officer
<b>Supervised by</b>	Gary Tiffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

#### Background

The Shire President has requested that the June meeting date be changed from Wednesday 18 June 2014 to Wednesday 25 June 2014.

The request has been made to allow attendance at the 2014 National General Assembly of Local Government in Canberra which operates from the 15 to 18 June 2014.

#### Consultation

Shire President

#### Statutory Environment

*Local Government Act 1995*

##### **5.25. Regulations about council and committee meetings and Committees**

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
  - (g) *the giving of public notice of the date and agenda for council or committee meetings;*

##### **12. Public notice of council or committee meetings — s. 5.25(1)(g)**

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
  - (a) *the ordinary council meetings; and*
  - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
  - (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
  - (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

**Policy Implications**

Nil

**Financial Implications**

Minor costs associated with the placement of an advertisement advising the change of date.

**Strategic Implications**

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

*Economic implications*

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

*Social implications*

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

*Environmental implications*

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

**Comment**

Council is requested to give consideration to changing the meeting date for the June meeting from Wednesday 18 June 2014 to 25 Wednesday 2014.

That if the meeting date is changed in accordance with the Local Government (Administration) Regulation 12, a public notice be placed advertising the change of meeting date

**9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 140414**

**Moved Cr Rossouw / Seconded Cr Mackie**

**That Council:**

1. amend the June Ordinary meeting of Council date from the 18 June 2014 to Wednesday 25 June 2014, commencing 7:00pm.
2. advertise the change of meeting date in accordance with Local Government (Administration) Regulation 12.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

#### 9.4.4 LATE ITEM - Special Meeting of Council

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	13/02/30
<b>Prepared by</b>	Danica Kay, Executive Assistant
<b>Supervised by</b>	Gary Tiffin, Chief Executive Officer
<b>Voting requirements</b>	Simple majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

#### Background

Council re-advertised the tender for the conservation and upgrade works to the Bindoon Town Hall. The tender closed at 4pm Friday 11 April 2014, and four submissions were received.

Tenders are currently being assessed against the selection criteria.

#### Consultation

Shire President

#### Statutory Environment

Section 5.4 of the *Local Government Act 1995* states;

##### **5.4. Calling council meetings**

*An ordinary or a special meeting of a council is to be held —*

- (a) if called for by either—*
  - (i) the mayor or president; or*
  - (ii) at least  $\frac{1}{3}$  of the councillors,*  
*in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- (b) if so decided by the council.*

The *Local Government (Administration) Regulation 12 (3)* provides if a special meeting of Council is to be open to members of the public then the Local Government is to give local public notice of the date, time, place and purpose of the special meeting.

#### Policy Implications

Nil

#### Financial Implications

There will be a small cost associated with a notice that will be placed in the Advocate newspaper advertising the Special Meeting details.

#### Strategic Implications

Nil

#### Site Inspection

Not applicable

#### Triple Bottom Line Assessment

##### Economic implications

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

##### Social implications

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

*Environmental implications*

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

**Comment**

Council is now requested to set a Special Council meeting date and time to consider the submissions for the conservation and upgrade works to the Bindoon Town Hall.

**9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 150414**

**Moved Cr Mackie / Seconded Cr Douglas**

1. **That Council resolves to call a Special Meeting of Council for Monday, 28 April 2014, commencing at 4:30pm to consider and award the tender for the Bindoon Town Hall.**
  
2. **That in accordance with the *Local Government (Administration) Regulation 12*, a local public notice be placed advertising the date, time, place and purpose of the special meeting in the Advocate newspaper.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

## 10. REPORTS OF COMMITTEES

### 10.1 Minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday, 1 April 2014\*

<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 Tiffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	"Unconfirmed" minutes of the Chittering Bush Fire Advisory Committee meeting held on 1 April 2014

#### Background

At the Ordinary meeting of Council held on 19 March 2014, Council resolved as follows:

*"That Council:*

1. *authorise the Chief Executive Officer to sign the Memorandum of Understanding for the provision of a Community Emergency Services Manager as attached for a three year period; and*
  
2. *advise the Department of Fire and Emergency Services of 1 above and provide a copy of the signed Memorandum of Understanding."*

A meeting of the Chittering Bush Fire Advisory Committee (CBFAC) was held on 1 April 2014. There were two formal recommendations moved at the meeting as follows:

*"That Council consider the Chief Bush Fire Control Officer position to remain as a Volunteer Role and the CBFCO remains a member of the Chittering Volunteer Fire Services."*

*"That Council's resolution 9.4.1 made at its meeting of 19 March 2014 be deferred until Council has met with its BFAC elected members to further discuss and clarify the Memorandum of Understanding to enable this document to be more transparent and its intended protocols reassessed."*

#### Consultation

Nil

#### Statutory Environment

Nil

#### Policy Implications

Nil

#### Financial Implications

Nil

**Strategic Implications**

Nil

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

*Economic implications*

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

*Social implications*

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

*Environmental implications*

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

**Comment**

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

Councillor held an informal meeting with the current Chief Bush Fire Control Officer and The Community Emergency Services Manager on Wednesday 9 April 2014. A Special Meeting of the Chittering Bush Fire Advisory Committee has been scheduled for ..... to discuss the Memorandum of Understanding.

**10.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 160414**

Moved Cr Gibson / Seconded Cr Douglas

That Council receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 1 April 2014.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**

**10.1.2 COMMITTEE RECOMMENDATION**

Moved Cr Norton / Seconded Cr Mackie

That Council consider that the Chief Bush Fire Control Officer position to remain as a Volunteer Role and the CBFCO remains a member of the Chittering Volunteer Fire Service.

**THE MOTION WAS PUT AND DECLARED LOST 1/6**

**Reason the motion was lost:**

Council wishes to reconfirm its original position on the matter, subject to meeting with the Chittering Bush Fire Advisory Committee.

**10.1.3 COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION - 170414**

Moved Cr Mackie / Seconded Cr Norton

That Council defer its resolution 160314 made at its meeting of 19 March 2014 until Council has met with its CBFAC elected members to further discuss and clarify the Memorandum of Understanding to enable this document to be more transparent and its intended protocols reassessed.

**THE MOTION WAS PUT AND DECLARED CARRIED 5/2**

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

Nil

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

Nil

**13. URGENT BUSINESS**

Nil

**14. CONFIDENTIAL ITEMS**

Nil

**15. CLOSURE**

The Presiding Member declared the meeting closed at 8.54pm



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