

**MINUTES FOR
ORDINARY MEETING OF COUNCIL
WEDNESDAY, 17 APRIL 2013**

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 7.00pm
Closure: 8.47pm**



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 15 May 2013.

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.

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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 Alex Douglas	President
Cr Robert Hawes	Deputy President
Cr Barni Norton	
Cr Sandra Clarke	
Cr Doreen Mackie	
Cr Michelle Rossouw	

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Azhar Awang	Executive Manager Development Services
Mr Jim Garrett	Executive Manager Technical Services
Ms Danica Kay	Executive Support Officer / Minute Secretary

There were 12 members of the general public in attendance

2.2 Apologies

Karen Parker	Manager Human Resources
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2.3 Approved leave of absence

Council has previously approved leave of absence for:

- Cr Don Gibson for the period inclusive of 22 March until 10 May 2013.

3. DISCLOSURE OF INTEREST

Cr Mackie declared an Impartiality interest in item 9.1.8 as she is a member of the Incident Support Brigade and item 13.1 as she is a member of the Bindoon and Districts Agricultural Society.

Cr Hawes declared and impartiality interest in item 13.1 as he is a member of the Bindoon and Districts Agricultural Society.

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: Item 9.1.4 - Proposed Change of Use Respite Retreat – Lot 111 (RN 138) Valley View Drive, Chittering*

Carol Moloney, 3208 Chittering Road, Chittering

The Shire notices in regards to this proposal state that Valley View Drive is sufficient to accommodate this application for now, why then was widening and gravelling of Valley View Drive being undertaken on Saturday?

Response: The Executive Manager Technical Services advised that Shire works staff were not working at Valley View Drive on Saturday and he is unaware of who that would have been.

David Foulkes, Valley View Drive, Chittering

Why was this proposal previously advertised as 'rehabilitation', and now being referred to as 'respite'. What is the difference between the two?

Response: The Executive Manager Development Services advised that the title change was made by the applicant during the public submission period. For planning purposes and as far as the land use is concerned there is no difference between the two and does not make any change to the application.

Tuarn Brown, 473 Blue Plains Road, Chittering

The notice board advertising and website wording did not refer to respite. Public submissions were called for in regards to rehabilitation, and then the proponent changed the name to respite retreat, should the proposal go back to public comment.

Peter Moloney, 3208 Chittering Road, Chittering

As a well-known shire resident and owning property only one block away, I was not notified of this application. I am a father of four daughters and concerned about the types of people that will be coming to this retreat.

Response: The Shire President advised that no convicted persons or drug and alcohol affected persons will be attending the retreat.

The Executive Manager Technical Services advised that the public submission process is to advise adjoining property owners and advertise through local newspapers, shire website and notice boards.

Eleanor Junk, 3383 Chittering Road, Chittering

Can you guarantee that we will be safe?

Response: The Shire President advised that no guarantee can be made that any Shire resident are safe from any other residents in the Shire in the future. These matters will be addressed during discussion on the matter tonight.

David Foulkes, Valley View Drive, Chittering

If there will be 18-35 year old men at the respite retreat will the water supply suffice during their time there.

Response: The Shire President advised that the proposal put before Council tonight is asking Council to permit them in taking the first steps in the planning for the project. Issues of water and buildings etc are not being considered at this time.

Who is the applicant, why are we being told to speak to them when the Council should be doing that? The letter we received advised that if we wanted any further information that we should contact the applicant.

Response: The Shire President advised that the applicant and the owner are two different people. The owner has signed authority to the applicant for make this application.

Who are they, what are their names and addresses?

Response: The Shire President advised that their business name is Northern Compassion Inc.

Peter Moloney, 3208 Chittering Road, Chittering

Does the Shire follow through on the conditions put on applications, for example Lewis Road has not yet been sealed which was a condition of the Buddhist Temple application.

Response: The Executive Manager Technical Services advised that he has the plans for the sealing of Lewis Road, and is awaiting more details before it is completed.

Eleanor Junk, 3383 Chittering Road, Chittering

If the applicant purchases the property and then the Shire does not approve the application, would the Shire then be liable?

Response: The Chief Executive Officer advised that the approval of the application is a condition of sale; if the application is refused the sale of the property would have to be renegotiated. There would be no implications on the Shire if that were to happen.

5. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCILLOR MOTION / COUNCIL RESOLUTION - 010413

Moved Cr Rossouw / Seconded Cr Clarke

That Councillor Norton be APPROVED leave of absence for the Ordinary Meeting of Council to be held on 15 May 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council – Wednesday, 20 March 2013

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 020413

Moved Cr Clarke / Seconded Cr Mackie

That the minutes of the Ordinary meeting of Council held on Wednesday, 20 March 2013 be CONFIRMED subject to the following amendments:

Page 17, Resolution 060313 – that reference to Amendment 47 be deleted and replaced with Amendment 50 for Item 9.1.4 – Proposed Scheme Amendment No. 50 for Additional Uses, Lot 5D67144 (RN 3571) Great Northern Highway, Muchea.

Page 75, Resolution 250313 – that reference to Working Groups in resolution 2 be deleted and replaced with Advisory Groups as follows:

2. FORMS Advisory Groups to replace the disbanded Committees and creates one set of guidelines to incorporate all Advisory Groups; and

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

6.2 Advisory Committee meetings

At the Ordinary meeting of Council held on 20 March 2013 Council resolved the following:

COUNCIL RESOLUTION - 250313

Moved Cr Mackie / Seconded Cr Gibson

That Council:

1. Retain the Chittering Bush Fire Advisory Committee and the Audit Committee in their current form, and that all other Committees be disbanded as of the 31 March 2013;
2. Forms Advisory Groups to replace the disbanded Committees and creates one set of guidelines to incorporate all advisory groups; and
3. Advise all committee members of the above.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

The outstanding unconfirmed minutes of the disbanded committees need to be confirmed by Council to ensure statutory compliance.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –030413

Moved Cr Mackie / Seconded Cr Clarke

1. That the minutes of the Chittering Mining Advisory Committee meeting held on Monday, 5 November 2012 be CONFIRMED as a true and correct record of proceedings.
2. That the minutes of the Chittering Education Scholarship Committee meeting held on Wednesday, 17 November 2012 be CONFIRMED as a true and correct record of proceedings.
3. That the minutes of the Australia Day Advisory Committee meeting held on Wednesday, 12 December 2012 be CONFIRMED as a true and correct record of proceedings.
4. That the minutes of the Australia Day Advisory Committee meeting held on Wednesday, 13 February 2013 be CONFIRMED as a true and correct record of proceedings.
5. That the minutes of the Chittering Health Advisory Committee meeting held on Wednesday, 13 February 2013 be CONFIRMED as a true and correct record of proceedings.
6. That the minutes of the Chittering Community Planning Advisory Committee meeting held on 14 February 2013 be CONFIRMED as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9. OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Draft Policy - Smoke-Free Outdoor Areas*

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Glenn Sargeson, Principal Environmental Health Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Discussion Paper and Draft Policy: Smoke-Free Outdoor Areas

Background

Complaints have been received from parents attending sporting events about smoking in spectator areas in close proximity to non-smokers, including children.

In response, the Shire's Principal Environmental Health Officer circulated the attached Discussion Paper and Draft Policy relating to Smoke-Free Outdoor Areas to Councillors for comment.

Consultation

The Discussion Paper and Draft Policy were sent to Councillors for comment on 4 February 2013 and 19 February 2013.

Statutory Environment

Tobacco Products Control Act 2006
Products Control Regulations 2006

Policy Implications

Nil

Financial Implications

There would be costs to be borne by the Shire with the provision of purchasing, installation and maintenance of suitable signage and butt disposal bins. It would not be Shire responsibility to empty bins in leased areas. These costs have been estimated as \$5,000. It is recommended that this amount be included in the 2013/2014 budgetary deliberations.

Strategic Implications

The acceptance of a Smoke-Free Outdoor Areas Policy would be regarded as a pro-active public health strategy by Council to mitigate the harmful effects of side stream cigarette smoke on innocent bystanders and help control environmental littering and pollution.

Site Inspection

Site inspection undertaken: Yes, at Chinkabee Complex.

Triple Bottom Line Assessment

Economic implications

The tobacco industry causes widespread sickness, disease and death in the community resulting in the expenditure of vast financial resources by the health industry. Any means of preventing people from smoking will have a beneficial economic impact. The Smoke-Free Outdoor Areas Policy would encourage smokers to quit by signalling that they can have a harmful effect on others in close proximity.

Social implications

Cigarette smoking has become largely unacceptable by the community. The acceptance of a Smoke-Free Outdoor Areas Policy would be well-supported by the community and would be a further step towards combating the harmful effects of smoking and encouraging people to quit.

Environmental implications

Cigarette butts are a major source of littering and contaminate land and waterways. They are also a major cause of fires.

Comment

The acceptance of the Smoke-Free Outdoor Areas policy would benefit all those that attend a Council owned facility including club managers, patrons, staff and the general public by reducing the harmful effects of smoking in outdoor areas. It will provide some level of control in outdoor areas not currently covered in existing legislation and policy.

The Shire's Principal Environmental Health Officer received three responses from Councillors to the draft policy. There was general support for the draft policy from two Councillors, whilst one Councillor opposed the provision of smoking areas on any Council property, whether leased or not, as it was considered that *"they would only encourage smokers to carry on polluting the general area where the public gather for recreation. A total ban on smoking would help smokers to seriously consider the health benefits of quitting the habit."*

While it is agreed that in an ideal world this would be the best option, the fact is that a total ban on smoking is not enforceable and possibly decades away.

The existing legislation (*Tobacco Products Control Act 2006* and the *Tobacco Products Control Regulations 2006*) is focussed on smoking in indoor areas with only reference to smoking in outdoor places in relation to eating areas and playgrounds.

Council's Policy *"Smoking, Other Drugs and Alcohol"* is focussed on achieving a safe workplace for employees and does not cater for outdoor areas used by the public.

Therefore, the existing legislation and Council policy does not provide adequate control of smoking in outdoor public places. To have specific areas designated as smoking and non-smoking areas at Council owned venues will at least offer some protection for non-smokers and children against the harmful effects of side-stream smoke and help control indiscriminate littering with cigarette butts.

It would be useful to canvas the opinion of club managers/patrons as well as the general public on this issue so as to gain a broader spectrum of views.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 040413

Moved Cr Norton / Seconded Cr Mackie

1. That Council:
 - (a) **SUPPORT** the advertising of the Draft Policy “Smoke-Free Outdoor Areas” for public comment for a period of twenty-one (21) days in the local paper.
 - (b) **ADVISE** all current lease holders of Council’s facilities of the Draft Policy “Smoke-Free Outdoor Areas”.

2. Following the public consultation period a report is to be **PRESENTED** to Council for further consideration of the Smoke-Free Outdoor Areas Policy.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.2 Initiation of Scheme Amendment No 49 – Shire of Chittering Town Planning Scheme No 6*

Applicant	Shire of Chittering
File ref	18/02/17
Prepared by	Scott Penfold, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Scheme Amendment Documents
Attachments	1. Scheme Amendment document

Background

The Shire of Chittering Development Services department has prepared a Scheme Amendment to clarify and strengthen the provisions of the Shire of Chittering *Town Planning Scheme No 6* regarding the parking of commercial vehicles and the establishment of Transport Depots on zoned land in the Shire of Chittering.

As Council would be aware, the Development Services department of the Shire of Chittering has been assessing an increased number of applications regarding this matter, which has highlighted inconsistencies in the Scheme. One such inconsistency includes that a Transport Depot is defined as containing two prime movers, rather than a combination of a prime mover and a significantly larger amount of trailers and/or attachments.

Also, “Commercial Vehicle Parking” is not included as a Use Class of the “Schedule 2 – Zoning Table”. To date, the parking of commercial vehicles on a site has been assessed as a “Use Not Listed” by Council. The lack of a “Use Class” for “Commercial Vehicle Parking” within “Schedule 2 - Zoning Table” leads to each application being assessed without guidance in the Scheme and is not a consistent approach.

The initiation of the Amendment will likely facilitate the development of a Transport Depot and Commercial Vehicle Parking Local Planning Policy, providing guidelines to applicants and Council as to the appropriate development within the Shire of Chittering and appropriate conditions to be applied to such development.

Consultation

Public advertising will be required as part of this amendment in accordance with regulation 15 of the *Town Planning Regulations 1967* for a period of 42 days. Furthermore, it is a statutory requirement that the Shire forward the proposed scheme amendment to the Environmental Protection Authority prior to advertising.

The Amendment was referred to McLeods Barrister and Solicitors for comment. Those comments have been incorporated into the Amendment.

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 its district, by an 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 purpose of the Amendment is to include a definition for Commercial Vehicle Parking and include the "Use Class" within "Schedule 2 – Zoning Table" of the Scheme. It also seeks to amend the current definitions of "Transport Depot" and "Commercial Vehicle". The current definition for "Transport Depot" is:

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

The current definition for "Commercial Vehicle" is:

"Means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for the use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to car loads or not more that 1.5 tonnes."

Policy Implications

Whilst a policy does not currently exist for "Commercial Vehicle Parking" or "Transport Depot", it is envisaged that this will occur following the scheme amendment to provide more certainty on this issue to the public and Shire of Chittering.

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, particularly in relation to the Muchea Employment Node.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

The parking of commercial vehicles on property in the Shire of Chittering has become a relevant social issue in recent times, given the noise and dust issues associated with this use. Clarity in the Scheme will ensure a consistent approach to assessing these applications, and where the use is being undertaken illegally, relevant provisions and definitions to ensure action can be taken against those landowners.

Environmental implications

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

Comment

The purpose of the proposed Amendment is to clarify and strengthen the provisions of the Shire of Chittering *Town Planning Scheme No 6*. This has come from inconsistencies in the application for "Transport Depots" and "Commercial Vehicle Parking" within the Shire of Chittering.

A use class is not currently included within the zoning table for "Commercial Vehicle Parking", which is currently assessed as a "Use Not Listed". Therefore, this amendment is required to be included to identify "Commercial Vehicle Parking" as a defined land use identified within the table also.

As outlined in the Amendment documents, the Amendment seeks to:

- Include a definition for "Commercial Vehicle Parking", which encapsulates those applications which do not necessarily fall within the definition of a "Transport Depot".
- Improve the definition of "Transport Depot" and "Commercial Vehicle".
- Include "Commercial Vehicle Parking" as a defined use within "Schedule 2 – Zoning Table" of the Scheme.

The proposed Amendment will remove the inconsistencies in the Scheme regarding "Transport Depot" and "Commercial Vehicle Parking". It is recommended that Council support the Amendment to modify the Scheme.

OFFICER RECOMMENDATION

Moved Cr Clarke / Seconded Cr Rossouw

That Council:

1. In pursuance of section 75 of the *Planning and Development Act 2005* and regulation 17(2) of the *Town Planning Regulations 1967*, resolves to SUPPORT the initiation of amending the *Shire of Chittering Town Planning Scheme No 6* to:
 - (a) Amend Schedule 1 – Dictionary of Defined Words and Expressions as follows:
 - (i) *Delete the existing definitions of 'Transport Depot' and 'Commercial Vehicle'.*
 - (ii) *Include in appropriate alphabetical order definitions as follows:
Commercial Vehicle means a motorised vehicle or a non-motorised vehicle designed, used or intended to be used for carrying goods or persons for hire or reward or for earthworks or construction.*

Note: 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 premises used or intended for use for the parking or garaging of no more than one motorised commercial vehicle and/or no more than one non-motorised commercial vehicle, but does not include the maintenance or repair of any such vehicle.

Transport Depot means premises used or intended for use for the parking or garaging of two or more motorised commercial vehicles or two or more non-motorised commercial vehicles or more than one each of motorised and non-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) 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	A	A	A	A	A

2. **FORWARD** the proposed amendment to the Environmental Protection Authority for assessment in accordance with section 81 of the *Planning and Development Act 2005* prior to advertising in accordance with the *Town Planning Regulation 1967*.

COUNCILLOR MOTION / COUNCIL RESOLUTION – 050413

Moved Cr Hawes / Seconded Cr Rossouw

That the item 9.1.2 ‘Initiation of Scheme Amendment No 49 – Shire of Chittering Town Planning Scheme No 6’ LAY ON THE TABLE and requested further information be provided in relation to the definitions.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.3 Temporary Road Traffic Suspension – Chittering Road and Chittering Valley Road for Public Event – Cycle Race*

Applicant	Northern Districts Cycle Club
File ref	26/01/0004
Prepared by	Scott Penfold, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Cycling Route Plan 2. Traffic Management Diagrams

Background

Council's consideration is requested for a proposed public event, being the Northern Districts Cycle Club Peter Clarke Classic cycle race. The race is proposed to operate on the following route:

- Chittering Road; and
- Chittering Valley Road.

The cycle race is proposed to be held on Sunday, 12 May 2013 with approximately 70 participants. The race starts and finishes on Chittering Valley Road in close proximity to the Lower Chittering Hall. The race organisers will utilise the Lower Chittering Hall for toilets and parking facilities. The event will run from 0700hrs to 1030hrs.

Consultation

The Applicant will be required to notify affected landowners in advance of the event should Council approve the application in accordance with the requirements of the *Road Traffic Act 1974*.

Statutory Environment

Road Traffic Act 1974, section 83 - Race meeting etc., temporary suspension of Act for

Policy Implications

Policy for Concerts, Events and Organised Gatherings

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: No

Triple Bottom Line Assessment

Economic implications

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

Social implications

The traffic suspension will not close the road, which will still be open to traffic. Traffic management will be in place at the three intersections on the route and traffic will be slowed to minimise the risk of an incident occurring. Cyclists will utilise the left hand side of the road.

Environmental implications

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

Comment

The road will remain open and trafficable for normal road traffic during the event. At intersections, marshals will be directing traffic to stop if cyclists are approaching the intersection.

The Northern Districts Cycle Club has provided an Event Traffic Management Plan. Prior to the event occurring the following will be required:

1. The applicant to provide the following prior to the event:
 - a. A Certificate of Currency of Public Liability Insurance;
 - b. Instructions to be given to marshals for the operation of the event;
2. The applicant advise local police stations prior to the event;
3. The applicant to advertise the details of the event prior to the date of the event in the following manner:
 - a. Advertise the application in accordance with the *Road Traffic Act 1974*;
 - b. Send letters to all likely affected landowners notifying of the road traffic suspension and event details;
 - c. Send letters to relevant community groups, agencies and/or emergency departments;
 - d. Place signs at the intersections of the proposed route of the road suspension route; and
 - e. Place an advertisement on the Shire's website of notification of the road suspensions and event details.

It is considered that the cycling race will have minimal impact on road users throughout the Shire and will be beneficial both socially and economically to the Shire of Chittering.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 060413

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

1. **APPROVES** the Application for Temporary Suspension of the Road Traffic Act/Regulations under section 83 of the *Road Traffic Act 1974* subject to the following conditions being met:
 - a. The event is to be held in accordance with its Traffic Management Plan.
 - b. The Applicant is to advise all local police stations prior to the event.

2. **AUTHORISES** the Chief Executive Officer to sign and approve the event application subject to the following conditions being met prior to the event:
 - a. The Applicant is to provide the following:
 - i. A current copy of their Certificate of Currency for Public Liability Insurance;
 - ii. Instructions to be given to marshals for the operation of the event;
 - iii. A signed Statutory Declaration to say that the roads have been inspected and that they are in suitable condition to hold the event; and
 - iv. Submit a Risk Management Plan to the satisfaction of the Chief Executive Officer.

 - b. The Applicant is to advertise details of the event in the following manner:
 - i. Advertise the application in accordance with the *Road Traffic Act 1974*;
 - ii. Send letters to all likely affected landowners notifying of the road traffic suspension and event details at least fourteen (14) days prior to the event;
 - iii. Send letters to relevant community groups, agencies and/or emergency departments;
 - iv. Place signs at the intersections of the proposed route of the road suspension route; and
 - v. Place an advertisement on the Shire's website of notification of the road suspension and event details.

Advice note:

The Applicant is advised that the race is to be conducted in accordance with the *Road Traffic Act 1974*.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.4 Proposed Change of Use: Respite Retreat – Lot 111 (RN 138) Valley View Drive, Chittering*

Applicant	Northern Compassion Incorporated
File ref	A3046; P003/13
Prepared by	Scott Penfold, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Locality Plan2. Site Plan and Application3. Additional Information provide by Applicant4. Consultation Plan and Schedule of Submissions

Background

Council's consideration is requested for the proposed Respite Retreat to be established at Lot 111 (RN 138) Valley View Drive, Chittering.

The Applicant proposes to develop the Respite Retreat in stages, the first stage of which will be a nine (9) bedroom dwelling for the accommodation of six (6) to eight (8) patients, one (1) case worker and one (1) support staff (cooking, cleaning and caretaking of the grounds). This application does not seek approval for the proposed dwelling at this time, but for the proposed change of use, which is subject to condition of sale. It is ultimately intended for the facility to be expanded to provide up to thirty (30) guests, which the Applicant is requesting Council approval for.

During the assessment of this item, it was originally identified as a 'Rehabilitation Clinic' due to confusion about the type of accommodation provided and the patients who would be utilising the retreat. Subsequently, the application was also advertised with this title, with details being sent to surrounding landowners and a sign being placed on the corner of Chittering Road and Valley View Drive. This may have resulted in a number of comments being received from public due to the role and purpose of the retreat being unclear.

A presentation was made by the Applicants to available Councillors on the Wednesday, 27 March 2013, giving Councillors the opportunity to raise questions and clarify matters of concern.

Guests at the retreat will be voluntary paying guests only and will not be forcefully referred by Government Agencies to attend the retreat.

The details of the application are outlined in attachments 2 and 3.

Consultation

The application was referred to the surrounding landowners for comment, with a sign also placed on the corner of Chittering Road and Valley View Drive to inform public in the locality. During this time 18 submissions were received – 17 of which objected to the application and one (1) which submitted questions for Council consideration. Please refer to the Consultation Plan and Schedule of Submissions in attachment 4.

The application was referred internally to the Shire's Executive Manager Technical Services, Jim Garrett. It was advised that:

- The current constructed standard of Valley View Drive is appropriate for access to the proposed respite retreat; and
- The proposed vehicle movements are not considered excessive for the standard of road construction and do not require upgrade.

The application was also referred internally to the Shire's Principal Environmental Health Officer, Glenn Sargeson. It was advised that:

- As the current application is for a change of use only, any future conditions relating to health and the future building should be considered as part of future applications for buildings to be constructed on the property, and not part of this application; and
- It is likely that the future buildings on the property will be considered Lodging Houses, as defined by Part 8 of the Shire of Chittering *Health Local Laws 1998*, and should be appropriately assessed as such.

Internal consultation did not raise any additional conditions for Council's consideration.

Statutory Environment

Shire of Chittering Town Planning Scheme No 6

The subject property is zoned "Agricultural Resource" by the Shire of Chittering *Town Planning Scheme No 6*. The objectives of this zone are:

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

The proposed use of 'Respite Retreat' does not fall within any use class of the Scheme. A "Use Not Listed" is assessed based on the requirements listed in Clause 4.4.2 of the Scheme, which are outlined below:

- "4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Local Government may-*
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
 - (b) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for Planning Approval; or*
 - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

The property is located within the "Landscape Protection" Special Control Area. The planning requirements for this special control area are outlined below:

"6.2.4 Planning Requirements

In dealing within an application for Planning Approval, the Local Government will not support:

- a dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;*
- land uses which are not related to the general objectives of the zone;*

- c) *the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;*
- d) *the removal of any natural vegetation from any ridgeline;*
- e) *the removal or lopping of trees other than for-*
 - (i) fire fighting of fire protection purposes;*
 - (ii) the removal of dead or dying trees;*
 - (iii) clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;*
 - (iv) if the vegetation is posing a risk to public safety;*
 - (v) the vegetation is part of an area planted for fodder, timber plantation or any other crop;*
 - (vi) in association with the establishment of a Building Envelope.*

The Local Government may require, where appropriate, as a condition of planning approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape."

"Clause 10.2 Matters to be Considered by Local Government

The Local Government in considering an application for Planning Approval, is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application-

- a) *The aims and provisions of the Scheme;*
- b) *The requirements of orderly and proper planning including any relevant proposed new district planning scheme or amendment, which has been granted consent for public submission to be sought;*
- c) *Any approved Statement of Planning Policy of the Commission;*
- d) *Any approval environmental protection policy under the Environmental Protection Act 1986;*
- e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- 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;*
- g) *The aims and objectives of Catchment Management Plans and Principles for the Scheme Area;*
- h) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
- i) *The conservation of any place that has been registered in the Register of Places within the meaning of the Heritage Act of Western Australia 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character and appearance of a heritage area;*
- 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;*
- l) *The cultural significance of any place or area affected by the development;*
- m) *The likely effect of the proposal on the natural environment and any means that area proposed to protect or to mitigate impacts on the natural environment;*
- n) *Whether the land to which the application relates is unsuitable for the proposed by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk*
- o) *The preservation of the amenity of the locality;*

- p) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- q) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- r) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- s) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*
- t) *Whether the public utility services are available and adequate for the proposal. This includes existing facilities and those planned for construction to meet the needs of the proposal and future servicing requirements of the Scheme Area;*
- u) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- v) *Whether adequate provisions have been made for access by disabled persons;*
- w) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- x) *Whether the proposal is likely to cause soil erosion or land degradation;*
- y) *The potential loss of community service or benefit resulting from the Planning Approval;*
- z) *The conservation of water resources;*
- aa) *Any relevant submissions received on the application;*
- bb) *The comments or submission received from any authority consulted under clause 10.1.1; and*
- cc) *Any other planning consideration the Local Government considers relevant."*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The subject site is classified as "Agricultural Resource" by the Shire of Chittering *Local Planning Strategy*. The site is also included within the Chittering Valley Geographic Unit and the Landscape Protection areas of the Strategy.

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

During the referral process, 17 objections were received to the proposal with one public submission lodging a number of questions with Council.

Environmental implications

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

Comment

Consultation

During the referral period a total of 18 submissions were received, of which 17 opposed the proposed rehabilitation clinic (now defined as a respite retreat) and one raised a number of questions regarding the proposal. In summary, objections raised the following issues:

- 1) The security risk posed if the application is approved;
- 2) The poor access to the location of the proposed facility;
- 3) The undermining of the Scheme in the approval of the use in this predominantly agricultural area;
- 4) The likely impact on land values;
- 5) The credibility of the organisation running the facility, the defined deliverables of the project and how it will be governed/overseen by other organisations;
- 6) The requirements or burden placed on the Shire of Chittering to provide extra services to such a facility;
- 7) The isolation of the facility for urgent medical and police assistance;
- 8) The safe and continued operation of the farm for productive agricultural purposes; and
- 9) The lack of information provided with the application for such a use.

In response to the submissions raised, the Applicant responded that:

- (a) The type of participants to utilise the program will be vetted by an application process to ensure that they are both active and willing participants in the program. These applicants are paying guests and will not be enrolled in the program without showing a willingness to participate;
- (b) The access is suitable for the proposed use, which will not generate an excessive amount of traffic for Valley View Drive. In addition, participants will be transported to and from the site using only the transport of the organisation. Participants will not be able to enter or leave the site at will and all professional appointments will either take place in the Perth Metropolitan Area or via visiting professionals;
- (c) The facility is based upon the model operated by One80TC in New South Wales. Although Northern Compassion Inc does not currently operate such a facility, they will contract help from One80TC to help establish the facility and its programs, as well as train staff in the running of the facility. The retreat will also be closely aligned with the Esther Foundation, an organisation based in South Perth with a similar program for females;
- (d) The participants are required to be referred by government bodies and are vetted through the application process to ensure they are both willing and active participants;
- (e) Northern Compassion Inc is a Public Benevolent Institution that is listed in Western Australia and recognised by the Australian Taxation Office. The defined deliverables of the project have been listed in the original application;
- (f) No additional facilities or services will be required to be provided by the Shire of Chittering to administer such a facility;
- (g) It is not envisaged that urgent police and medical assistance will be required, nor would there be additional burden placed on these services, as the participants are not recovering, rather the program is for those willing to change their lives and be active participants in society;
- (h) The farming practices will continue if the use is approved, as the use only affects a small portion of the land. It is anticipated that the program will incorporate agricultural practices to assist participants; and
- (i) The level of information provided is suitable for the change of use. The purpose of the application is to ensure Council will permit such a use prior to the purchase of the property.

A briefing was also held with available Councillors on the Wednesday, 27 March 2013. The purpose of this briefing was to provide Councillors the opportunity to raise comment or concern and for these questions to be answered by the Applicant. Present at the meeting was the Applicant (Grahame Barlow and Pastor Spencer, both of Northern Compassion Inc) and Rod Lavater (Administrator at the Esther Foundation).

During the meeting, it was agreed that public members who made submissions on the proposed rehabilitation clinic be forwarded the contact details of the Applicant, such that they can raise individual concerns and discuss the proposal. A letter inviting public submittees to contact the Applicant for any clarifications or questions was sent on the Friday, 5 April 2013, which also advised that the application would be considered at the April Ordinary meeting of Council.

Prior to the meeting, the Applicant also sent an email to the Shire of Chittering clarifying the following:

- 1) The program is affiliated locally with the Esther Foundation and is based on a program operated in New South Wales, being One80TC;
- 2) The operating staff and their qualifications has not yet been established, due to the program not currently being operated;
- 3) They wish to remove all concern from the operation of the facility and the perceived lack of concern in the community;
- 4) Northern Compassion Inc is made up of a number of people, including Councillors, and State member of Parliament, business people and clergy;
- 5) Due to the security concerns raised by residents, it is believed the program can be run without the admittance of those considered addicted to drugs or recovering from addiction; and
- 6) The security of the site is ensured through 24/7 presence of staff whilst participants are at the facility.

The Applicant has also provided an intake assessment matrix, which identifies the following:

- (i) The Applicant is aware and willing to participate in the voluntary program;
- (ii) The Applicant has been recommended by prequalified organisations;
- (iii) The Applicant's reasons for referral align with the program deliverables;
- (iv) The Applicant is willing to contribute to relevant program costs;
- (v) The Applicant is satisfied that all visitations will occur off-site;
- (vi) The Applicant is willing not to bring any form of transport to the site;
- (vii) The Applicant is confirmed as a non-drug user;
- (viii) The Applicant has satisfied that there are no ongoing mental health issues;
- (ix) It is confirmed that the Applicant is not likely to require emergency medical treatment; and
- (x) It is confirmed that the Applicant is not a registered sex offender.

Based on the above, it is deemed the applicant has met the relevant requirements of the Shire of Chittering demonstrating that:

- 1) The respite retreat will be run in a manner that will not compromise the surrounding neighbours of the amenity of the locality;
- 2) The security concerns of residents have been addressed through ensuring the participants face a rigorous application process, removing the ability of participants being accepted into the program where they are addicted to drugs, recovering from addiction or are a registered sex offender;
- 3) The approval of the development will not undermine the Scheme, as the agricultural use of the land will continue should the change of use be approved;
- 4) The access to the proposed retreat is satisfactory, as outlined by advice from the Technical Services Department;
- 5) The facility is unlikely to require urgent medical or police assistance to be required above a normal level;

- 6) The Shire of Chittering will not be required to provide additional services or assistance for the operation of the facility; and
- 7) The Applicant has provided sufficient information to the Shire of Chittering to assess the application on its merits.

Shire of Chittering Town Planning Scheme No 6

Objectives of the Zone:

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

The proposal does not seek to remove agricultural land from productivity. Whilst the details are not formalised, it is proposed to collocate the proposed structures with the existing buildings on the property. There is not currently a dwelling on this property. Also, the scale of the proposal, to develop a dwelling type structure in the first instance, is not considered to have significant implications for the protection of the landform and landscape values, nor is likely to result in significant land degradation.

“Use Not Listed” Council has the ability to determine a use not listed based upon the provisions of the Scheme listed previously.

“Landscape Protection Special Control Area”

The proposal is currently for a change of use to “Respite Retreat”. Should Council determine to approve the proposed change of use, applications for building and structures will be assessed separately to this Application for Planning Approval.

Matters to be considered by Local Government:

a) The aims and provisions of the Scheme

The aims of the Scheme are outlined in Clause 1.6. Particularly relevant is 1.6 b. pertaining to the protection of agricultural land from inappropriate subdivision and development. As it outlined by the applicant, the land will remain in agricultural production as part of the programme, therefore the proposal is likely to have minimal impact on the supply of agricultural land.

b) The requirements of orderly and proper planning including any relevant proposed new district planning scheme or amendment, which has been granted consent for public submission to be sought

The proposal does represent orderly and proper planning. As it is a use not listed, it has been assessed and processed as per the requirements of Clause 4.2 of the Shire of Chittering Town Planning Scheme No 6.

c) Any approved Statement of Planning Policy of the Commission

Non-applicable

d) Any approval environmental protection policy under the Environmental Protection Act 1986

Non-applicable

- e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State
Non-applicable
- 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
Non-applicable
- g) The aims and objectives of Catchment Management Plans and Principles for the Scheme Area
Non-applicable
- h) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve
Non-applicable
- i) The conservation of any place that has been registered in the Register of Places within the meaning of the Heritage Act of Western Australia 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character and appearance of a heritage area
Non-applicable
- j) The compatibility of a use or development within its setting taking into consideration any Special Control Area
The proposed change of use is for the use only at this time. Future buildings will be required to be assessed in accordance with the requirements of the Shire of the Chittering at the time of future applications.
- k) Any social issues that have an effect on the amenity of the locality
As is outlined in the Schedule of Submissions, a number of submissions raised valid concerns to Council of the approval of the proposed 'rehabilitation clinic'. Additional information has been submitted by the applicant to address these concerns.
- l) The cultural significance of any place or area affected by the development
Non-applicable
- m) The likely effect of the proposal on the natural environment and any means that area proposed to protect or to mitigate impacts on the natural environment;
The proposal is for the agricultural land to remain in production, with little or no effect from the development of the buildings associated with the change of use in the future.
- n) Whether the land to which the application relates is unsuitable for the proposed by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk
The proposed change of use relates to land that is off of the flood plain of the Brockman River. Also, the majority of the land has been cleared of remnant vegetation, in particular regard to the area in which the use is to be located. Development of the property can be required to be in accordance with *Planning for Bush Fire Protection Edition 2 2010*.

- o) The preservation of the amenity of the locality
The proposal does represent a use that is not normally considered by Council and in a predominantly agricultural area. However, the scale of the buildings is not likely to significantly impact on 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
Whilst not proposed as part of this application, it is proposed to develop a number of residential buildings to house participants, which will be developed in three stages. The appearance of the proposal and location of buildings is not finalised and this application relates to the change of use only.
- q) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles
Valley View Drive is the primary means of access to the proposal. This is a no through road which crosses the Brockman River. It was raised in the submissions that the current state of the road is not sufficient for the additional vehicular traffic to be generated by the proposal, particularly if the proposal is to extend for up to 30 persons. As commented by Jim Garrett, Executive Manager Technical Services, the road is of sufficient capacity for the first stage of the proposal, but may need to be upgraded should any expansion beyond the first 8 participants occurs. This will be considered at the time of future development applications.
- With regard to on-site parking and infrastructure, this will be required to be assessed by the Shire of Chittering at the time the first stage residential building is assessed, as well as subsequent applications.
- r) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety
In its first stage, the Applicant has outlined that the proposal will generate 2-4 traffic movements per day, with an expected increase up to 8 vehicle movements per day during construction and when other qualified practitioners visit the site. The Executive Manager Technical Services has advised that the existing road can accommodate this number.
- s) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal
Public transport facilities do not operate in the area. Transport to and from the facility is to be provided by the facility to and from the Perth Metropolitan Region.
- t) Whether the public utility services are available and adequate for the proposal. This includes existing facilities and those planned for construction to meet the needs of the proposal and future servicing requirements of the Scheme Area
Non-applicable
- u) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)
Non-applicable

- v) Whether adequate provisions have been made for access by disabled persons
Non-applicable
- w) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved
Non-applicable
- x) Whether the proposal is likely to cause soil erosion or land degradation
Non-applicable
- y) The potential loss of community service or benefit resulting from the Planning Approval
Many of the submitters outlined that the location in question is isolated. However, the proposal will not result in the potential loss of community service or benefit nor will form an additional load on the Shire of Chittering servicing requirements.
- z) The conservation of water resources
Non-applicable
- aa) Any relevant submissions received on the application
All submissions received have been provided in the Schedule of Submissions for Council review and are outlined above.
- bb) The comments or submission received from any authority consulted under clause 10.1.1
No submissions have been received from authorities at the time of preparing this item. If a submission is received from the Western Australian Police, this will be tabled to Council.
- cc) Any other planning consideration the Local Government considers relevant
Matters for planning consideration have been addressed above.

Concluding comments

In light of the submissions received and the additional details provided by the Applicant, it is the view of the Shire officer that this use could be approved and operate in a manner that will have minimal impact on the amenity of the locality and the productive agricultural use of the land.

OFFICER RECOMMENDATION

Moved Cr Clarke / Seconded Cr Rossouw

1. That prior to issuing Planning Approval for the proposed change of use for a 'Respite Retreat' at Lot 111 (RN 138) Valley View Drive, Chittering, the Applicant SUBMIT the following information:
 - a. A revised program overview removing all references to drug rehabilitation in outlining that the program will not be receiving participants that are addicted to drugs or recovering from addiction to drugs.
 - b. A Risk Assessment and Management Plan, addressing security concerns, emergency management procedures, and the like to the satisfaction of the Chief Executive Officer.

2. That upon satisfaction of condition 1 above, the Chief Executive Officer be AUTHORISED to grant planning approval for the proposed change of use for 'Respite Retreat' at Lot 111 (RN 138) Valley View Drive, Chittering, subject to the following conditions:
 - a. A maximum of 30 participants (excluding staff) are to be accommodation on the site at any one time.
 - b. No drug rehabilitation or recovery programs being operated on the site.
 - c. The Applicant to submit a Register of Participants on an annual basis to the Shire of Chittering, which is to outline:
 - i. Length of stay of participants;
 - ii. Reason for referral or undertaking the retreat;
 - iii. Excluding participant names for confidentiality purposes.
 - d. Any events to be held on-site are to be subject to the approval of the Chief Executive Officer.
 - e. At the time of submitting an Application for Planning Approval for the first stage of the development, the applicant is to provide the following:
 - i. Proposed access and parking arrangements;
 - ii. Detailed floor plans and elevations of the proposed buildings;
 - iii. A fully outlined staging plan with indicative timeframes for development;
 - iv. Detailed outline of the program.
 - f. This approval does not constitute Planning Approval for buildings proposed on the site and is limited to the change of use only.
 - g. A breach of any of the above conditions, which is not rectified within a time considered reasonable to the Chief Executive Officer, will result in suspension of this approval. A recurrence of any breach will result in cancellation of this approval.

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 Applicant is advised that the approval is for the proposed change of use only and not for development to occur on the property. All future development shall be subject to the approval of the Shire of Chittering.

COUNCILLOR MOTION / COUNCIL RESOLUTION – 070413

Moved Cr Mackie / Seconded Cr Clarke

That item 9.1.4 'Proposed Change of Use: Respite Retreat – Lot 111 (RN 138) Valley View Drive, Chittering' LAY ON THE TABLE to enable further public consultation to be undertaken.

THE MOTION WAS PUT AND DECLARED CARRIED 4/2

9.1.5 Local Planning Strategy Review*

Applicant:	Shire of Chittering
File ref:	18/02/0023
Prepared by:	Azhar Awang, Executive Manager Development Services
Supervised by:	Garry Tuffin, Chief Executive Officer
Voting requirements:	Simple majority
Documents table:	Local Planning Strategy Document with track changes
Attachments:	1. Schedule of Modifications (DoP) 2. Mapping Modifications 3. Rural Conservation category in the LPS Map

Background

The Local Planning Strategy review was considered by Council at its meeting held on 14 December 2011 whereby Council resolved as follows:

1. *That Council:*
 - (a) *Endorse the revised Local Planning Strategy for public comments as per the attached document titled 'Shire of Chittering Local Planning Strategy, Revised December 2010'.*
 - (b) *Forwards the 'Shire of Chittering Local Planning Strategy, Revised December 2010' to the Department of Planning for consent to advertise for public comments.*
2. *That all submissions received during advertising period will be tabled to Council for its consideration.*

On 27 June 2012, Council's Development Services received correspondence from the Department of Planning proposing various modifications prior to the matter being formally considered by the Statutory Planning Committee for consent to advertise.

A copy of the Schedule of Modifications is attached for Council's information (attachment 1).

The Department of Planning's concern is the interpretation of the intent of the Rural Conservation zone and the level of protection of areas of High Conservation Value. The Department has stated that it had some consensus from the Chittering Landcare and DEC that there should not be rural living opportunities within these areas with the exception of those lands within the existing built up areas.

Consultation

Scheduled meetings were held between Shire officers, Greg Rowe and Associates (planning consultants) and the Department of Planning to discuss the proposed changes.

A workshop with Councillors and relevant Shire officers was undertaken on the proposed modifications on Thursday, 28 March 2013.

Public advertising will be required, once consent has been received from WAPC in accordance with clause 12B of the *Town Planning Regulations 1967*.

Statutory Environment

Planning and Development Act 2005
Town Planning Regulations 1967

12A. Local Planning Strategy

- (1) *If a Scheme envisages the zoning or classification of land, the local government shall—*
 - (a) *prepare the Scheme Report under [regulation 12](#) in the form of a Local Planning Strategy; and*
 - (b) *forward the Local Planning Strategy to the Commission.*
- (2) *Without limiting the operation of subregulation (1), a local government may —*
 - (a) *prepare a Local Planning Strategy in respect of a Scheme approved by the Minister for which a Local Planning Strategy has not been prepared at any time it thinks fit; and*
 - (b) *forward the Local Planning Strategy to the Commission.*
- (3) *A Local Planning Strategy shall —*
 - (a) *set out the long-term planning directions for the local government;*
 - (b) *apply State and regional planning policies; and*
 - (c) *provide the rationale for the zones and other provisions of the Scheme.*
- (4) *If the Minister so approves, subregulation (1) does not apply in respect of a proposed town planning scheme where —*
 - (a) *the scheme was adopted by the local government before the coming into operation of the Town Planning Amendment Regulations 1999¹; and*
 - (b) *the local government has prepared a Scheme Report containing such information, and in such manner, as the Commission requires.*

12B. Advertisement and endorsement of, and publication of notice of, Local Planning Strategy

- (1) *When the Commission has certified a Local Planning Strategy as being consistent with [regulation 12A\(3\)](#), the local government shall, in the case of a Local Planning Strategy prepared under [regulation 12A\(1\)](#), advertise the Local Planning Strategy as if it were part of the Scheme.*
- (2) *When the Commission has certified a Local Planning Strategy as being consistent with [regulation 12A\(3\)](#), the local government shall, in the case of a Local Planning Strategy prepared under [regulation 12A\(2\)](#) —*
 - (a) *publish a notice of the Local Planning Strategy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of —*
 - (i) *where the Local Planning Strategy may be inspected; and*
 - (ii) *in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*
 - (b) *forward a copy of the Local Planning Strategy to any other person or public authority which, in the opinion of the local government, has a direct interest in the Local Planning Strategy, for consideration and advice within a period (being not less than 21 days after the day on which the Local Planning Strategy is given to the person or body) specified by the local government;*
 - (c) *take such other steps as the local government considers appropriate to give notice of the Local Planning Strategy; and*
 - (d) *carry out such other consultation as the local government considers appropriate.*
- (3) *After the expiry of the period within which submissions may be made and advice given, the local government shall —*
 - (a) *review the Local Planning Strategy in the light of any submissions made and advice received;*
 - (b) *adopt the Local Planning Strategy with such modifications as it thinks fit to give effect to the submissions and advice; and*
 - (c) *submit a copy of the Local Planning Strategy to the Commission for its endorsement.*
- (4) *If the Commission endorses the Local Planning Strategy, the local government shall publish notice of the Local Planning Strategy and the endorsement of the Commission in a newspaper circulating in the Scheme area.*

- (5) *A copy of the Local Planning Strategy of a local government, as amended from time to time, shall be kept and made available for public inspection during business hours at the offices of the local government and the Commission.*

12C. Amendment or revocation of Local Planning Strategy

- (1) *A Local Planning Strategy may be amended by amendment prepared by the relevant local government and approved by the Commission.*
- (2) *A Local Planning Strategy may be revoked —*
- (a) *by a subsequent Local Planning Strategy prepared, endorsed and notified under [regulation 12B](#) that is expressed to supersede the existing Local Planning Strategy;*
or
- (b) *with the approval of the Commission, by the publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.*
- (3) *[Regulation 12B](#), with any necessary changes, applies to the amendment of a Local Planning Strategy in the same way as it applies to a Local Planning Strategy prepared under [regulation 12A\(2\)](#).*

Policy Implications

The review of the Local Planning Strategy is to consolidate the growth pattern and sets the future direction for development within the Shire.

Financial Implications

Budget allocated to undertake advertising and finalise documents for approval.

Strategic Implications

The Local Planning Strategy review will provide the forward planning for the Shire to ensure the availability of land for future rural living, new town, Industrial, as well as the preservation of high conservation value area identified in the Local Biodiversity Strategy. The Local Planning Strategy will set the direction for future development within the Shire and outlines the information required to ensure that the essential elements are addressed in the early phase of planning.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

Allocation of future land for the Muclea Employment Node will increase the opportunity for local employment and provide the economic stimulus for the local area as well as surrounding Shires, thereby increasing the demand for local housing and other community infrastructures.

Social implications

It is projected that there will be an increase in the total population of the Shire due to a number of factors such as provision of new land for rural residential development, small rural holdings, rural conservation, rural retreat and local employment opportunity (Muclea Employment Node). This will also result in the need for other community infrastructures such as schools, community halls, commercial as well as health facilities to cater for the need of the community as the population and the community level of demands and expectations increases.

Environmental Implications

The review will incorporate the Local Biodiversity Strategy which will preserve and protect the High Conservation Value Areas from future development.

Comment

The aims of the Local Planning Strategy are to provide the direction for future development in the Shire for the next 15-20 years. This document is reviewed every five (5) years in order to keep up to date and to provide the flexibility to accommodate new and innovative ideas in development and changes in land use conservation.

The recommended changes have been incorporated in to the LPS document as shown through the track changes.

General Format

The discussion with the Department of Planning was that this be left in its current format as this is not critical at this point and will be revisited after the advertising period.

Local Planning Strategy Report

The suggested changes from the Department of Planning have been amended as shown through the tracked changes in the attached LPS document. This includes:

- using current documents from the State Planning - *WA Tomorrow* to reflect population projection;
- removing reference in the report and accompanying plans of the former Perth-Darwin Highway;
- the biodiversity strategy in relation to rural conservation zone and how the biodiversity targets are achieved;
- removing reference to minimum 25ha to allow subdivision in Agricultural Resource zone land;
- referencing to the WAPC State Policy for future subdivision in Agricultural Resources zone land;
- removing reference to rural residential and rural living subdivision potential in the "New Town Area";
- amending section 8.9 in reference to Basic Raw Materials from being developed into incompatible land uses;
- adding additional comment in the Bindoon Townsite area (section 9.1.1) to encourage a more sustainable use of reticulated water infrastructure by promoting infill development and consolidation and to ensure consistency between the Strategy, the Local Planning Policy and any future planning proposal;
- expand on the difference between the Local Natural Areas (LNA) and the Indicative areas of high conservation and the rationale in the inclusion of "Rural Conservation" land;
- incorporating the suggested wording for "Rural Conservation" in section 10;
- remove reference to prevailing lot sizes;
- delete reference to "Light Industry" in section 9.11;
- update reference in relation to the adoption of the Muchea Employment Node Structure Plan and the strategic importance and its impact on the locality;
- reference to the preparation of the District Structure plan incorporating road connections, staging of other infrastructure and locations of Community infrastructure;
- the requirement of the need for an outline development plan to accompany a scheme amendment;
- delete the development contribution plan from the appendix as this is not necessary.

Appendices

The following changes suggested are:

- Changing the 'possible Future Urban Node Investigation Area' to 'Possible Future New Town Investigation Area' and to reinstate the indicative boundary.
- Remove the former Perth-Darwin Highway alignment from the plan.
- Making the area of the Muchea Employment node area more legible.
- Remove the "Future Investigation Area" of the Muchea Employment Node
- Add the location of the proposed community nodes/primary school/POS sites on Muchea East Road in Maryville and Gray Road in Bindoon.
- Improve the legibility of the Landscape Protection area around the Chittering Valley area.
- Replace the Water Corporation Plan to reflect the updated plan of the Bindoon Licence Operating Area from Water supply.
- Remove the Scheme Amendment document from the Appendix.
- Remove the Staging Plan from the Appendix.
- Deletion of Rural Conservation classification and replace with suggested zoning.

Most recently Council has resolved in two (2) separate occasions not to support the initiation of a scheme amendment due to the site being classified as "extreme fire" classification based on the existing densely vegetated remnant vegetation. Both areas (Lot 4 Tea Tree Road and Lot 28 Reserve Road) are identified as "Priority Development Area" in the Local Planning Strategy which allows the rezoning of the land to be considered for development.

The Shire's Community Emergency Services Manager advised that the classification as "Extreme Bush Fire" does not necessarily means 'no development'. What is implied is that the Applicant needs to demonstrate how the fire classification is mitigated. For example, the subject land can be classified as "Bush Fire Prone" area as part of the scheme amendment, which requires the development to be built in accordance with AS 3959 of the Building Codes. The Bush Fire mitigation is also clearly set out in the *Planning for Bush Fire Protection Guidelines*.

The method adopted by Council was to identify the area of High Conservation Value Area in the Local Biodiversity Strategy as "Rural Conservation" zone. This requires the site to be assessed and 'ground truthing' to be undertaken and for the developer to demonstrate that the target area for preservation/protection outlined in the Local Biodiversity Strategy can be achieved.

The Department of Planning suggested eighteen (18) of the sites identified as "Rural Conservation" zone are to be reclassified due to various factors.

A workshop was undertaken with Councillors to seek direction as to the preferred zoning base on the recommendation from WAPC, the High Conservation Value area classification, Fire Management classification, current zoning as depicted in the Town Planning Scheme and the current classification in the Local Planning Strategy.

Below are the suggested modifications from the Department of Planning and the Shire officer's comments provided in regard to the "Rural Conservation" zone designation followed by the recommendation agreed at Council's workshop on the respective areas.

Area 1 – Too remote and only limited conservation Value. Suggested "Agriculture Resource"

Current Zoning	Agriculture Resource
Current LPS	Rural Retreat
Proposed in new LPS	Rural Retreat

WAPC Recommendation Agriculture Resource

The area shows only a small portion of the site identified as Indicative Area of High Conservation Value and this can be accommodated as part of the rezoning to reserve this area as “Conservation”. The remainder of the area can be rezoned to “Rural Retreat” as identified in the current LPS.

Recommendation Retain land for “Agricultural Resource” as the current zoning as specified in the Town Planning Scheme.

Area 2 – Too remote for clustered development. Suggested “Agricultural Resource”

Current Zoning	Agriculture Resource
Current LPS	Rural Retreat
Proposed in new LPS	Rural Conservation
WAPC Recommendation	Rural Conservation (south side), Rural Retreat (north side)

The southern part of the land is identified as having areas of High Conservation Value and can be retained as ‘Conservation’. The northern portion of the subject land can be retained as “Rural Retreat” in accordance with the current LPS.

Recommendation Retain northern portion of land as “Rural Retreat” and set aside southern area as “Rural Conservation”, which allows the protection and preservation of the High Conservation Value Area and developing in the degraded area for clustered development.

Area 3 – Identified as “Conservation” in the current LPS

Current Zoning	Conservation Reserve
Current LPS	Conservation
Proposed in new LPS	Conservation
WAPC Recommendation	Conservation or Agriculture Resource

Recommendation Agreed to suggested modification to “Conservation” as the land is under the responsibility of the Department of Environment and Conservation. Furthermore the land is also classified as “Conservation” under the current Town Planning Scheme and the Local Planning Strategy.

Area 4 – Too remote. This area forms logical northern boundary to “Rural Residential”. Suggested to “Agricultural Resource”

Current Zoning	Agriculture Resource
Current LPS	Agriculture Resource (eastern portion), Rural Retreat (western portion)
Proposed in new LPS	Rural Retreat
WAPC Recommendation	Agriculture Resource

Recommendation Retain land as “Agriculture Resource” as per the Town Planning Scheme. This land can be revisited should additional land be required to be developed as the land in the western portion is significantly cleared. It is noted that the eastern portion part of the land is classified as High Conservation Value Area in the Local Biodiversity Strategy which will need to be protected.



Area 5 – Limited Conservation Value. The Department suggested that this land be identified as “Rural Retreat”

Current Zoning	Agriculture Resource
Current LPS	Rural Retreat
Proposed in new LPS	Rural Retreat
WAPC Recommendation	Rural Retreat

Recommendation That this land be classified as “Rural Retreat” as it is consistent with the current Local Planning Strategy and provides an extension to the existing built up area.

Area 6 – Too remote for isolated clustered development. Area is identified as having high conservation value area and suggested that this be reclassified as “Agriculture Resource” or “Conservation”

Current Zoning	Agriculture Resource
Current LPS	Rural Retreat
Proposed in new LPS	Rural Conservation
WAPC Recommendation	Agriculture Resource or Conservation

Recommendation That the land be retained as “Agricultural Resource” zone as identified in the Town Planning Scheme. The area is also classified as High Conservation Value Area which is to be retained from future development.

Area 7 – Close to Town with limited Conservation Value. The Department of Planning suggested “Rural Residential”

Current Zoning	Agriculture Resource
Current LPS	Rural Retreat
Proposed in new LPS	Townsite Consolidation (Rural Residential)
WAPC Recommendation	Rural Residential

Recommendation Agree to suggested modifications of classifying the area to “Rural Residential”.

Area 8 – The area is 100% covered in High Conservation Value area and remote from potential development

Current Zoning	Agriculture Resource
Current LPS	Rural Retreat
Proposed in new LPS	Rural Conservation
WAPC Recommendation	Agriculture Resource

The suggestion from the Department of Planning is to reclassify this as “Agricultural Resource”. The area is identified as “Rural Retreat” with High Priority Development Area in the current LPS. It also abuts the New Town boundary to the south of this area. This is one possible site that could be referred to DEC for acquisition for “Conservation Purposes”.

Recommendation That the land retains the “Agricultural Resource” zoning consistent with the Town Planning Scheme.



Area 9 – Close to town and the site has low conservation value. It is suggested to classify the land as “Rural Residential”

Current Zoning	Agriculture Resource
Current LPS	Rural Retreat
Proposed in new LPS	Rural Residential
WAPC Recommendation	Rural Residential

Recommendation That the land is classified as “Rural Residential” given the surrounding “Rural Residential” abutting this land to the east and provides an extension for “Rural Residential” land.

Area 10 – The area is remote and 100% under the High Conservation Value area. It is suggested to classify the land to “Agriculture Resource”

Current Zoning	Agriculture Resource
Current LPS	Rural Retreat
Proposed in new LPS	Rural Conservation
WAPC Recommendation	Agriculture Resource

Recommendation That the land retains the “Agricultural Resource” zone consistent with the current Town Planning Scheme

Area 11 – The area is identified as “Agricultural Resource” in the current Local Planning Strategy and it is suggested to classify the area as “Agriculture Resource”

Current Zoning	Agriculture Resource
Current LPS	Agriculture Resource
Proposed in new LPS	Rural Conservation
WAPC Recommendation	Agriculture resource

The area is also identified as having 100% High Conservation Value Area and therefore needs to be protected from future development. This is another potential site for DEC to look at purchasing for “Conservation” purposes.

Recommendation That the land retains the “Agricultural Resource” zone consistent with the current Town Planning Scheme and Local Planning Strategy.

Area 12 – The area is previously identified in the current Local Planning Strategy as “Conservation” purposes and it is suggested to retain the area as “Conservation”

Current Zoning	Agriculture Resource
Current LPS	Conservation
Proposed in new LPS	Conservation
WAPC Recommendation	Conservation

It was agreed by Council that there was no requirement for the land to be classified for “Conservation” purposes given the status of the land. It is recognised that the area has been identified as having High Conservation Value Area and will require ground truthing to be undertaken by the landowner for the development of the subject land. Prior to considering a scheme amendment the developer/landowner is required to demonstrate how the target area in the Local Biodiversity Strategy has been achieved.



Recommendation That the land be classified as “Rural Conservation” zone for the retention of the High Conservation Value Area in meeting the targets required under the Local Biodiversity Strategy and allowing cluster development in areas where the vegetation is degraded or does not contain the High Conservation Value category.

Area 13 – The area is identified in the current Local Planning Strategy as “Agricultural Resource” and it is suggested that it retains the current zoning

Current Zoning	Agriculture Resource
Current LPS	Small Rural Holdings/Agriculture Resource
Proposed in new LPS	Agriculture Resource
WAPC Recommendation	Agriculture Resource

It is noted that the area abuts the existing Rural Residential development to the South and this area provides a logical extension to the future Rural Residential requirement. However, the subject land is also identified as High Conservation Value Area and requires protection/preservation from development.

Recommendation That the area retains the “Agricultural Resource” zone as identified in the current Town Planning Scheme and the Local Planning Strategy.

Area 14 – The area is identified as having 100% of the site identified as High Conservation Value and therefore is not suitable for cluster development as proposed in the new LPS. It is suggested that it retains the “Agricultural Resource” zone for the land

Current Zoning	Agriculture Resource
Current LPS	Small Rural Holdings
Proposed in new LPS	Rural Conservation
WAPC Recommendation	Agriculture Resource

Recommendation That the area retains the “Agricultural resource” zone.

Area 15 - The area is identified as having 100% of the site identified as High Conservation Value and therefore is not suitable for cluster development as proposed. It is suggested that it retains the “Agricultural Resource” zone for the land.

Current Zoning	Agriculture Resource
Current LPS	Rural Residential
Proposed in new LPS	Rural Conservation
WAPC Recommendation	Agriculture Resource

This area is surrounded with Rural Residential Developments on all fronts. It is also noted that the current Local Planning Strategy identified this land as High Priority Development Area for Rural Residential. Furthermore it depicts the area as “Basic Raw Materials Priority Location Area” as identified by WAPC in *State Planning Policy 2.4*. There are still large parcels of available land to be developed within this area and therefore this site would not impact on the land supply requirement to accommodate future growth in this area.

Recommendation That the area retains the “Agricultural Resource” zone.



Area 16 – The area is identified as “Agricultural Resource” in the current local Planning Strategy and it is suggested that it retains the site as “Agriculture Resource”

Current Zoning	Agriculture Resource
Current LPS	Agriculture Resource
Proposed in new LPS	Rural Residential/Rural Conservation
WAPC Recommendation	Agriculture Resource

This area provides the linkage to the Rural Residential to the north and south of this site and would be a logical move to provide the development corridor. It is noted that the middle section of this area has been identified as having High Conservation Value Area. This can be accommodated in the subdivision design to retain the conservation value of the site through “Rural Conservation” zoned land.

Recommendation That the area is classify as “Rural Conservation” zone to allow for cluster development and protecting the area of high conservation value area.

Area 17 – The area has limited conservation value and it is suggested that the area be zoned to “Rural Residential”

Current Zoning	Agriculture Resource
Current LPS	Rural Residential (eastern portion), Agriculture Resource (western portion)
Proposed in new LPS	Rural Residential
WAPC Recommendation	Rural Residential

As per area 16 above, this site provides the connection to the south for Rural Residential development in the Wandena Estate.

Recommendation That the area is classified as “Rural Residential” and that the area of High Conservation Value is protected in the overall subdivision design through a conservation covenant.

Area 18 – The area is already zoned for “Rural Residential” and therefore no need to classify as “Rural Conservation”

Current Zoning	Rural Residential
Current LPS	Townsite Consolidation (Rural Residential)
Proposed in new LPS	Rural Residential
WAPC Recommendation	Rural Residential

Recommendation That the area retains the “Rural Residential” zone.

It was also recommended at the workshop with Council that given the issue with Extractive Industries within the Shire of Chittering to expand on section 8.9 – *Primary basic Raw Materials Areas*, to incorporate the criteria for considering Extractive Industry within the approved sites only as endorsed by the WAPC figure 9 of the Local Planning Strategy Document.

It is recommended that Council supports the proposed amendments to the Local Planning Strategy as per the attached document and forward this to the Department of Planning for consent to advertise.



OFFICER RECOMMENDATION / COUNCIL RESOLUTION –080413

Moved Cr Rossouw / Seconded Cr Norton

1. That Council:

- a. **ENDORSE** the suggested amendments to the Local Planning Strategy report as provided by the Department of Planning as per the attached document titled - Shire of Chittering Local Planning Strategy, Revised February 2013.
- b. **ENDORSE** the recommended modifications to the Local Planning Strategy Mapping incorporating the following changes within the designated area as per the Department of Planning modification numbers:
Area 1 – Agriculture Resource
Area 2 – Northern portion of the land is designated as “Rural Retreat” and the southern portion of the land is “Rural Conservation”
Area 3 – Conservation purposes
Area 4 – Agriculture Resource
Area 5 – Rural Retreat
Area 6 – Agriculture Resource
Area 7 – Rural Residential
Area 8 – Agriculture Resource
Area 9 – Rural Residential
Area 10 – Agriculture Resource
Area 11 – Agriculture Resource
Area 12 – Rural Conservation
Area 13 – Agriculture Resource
Area 14 – Agriculture Resource
Area 15 – Agriculture Resource
Area 16 – Rural Conservation
Area 17 – Rural Residential
Area 18 – Rural Residential
- c. **EXPAND** on Section 8.9 – Primary Basic Raw Materials Areas to incorporate the criteria for considering Extractive Industry within the approved sites only as endorsed by the WAPC figure 9 of the Local Planning Strategy Document.
- d. **FORWARDS** the amended Local Planning Strategy report to the Department of Planning for consent to advertise for public comments.

2. That all submissions received during the advertising period be **PRESENTED** to Council for further consideration.

Advice Note:

The areas listed in recommendation 1. b. are outlined in Attachment 2 on page 83 of the Development Services Attachments

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.6 Reconsideration of Council Determination: Proposed Outbuilding – Lot 817 (RN 8) Haslam Street, Muchea*

Applicant	Brett and April Stokes
File ref	A11033
Prepared by	Scott Penfold, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Additional information submitted by Applicant 2. Council Minutes (Item 9.1.1 from OCM 20 February 2013) 3. Site Plan and Application

Background

Council is requested to reconsider its determination in relation to the proposed outbuilding at Lot 817 (RN 8) Haslam Street, Muchea, based upon the additional information submitted by the Applicant, which was not raised with Council in its first determination of the item at its February meeting.

At its Ordinary Council Meeting held on 20 February 2013, Council determined as follows:

“The Council grant planning approval for the proposed building envelope modification and outbuilding at Lot 817 (RN 8) Haslam Street, Muchea, subject to the following conditions:

- 1. All development shall be in accordance with the submitted plans.*
- 2. Implement and maintain screening in the form of planting native local trees and shrubs between the proposed outbuilding and the street frontage to the satisfaction of the Chief Executive Officer within 3 months of the approval being issued.*
- 3. The outbuilding is not to be used for Commercial purposes.*
- 4. The outbuilding is for storage purposes on and not for residential habitation.*
- 5. Roofing to be tiled or pre-painted material such as Colorbond.*
- 6. Clearing shall only be permitted for outbuilding construction and safety purposes.*
- 7. Any further developments on the site shall be the subject of subsequent planning applications/approvals.*
- 8. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.*
- 9. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.*
- 10. That the size of the proposed shed be limited to 150m² with a maximum ridge height of 4.2m in compliance with the Shire of Chittering Local Planning Policy No.7 and section 6.10.1 of the R-Codes.*
- 11. That the environs of the shed to be cleared of combustible material to the satisfaction of the Chief Executive Officer.*

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 Applicant is advised to contact the Chittering Landcare Centre for a list of native species for screening vegetation.”*

The Applicant is requesting the reconsideration of Condition 10 of the Planning Approval, being the limiting of the size of the shed to 150m² and the maximum ridge height of 4.2m.

Consultation

The application was originally referred to surrounding landowners for comment. No objections were received.

Statutory Environment

Planning and Development Act 2005

Local Government (Administration) Regulations 1996

Shire of Chittering Town Planning Scheme No 6

Clause 8.3 of the Scheme permits the Local Government to amend or revoke a Planning Approval, provided the use or development subject to the Planning Approval has not commenced.

Policy Implications

Local Planning Policy No 7 – Outbuildings and Swimming Pools

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: No

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

As per the additional information provided by the applicant, it is requested that Council remove condition 10 of the Planning Approval relating to the outbuilding being a maximum size of 150m² and the maximum height being 4.2m. The reasons for reconsideration are as follows:

- The size of the outbuilding needs to be larger than the maximum of 150m² to provide storage for motor vehicles and motor cycles which the applicant owns. The outbuilding will provide garaging for these vehicles, as well as providing an area for vehicle maintenance. These items include a:
 - HJ Panel Van
 - HQ One Tonner
 - 1951 Matchless Motorcycle
 - 1990 Kawasaki Ninja Motorcycle
 - 4WD
 - Family MG
 - Family's motor vehicles and motor bikes at time to time for maintenance and storage if needed
 - Other items such as ride-on lawnmower and tools.

- The height of the outbuilding is to be 5.138m, which is required for the installation of a hoist, which is used for motor removal and maintenance on motor vehicles. A 4.2m high outbuilding would not be able to accommodate such a hoist.

As outlined in the previous report to Council, the Applicant has indicated a willingness to implement screening to ensure the impact of the outbuilding is lessened from Haslam Street. It should also be noted that no objections were received to the proposed outbuilding when it was referred to surrounding landowners for comment.

As per the previous Officer Recommendation, it is recommend that the Council issue planning approval for the proposed outbuilding, removing condition 10 of the Planning Approval, based on the additional information provided by the Applicant.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 090413

Moved Cr Clarke / Seconded Cr Hawes

That Council, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* **CONSIDERS** the revocation of resolution number 030213 “Proposed Building Envelope Modification and Outbuilding (Shed) – Lot 817 (RN8) Haslam Street, Muchea” of the Ordinary meeting of Council held on 20 February 2013:

“The Council grant planning approval for the proposed building envelope modification and outbuilding at Lot 817 (RN 8) Haslam Street, Muchea, subject to the following conditions:

1. *All development shall be in accordance with the submitted plans.*
2. *Implement and maintain screening in the form of planting native local trees and shrubs between the proposed outbuilding and the street frontage to the satisfaction of the Chief Executive Officer within 3 months of the approval being issued.*
3. *The outbuilding is not to be used for Commercial purposes.*
4. *The outbuilding is for storage purposes on and not for residential habitation.*
5. *Roofing to be tiled or pre-painted material such as Colorbond.*
6. *Clearing shall only be permitted for outbuilding construction and safety purposes.*
7. *Any further developments on the site shall be the subject of subsequent planning applications/approvals.*
8. *If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.*
9. *Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.*
10. *That the size of the proposed shed be limited to 150m² with a maximum ridge height of 4.2m in compliance with the Shire of Chittering Local Planning Policy No.7 and section 6.10.1 of the R-Codes.*
11. *That the environs of the shed to be cleared of combustible material to the satisfaction of the Chief Executive Officer.*

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 Applicant is advised to contact the Chittering Landcare Centre for a list of native species for screening vegetation.”*

THE MOTION WAS PUT AND DECLARED CARRIED 4/2

OFFICER RECOMMENDATION /COUNCIL RESOLUTION – 100413

Moved Cr Clarke / Seconded Cr Hawes

That Council, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* **REVOKES** resolution number 030213 “Proposed Building Envelope Modification and Outbuilding (Shed) – Lot 817 (RN8) Haslam Street, Muchea” of the Ordinary meeting of Council held on 20 February 2013:

“The Council grant planning approval for the proposed building envelope modification and outbuilding at Lot 817 (RN 8) Haslam Street, Muchea, subject to the following conditions:

- 1. All development shall be in accordance with the submitted plans.*
- 2. Implement and maintain screening in the form of planting native local trees and shrubs between the proposed outbuilding and the street frontage to the satisfaction of the Chief Executive Officer within 3 months of the approval being issued.*
- 3. The outbuilding is not to be used for Commercial purposes.*
- 4. The outbuilding is for storage purposes on and not for residential habitation.*
- 5. Roofing to be tiled or pre-painted material such as Colorbond.*
- 6. Clearing shall only be permitted for outbuilding construction and safety purposes.*
- 7. Any further developments on the site shall be the subject of subsequent planning applications/approvals.*
- 8. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.*
- 9. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.*
- 10. That the size of the proposed shed be limited to 150m² with a maximum ridge height of 4.2m in compliance with the Shire of Chittering Local Planning Policy No.7 and section 6.10.1 of the R-Codes.*
- 11. That the environs of the shed to be cleared of combustible material to the satisfaction of the Chief Executive Officer.*

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 Applicant is advised to contact the Chittering Landcare Centre for a list of native species for screening vegetation.”*

THE MOTION WAS PUT AND DECLARED CARRIED 4/2

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –110413

Moved Cr Clarke / Seconded Cr Mackie

That Council **GRANT** planning approval for the proposed building envelope modification and outbuilding at Lot 817 (RN 8) Haslam Street, Muchea, subject to the following conditions:

1. All development shall be in accordance with the submitted plans.
2. Implement and maintain screening in the form of planting native local trees and shrubs between the proposed outbuilding and the street frontage to the satisfaction of the Chief Executive Officer within 3 months of the approval being issued.
3. The outbuilding is not to be used for Commercial purposes.
4. The outbuilding is for storage purposes on and not for residential habitation.
5. Roofing to be tiled or pre-painted material such as Colorbond.
6. Clearing shall only be permitted for outbuilding construction and safety purposes.
7. Any further developments on the site shall be the subject of subsequent planning applications/approvals.
8. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.
9. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
10. That the environs of the shed to be cleared of combustible material to the satisfaction of the Chief Executive Officer.

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 Applicant is advised to contact the Chittering Landcare Centre for a list of native species for screening vegetation.

THE MOTION WAS PUT AND DECLARED CARRIED 4/2

9.1.7 Reconsideration of Council Determination: Proposed Outbuilding – Lot 818 (RN 4) Haslam Street, Muchea*

Applicant	Glenn Taylor and Joanne Davies
File ref	A11034
Prepared by	Scott Penfold, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Additional information submitted by Applicant 2. Council Minutes(Item 9.1.2 from OCM 20 February 2013) 3. Site Plan and Application

Background

Council is requested to reconsider its determination in relation to the proposed outbuilding at Lot 818 (RN 4) Haslam Street, Muchea, based upon the additional information submitted by the Applicant, which was not raised with Council in its first determination of the item at its February meeting.

At its Ordinary Council Meeting held on 20 February 2013, Council determined as follows:

"The Council grant planning approval for the proposed building envelope modification and outbuilding at Lot 818 (RN 4) Haslam Street, Muchea, subject to the following conditions:

- 1. All development shall be in accordance with the submitted plans.*
- 2. Implement and maintain screening in the form of planting native local trees and shrubs between the proposed outbuilding and the street frontage to the satisfaction of the Chief Executive Officer within 3 months of the approval being issued.*
- 3. The outbuilding is not to be used for Commercial purposes.*
- 4. The outbuilding is for storage purposes on and not for residential habitation.*
- 5. Roofing to be tiled or pre-painted material such as Colorbond.*
- 6. Clearing shall only be permitted for outbuilding construction and safety purposes.*
- 7. Any further developments on the site shall be the subject of subsequent planning applications/approvals.*
- 8. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.*
- 9. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.*
- 10. That the size of the proposed shed be limited to 150m² with a maximum ridge height of 4.2m in compliance with the Shire of Chittering Local Planning Policy No.7 and section 6.10.1 of the R-Codes.*
- 11. That the environs of the shed to be cleared of combustible material to the satisfaction of the Chief Executive Officer.*

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 Applicant is advised to contact the Chittering Landcare Centre for a list of native species for screening vegetation.*

The Applicant is requesting the reconsideration of Condition 10 of the Planning Approval, being the limiting of the size of the shed to 150m² and the maximum ridge height of 4.2m.

Consultation

The application was originally referred to surrounding landowners for comment. No objections were received.

Statutory Environment

Planning and Development Act 2005

Local Government (Administration) Regulations 1996

Shire of Chittering Town Planning Scheme No 6

Clause 8.3 of the Scheme permits the Local Government to amend or revoke a Planning Approval, provided the use or development subject to the Planning Approval has not commenced.

Policy Implications

Local Planning Policy No 7 – Outbuildings and Swimming Pools

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: No

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

As per the additional information provided by the Applicant, it is requested that Council remove condition 10 of the Planning Approval relating to the outbuilding being a maximum size of 150m² and the maximum height being 4.2m. The reasons for reconsideration are as follows:

- The size of the outbuilding needs to be larger than the maximum of 150m² to provide storage for the following:
 - A 40ft container containing a range of vintage memorabilia, which the Applicant wishes to unpack and display in the outbuilding;
 - Eight (8) motor vehicles the Applicant has including vintage motor vehicles:
 - 1934 Plymouth
 - 1928 Model A Ford
 - 1986 Corvette
 - Parts cars for hot-rods
 - 2 normal cars for commuting and personal use.
 - Four (4) trailers including:
 - A large box trailer

- A small box trailer
- A camper trailer
- 1936 Teardrop trailer
- The storage of tools and other normal residential items.
- The outbuilding is to be used for storage purposes only.
- The height of the outbuilding is to be 6.020m, which is required for the installation of a hoist, which is used for motor removal and maintenance on motor vehicles. A 4.2m high outbuilding would not be able to accommodate such a hoist. The height is to also assist in the natural cooling of the outbuilding through cross ventilation. It is also noted by the applicant that the outbuilding will be cut in approximately 2m on the northern side, meaning perceived height from street level will be reduced.

As outlined in the previous report to Council, the Applicant has indicated a willingness to implement screening to ensure the impact of the outbuilding is lessened from Haslam Street. It should also be noted that no objections were received to the proposed outbuilding when it was referred to surrounding landowners for comment.

As per the previous Officer Recommendation, it is recommend that the Council issue Planning Approval for the proposed outbuilding, removing condition 10 of the Planning Approval, based on the additional information provided by the Applicant.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 120413

Moved Cr Hawes / Seconded Cr Clarke

That Council, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* **CONSIDERS** the revocation of resolution number 040213 “Proposed Building Envelope Modification and Outbuilding (Shed) – Lot 818 (RN4) Haslam Street, Muchea” of the Ordinary meeting of Council held on 20 February 2013:

“The Council grant planning approval for the proposed building envelope modification and outbuilding at Lot 818 (RN 4) Haslam Street, Muchea, subject to the following conditions:

- 1. All development shall be in accordance with the submitted plans.*
- 2. Implement and maintain screening in the form of planting native local trees and shrubs between the proposed outbuilding and the street frontage to the satisfaction of the Chief Executive Officer within 3 months of the approval being issued.*
- 3. The outbuilding is not to be used for Commercial purposes.*
- 4. The outbuilding is for storage purposes on and not for residential habitation.*
- 5. Roofing to be tiled or pre-painted material such as Colorbond.*
- 6. Clearing shall only be permitted for outbuilding construction and safety purposes.*
- 7. Any further developments on the site shall be the subject of subsequent planning applications/approvals.*
- 8. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.*
- 9. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.*
- 10. That the size of the proposed shed be limited to 150m² with a maximum ridge height of 4.2m in compliance with the Shire of Chittering Local Planning Policy No.7 and section 6.10.1 of the R-Codes.*
- 11. That the environs of the shed to be cleared of combustible material to the satisfaction of the Chief Executive Officer.*

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 Applicant is advised to contact the Chittering Landcare Centre for a list of native species for screening vegetation.”*

THE MOTION WAS PUT AND DECLARED CARRIED 4/2

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –130413

Moved Cr Hawes / Seconded Cr Clarke

That Council, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* **REVOKES** resolution number 030213 “Proposed Building Envelope Modification and Outbuilding (Shed) – Lot 818 (RN4) Haslam Street, Muchea” of the Ordinary meeting of Council held on 20 February 2013:

“The Council grant planning approval for the proposed building envelope modification and outbuilding at Lot 818 (RN4) Haslam Street, Muchea, subject to the following conditions:

- 1. All development shall be in accordance with the submitted plans.*
- 2. Implement and maintain screening in the form of planting native local trees and shrubs between the proposed outbuilding and the street frontage to the satisfaction of the Chief Executive Officer within 3 months of the approval being issued.*
- 3. The outbuilding is not to be used for Commercial purposes.*
- 4. The outbuilding is for storage purposes on and not for residential habitation.*
- 5. Roofing to be tiled or pre-painted material such as Colorbond.*
- 6. Clearing shall only be permitted for outbuilding construction and safety purposes.*
- 7. Any further developments on the site shall be the subject of subsequent planning applications/approvals.*
- 8. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.*
- 9. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.*
- 10. That the size of the proposed shed be limited to 150m² with a maximum ridge height of 4.2m in compliance with the Shire of Chittering Local Planning Policy No.7 and section 6.10.1 of the R-Codes.*
- 11. That the environs of the shed to be cleared of combustible material to the satisfaction of the Chief Executive Officer.*

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 Applicant is advised to contact the Chittering Landcare Centre for a list of native species for screening vegetation.”*

THE MOTION WAS PUT AND DECLARED CARRIED 4/2

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –140413

Moved Cr Clarke / Seconded Cr Hawes

That Council GRANTS planning approval for the proposed building envelope modification and outbuilding at Lot 818 (RN 4) Haslam Street, Muchea, subject to the following conditions:

- 1. All development shall be in accordance with the submitted plans.**
- 2. Implement and maintain screening in the form of planting native local trees and shrubs between the proposed outbuilding and the street frontage to the satisfaction of the Chief Executive Officer within 3 months of the approval being issued.**
- 3. The outbuilding is not to be used for Commercial purposes.**
- 4. The outbuilding is for storage purposes on and not for residential habitation.**
- 5. Roofing to be tiled or pre-painted material such as Colorbond.**
- 6. Clearing shall only be permitted for outbuilding construction and safety purposes.**
- 7. Any further developments on the site shall be the subject of subsequent planning applications/approvals.**
- 8. If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.**
- 9. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.**
- 10. That the environs of the shed to be cleared of combustible material to the satisfaction of the Chief Executive Officer.**

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 Applicant is advised to contact the Chittering Landcare Centre for a list of native species for screening vegetation.**

THE MOTION WAS PUT AND DECLARED CARRIED 4/2

Cr Mackie declared an Impartiality interest in item 9.1.8 as she is a member of the Incident Support Brigade.

9.1.8 Purchase of Fire Support Vehicle

Applicant	Jamie O'Neill
File ref	23/04/0001
Prepared by	Jamie O'Neill, Community Emergency Service Manager
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

Over recent months the Community Emergency Services Manager (CESM) has been in discussions with the Shire of Kalamunda with regards to the disposal of their 2005 Ford Ranger dual cab Fire Support Vehicle (FSV). The vehicle has had two valuations at \$10,000 and \$14,000, however with the support of the CESM Kalamunda, the Shire of Kalamunda have given the Shire of Chittering the opportunity to purchase the fire support vehicle for \$5,000.

Policy Implications

Nil

Financial Implications

The purchase price of the Fire Support Vehicle from the Shire of Kalamunda is \$5000.00. This cost will be funded by the brigades either from grants or donations. Annual running costs of the vehicle will be approximately \$3000.00pa and will be included in future budgets and not funded by ESL.

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 Fire Support Vehicle would be an asset to the Chittering Fire Service in both Fire Fighting operations and support operations and is fully equipped. I would like to propose that the Shire purchase the Fire Support Vehicle from the Shire of Kalamunda for the following reasons;

- Currently the Chittering Incident Support Brigade is not equipped with a vehicle and often relies on its members utilising their own vehicles to assist at incidents. There would be no need for this if the Chittering Fire Service had access to a FSV.
- The FSV can be used by a sector commander or above, on the fire ground ensuring the fire appliances are not used leaving them dedicated to fire fighting.
- Transportation of Fire Fighters and essential equipment such as water, food and fire fighting equipment to fire fighters on the fire ground, again not relying on members private vehicles.
- The FSV would also be available to assist the Volunteers when training or meetings occurs outside of the region.
- With the Shire considering Contract Staff for fire break inspections the FSV could be utilised for this, as well as for other community events as it would be a Shire funded vehicle.

The purchase of the FSV would enhance both fire fighting operations and the support operation roles with in the Chittering Fire Service. This is proven at both the City of Wanneroo and Shire of Kalamunda to mention a few, who both have a FSV available to their Volunteer Fire Services.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 150413

Moved Cr Mackie / Seconded Cr Rossouw

That Council PURCHASE the 2005 Ford Ranger dual cab Fire Support Vehicle from the Shire of Kalamunda for the amount \$5,000, subject to the total cost of the vehicle being reimbursed to Council through grants or donations.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.2 TECHNICAL SERVICES

9.2.1 Interface Agreement – Rail Safety Act 2010*

Applicant	Stamford Forrest Pty Ltd
File ref	04/18/60
Prepared by	Jim Garrett, Executive Manager Technical Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Interface Agreement document

Background

Road Managers and Rail Infrastructure Managers are required under sections 64 and 65 of the *Rail Safety Act 2010* to identify and assess risks to safety associated with interfaces and enter into an *Interface Agreement* for the purpose of managing those risks.

The parties to the Agreement recognise the need for an open and collaborative approach to identify, assess and manage risks to safety associated with road-rail crossings and commit to fully co-operate in all aspects of that need.

This Agreement:

- Provides a framework within which the parties shall commit to co-operatively manage the identified safety risks.
- Describes the responsibilities of the parties relating to the interface.
- Provides the mechanism to jointly manage risks for the safe operation of rail and road movements at the interface.

Consultation

Not applicable

Statutory Environment

Local Government Act 1995, Section 9.49(a)

Policy Implications

Execution of documents

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 Responsibilities of the Shire of Chittering under the Interface Agreement are:

- Notify the Rail Infrastructure Manager of any road works planned, either of a temporary or permanent nature, in the vicinity of a crossing.
- Maintain the approaching local road surface in a reasonable condition beyond the rail reserve in accordance with normal maintenance scheduling in context of the entire local road network.
- Maintain adequate line-of-sight distances for approaching drivers on local roads by removing vegetation and other visibility obstructions within the road reserve (and adjacent private property if required).
- Report damaged and unserviceable line marking and signage associated with a rail crossing to MRWA identified during inspection in accordance with normal maintenance regimes.

The Shire of Chittering has two Rail and Road interfaces, they are:

- 1) Almeria Parade (Muchea)
- 2) A pedestrian crossing in Muchea Town site

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 160413

Moved Cr Mackie / Seconded Cr Rossouw

That Council AUTHORISE the Chief Executive Officer to sign the Interface Agreement, pursuant to Section 9.49(a) of the *Local Government Act 1995*.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 March 2013*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Financial Statements for period ending 31 March 2013
Attachments	1. Statement of Financial Activity for period ending 31 March 2013 Bank reconciliation for period ending 31 March 2013 List of accounts paid for March 2013

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 2013, financial statements, bank reconciliation and list of accounts paid for the period ending 31 March 2013 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

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.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 170413

Moved Cr Hawes / Seconded Cr Clarke

That Council:

1. **ENDORSE** the list of payments:

- PR3013
- PR3019
- EFT 7839 - EFT 7952
- Municipal Fund Vouchers 13295 - 13309
- Direct Debits as listed
- BPV26 to BPV26

Totalling \$694,225.92 for the period ending 31 March 2013.

2. **RECEIVE** the bank reconciliation for the period ending 31 March 2013.

3. **RECEIVE** the financial statements for the period ending 31 March 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.2 Chittering Riding Club*

Applicant	Shire of Chittering
File ref	15/01/7
Prepared by	Arlene Carter, Club & Community Development/Grants Officer
Supervised by	Karen Dore, Economic Development Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Letter from Chittering Riding Club2. Comments from the Shire's Executive Manager Development Services3. Site Plan

Background

The Shire's Executive Manager Technical Services (Jim Garrett) and Club & Community Development/Grants Officer (Arlene Carter) were approached by three members of the Chittering Riding Club on Monday, 20 August 2012. This meeting resulted in Mr Garrett and Ms Carter carrying out an on-site inspection and informing the Chittering Riding Club that they would need to put requests in writing to the Council. A letter was received from the Chittering Riding Club (dated 1 March 2013, attachment 1) requesting a 'peppercorn lease' on the Shire land situated at 509 Gray Road (CT35), Bindoon.

The property comprises of 68.5 hectares and has a small fenced area at the front which was previously erected for the proposed depot site. There is no power or water on site, however there is a service dome at the front of property. The entire 68.5 hectares has not been inspected so it is unknown if there are any safety issues or whether the property has adequate boundary fencing.

Consultation

Executive Manager Development Services
Executive Manager Technical Services
Principal Environmental Health Officer
Chittering Riding Club members

Statutory Environment

Health Local Law 1998

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

As outlined above

Triple Bottom Line Assessment

Economic implications

There are no significant economic implications associated with this proposal.

Social implications

Should the Shire lease the land to one individual group without the Shire having a Proposed Future Use Plan in place, they could be disadvantaging other organisations from also being able to utilise this land.

Environmental implications

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

Comment

The Chittering Riding Club has 25 members and have indicated that they no longer have a property for their activity. The Council could enter into a licence agreement which could be terminated by either party giving twenty-one (21) days' notice in writing, rather than a lease agreement that could potentially limit the Council's and/or other community group's needs in the future.

The land is currently zoned Agriculture Resource Land which is suitable for stables and/or an equestrian centre and therefore this would be a "Permitted Activity". The Local Planning Strategy identified the area for Rural Residential/Rural Retreat, which would mean that it would be "Discretionary Activity" for stables but "Prohibited Activity" for equestrian centre activities. The Local Planning Strategy be referred to should the Council or third party wish to rezone that area.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –180413

Moved Cr Rossouw / Seconded Cr Norton

- 1. That Council ENDORSE a Licence Agreement being entered into with the Chittering Riding Club to use the land located at 509 Gray Road, Bindoon subject to final terms and conditions being agreed to by the Chittering Riding Club and the Chief Executive Officer.**
- 2. Subject to condition 1 above the Chief Executive Officer be AUTHORISED to have a Licence Agreement prepared by McLeods (Barristers and Solicitors) with all associated costs being borne by the Chittering Riding Club.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.3 Bindoon Medical Centre – Request for Reimbursement*

Applicant	Bindoon Medical Centre
File ref	05/01/3
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Correspondence from Bindoon Medical Centre

Background

Correspondence has been received from Dr Janet Hayward (Bindoon Medical Centre) seeking a reimbursement of the electricity account for the Bindoon Medical Centre for the period 4 December 2012 to 6 February 2013.

This request has arisen due to the air conditioner not functioning properly and the applicant was advised by a Shire officer to leave the air conditioner running.

Consultation

Chief Executive Officer
Building Co-Ordinator

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Should the officer recommendation be passed the amount of \$360.68 would be debited from GL 16002.

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 significant social implications associated with this proposal.

Environmental implications

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

Comment

In November 2012, the Building Co-ordinator was advised that the air conditioner was not working at the Medical Centre. The Building Co-Ordinator and a refrigeration mechanic attended the site. On this occasion the control unit had burnt out which was replaced. There were also ongoing issues with the system. It was identified that the system was running constantly and not cutting out and was therefore running 24 hours a day, 7 days a week for a period of time until further repairs were carried out. The unit was required to run constantly during these hot months to allow a constant flow of fresh air to the building.

The unit is operational now and running to the occupant's satisfaction.

The current air conditioner unit is 23 years old and a replacement unit will be placed in the 2013/14 budget for consideration by Council during the budget process.

Given that the building is a Council asset and that the tenants were required to leave the air conditioner on until the problem was rectified it seems reasonable to offer a once off 50% reimbursement of the electricity account for the period from 4 December 2012 to 6 February 2013.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –190413

Moved Cr Clarke / Seconded Cr Mackie

That Council MAKES a once-off contribution of \$360.68 to the Bindoon Medical Centre for reimbursement of electricity charges for the period 4 December 2012 to 6 February 2013.

THE MOTION WAS PUT AND DECLARED CARRIED 5/1

9.3.4 Support for a Funding Application to T-Qual Program 2013*

Applicant	Shire of Chittering
File ref	15/01/15
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Summary of Proposed Budget

Background

The Department of Resources, Energy and Tourism are offering funding for the development or provision of a 'tourism refreshment or upgrade' under the T-QUAL Tourism Quality Projects Program. Applications are for up to \$100,000 with a matching contribution required, submissions close at 5pm on Friday 3 May 2013.

It is proposed that the Shire of Chittering apply for Stage One of the "Lake Needoonga Trail ~ Stonehouse Walk Link" project, as outlined in the Shire of Chittering Trails Network Master Plan 2013-2023.

Consultation

Extensive consultation was undertaken as part of the process of preparing the Shire of Chittering *Trails Network Master Plan 2013-2023*. Please refer to pages 12 to 19 of the Plan.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Please refer to attachment 1.

The estimated budget for the whole project is \$376,949; however this project could be broken down into three more financially manageable stages.

Stage One of the project would include the preparatory works along with the installation of a 500m loop trail with a 20 metre water crossing and related signage. This stage of the project would cost approximately \$51,590.

Funding of \$25,795 could be sought from the T-QUAL grant. Council would need to consider a matching contribution of \$25,795 in the 2013-2014 budget.

Strategic Implications

Key duties / responsibilities of the position of Economic Development Officer include, to; *"assess, develop and promote community, social and business projects that will encourage economic growth"* and *"prepare proposals for funding to support community economic growth"*.

With reference to the Shire of Chittering *Strategic Plan 2010/11-2014/15*:

Economic Outcomes – Encouraging a range of business, employment and tourism opportunities
E5 “Improve signage so as to assist visitors to more easily find locations and events”.

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

Natural Environment – Preserving and Enhancing
Promote our local environment with places to visit.
Economic – Prosperity for the Future
Chittering “A Place to Visit”
Governance – Strong Leadership
Stakeholder engagement: *Seek grant funding.*

Site Inspection

Not physically undertaken prior to this report. A site inspection will be undertaken as part of the preparation of the original report update.

Triple Bottom Line Assessment

Economic implications

The recently completed “*Shire of Chittering Strategic Community Plan*” states that economically the community aspires to see “*Chittering develop as a local government that promotes and fosters current and new economic development, continuing to brand Chittering as a day / weekend tourist destination*”.

An increase in local attractions, along with the branded marketing of all attractions, has been identified as an economic strategy in both the Shire of Chittering *Strategic Plan 2010/11-2014/15* and the Shire of Chittering *Community Strategic Plan 2012-2022*.

Social implications

There is the potential for stronger links between sport and recreation and other aspects of the community such as youth, seniors, tourism, education and economic, social and environmental development.

Environmental implications

The only environmental implications would be positive ones in that the preparation of a designated walkway ensures that less damage occurs to other areas of native bushland.

Comment

Other considerations of projects included strategy and / or plan preparation by an external consultant for future projects that are being considered. However, the undertaking and completion of this much-anticipated project (albeit only a part) would represent fantastic value for money, with the outcome being a tangible one which can be enjoyed by the community and marketed as an additional attraction for the area.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 200413

Moved Cr Clarke / Seconded Cr Rossouw

That Council:

1. **SUPPORTS** the proposed staging of the “Lake Needoonga Trail ~ Stonehouse Walk Link” project.
2. **CONSIDERS** cash and in-kind contributions to the “Lake Needoonga Trail ~ Stonehouse Walk Link” project during the 2013/14 Annual Budget considerations.
3. **SUPPORTS** the seeking of external funding for the “Lake Needoonga Trail ~ Stonehouse Walk Link” project.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.5 Chittering Farmers Market Insurance Requirements

Applicant	Shire of Chittering
File ref	26/01/4
Prepared by	Karen Dore, Economic Development Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

A Chittering Farmers Market Working Group (CFMWG) has been formed by local community members Dan Bam, Dave Hemmings, Barni Norton, Helen Manning, Colin Mattingly, Noel Russell, Bill Hoffman, Wayne Beard and Bob Blizard with Arlene Carter, Community Development Officer, as the Shire liaison. The Markets will be held on the fourth Sunday of each month and run solely by the CFMWG.

However, this not-for-profit, non-incorporated community committee does not have public liability insurance to cover their role of event organiser.

Consultation

Consultation has been undertaken with the Shire of Chittering's insurers – Local Government Insurance Services WA (LGISWA).

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Mr Jordan Reid of LGISWA has provided an indicative cost for covering the group for 12 market events for the 2013-2014 financial year. This cost is \$760 plus GST, a formal quote is to follow. It would therefore be estimated that for the final quarter of this financial year the cost would be approximately \$200 plus GST.

Strategic Implications

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

Key Area:	Social: Building a Sense of Community
Outcome:	Strengthened social connections
Key Priority:	Encourage new markets
Key Area:	Economic: Prosperity for the Future
Outcome:	Chittering: A Place to Visit
Key Priority:	Facilitate local stalls and produce

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The *Community Strategic Community Plan 2012-2022* states that economically the community aspires to see "Chittering develop as a local government that promotes and fosters current and new economic development, continuing to brand Chittering as a day / weekend tourist destination".

An increase in events and festivals has been identified as an economic strategy in both the Shire of Chittering *Strategic Plan 2010/11-2014/15* and the Shire of Chittering *Community Strategic Plan 2012-2022*.

Social implications

Local events add value to the community through inclusion and involvement.

Environmental implications

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

Comment

The members of the Chittering Farmers Market Working Group are to be applauded for taking ownership of the coordination and promotion of this local community initiative. During this initial set-up phase of the group and their proposed monthly events Council, and the community, need to provide support wherever they can.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –210413

Moved Cr Clarke / Seconded Cr Norton

That Council:

1. **AUTHORISES** the necessary expenditure to provide insurance cover for the Chittering Farmers Markets to be held by the Chittering Farmers Market Working Group in April, May and June 2013.
2. **ALLOCATES** \$760 in the 2013/14 Annual Budget for the provision of Public Liability Insurance for the Chittering Farmers Market Working Group.
3. **ADVISES** the Chittering Farmers Market Working Group accordingly.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Chief Executive Officer – Annual Leave

Applicant	Gary Tuffin
File ref	22/10/59
Prepared by	G Tuffin, Chief Executive Officer
Supervised by	G Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

Background

In accordance with the Chief Executive Officer's employment contract applications for annual leave are required to be presented to Council.

The Shire's Chief Executive Officer is seeking a period of annual leave between Monday 2 January 2014 and Friday 7 February 2014 inclusive.

Consultation

Shire President

Statutory Environment

Local Government Act 1995

Policy Implications

Appointment of an Acting Chief Executive Officer

Financial Implications

It is general practice that the Acting Chief Executive Officer's salary would be adjusted to reflect the higher duties.

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

In confirming the request for annual leave, Council is also required to appoint an Acting Chief Executive Officer for the period of leave.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 220413

Moved Cr Hawes / Seconded Cr Rossouw

That Council:

1. **APPROVES** the annual leave of the Chief Executive Officer for the period commencing Thursday, 2 January 2014 and ending on Friday, 7 February 2014.
2. **APPOINTS** the Executive Manager Development Services as the Acting Chief Executive Officer during the period of Thursday, 2 January 2014 and ending on Sunday, 19 January 2014.
3. **APPOINTS** the Executive Manager Corporate Services as the Acting Chief Executive Officer during the period of Monday, 20 January 2014 and ending on Friday, 7 February 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.4.2 Wheatbelt Health MOU*

Applicant	Shire of Chittering
File ref	08/02/0002
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Avon-Midland Country (WALGA) Zone report 10.3 2. Amended Wheatbelt Health MOU (changes tracked)

Disclosure of Interest (Impartiality)

AMCZ Recommendation 1 relates to RDA membership.

Gary Tuffin (report author) is a Board Member of Regional Development Australia (RDA) Wheatbelt.

Background

At the Avon-Midland Country Zone (AMCZ) meeting held on the 22 February 2013 it was resolved:

*Cr K Hogg moved and Cr R Nixon seconded –
That consideration of the proposed amendments to Health MOU be deferred to the Zone's
next meeting to enable consideration by member Councils. CARRIED*

Consultation

Cr Hawes
Graeme Fardon – Wheatbelt Health MOU Group Member
Robert Dew (Executive Officer, AMCZ)

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The current Executive Officer has advised that the cost of operating the Health MOU Group, which is basically the executive support and meeting expenses is approximately \$12,500. This cost is currently shared equally between the three WALGA Zones.

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 Avon-Midland Country Zone Executive Officer has reviewed the proposed amendments to Wheatbelt Health MOU and made the following recommendations 1 to 11 for council's consideration:

RECOMMENDATION 1

That the Avon-Midland Country Zone support the inclusion of Regional Development Australia Wheatbelt as party to the Health MOU Agreement.

Officer comment

Recommendation supported

Disclosure of Interest – The CEO (Gary Tuffin) is a Board member of RDA Wheatbelt.

RECOMMENDATION 2

That the Avon-Midland Country Zone support the amendment as proposed in clause 3.2 of the Health MOU Agreement but notes that the wording used is clumsy and requests that the Wheatbelt Health MOU Group reword the amendment.

Officer comment

Recommendation supported

RECOMMENDATION 3

That the Avon-Midland Country Zone requests the Wheatbelt Health MOU Group to consider, in regard to the number of participating delegates as outlined in clause 4.4, reducing the number of delegates per member organisation to two.

Officer comment

Recommendation supported

RECOMMENDATION 4

That the Avon-Midland Country Zone does not support the establishment within the Health MOU Agreement, by name, the Wheatbelt Health MOU Working Party, but would support the Health MOU Agreement being amended to give authority to appoint committees and to determine, membership and terms of reference should that be considered necessary.

Officer comment

Recommendation supported

RECOMMENDATION 5

That the Avon-Midland Country Zone support the appointment of an Independent Chair but does not support the Wheatbelt Health MOU Working Party being given delegated authority within the Health MOU Agreement, to recommend the appointment of the Independent Chair, as it considers this would remove the flexibility from the Health MOU Group to determine an alternative course of action when the requirement to appoint an Independent Chair arises.

Officer comment

Recommendation 5 be amended as follows;

That the Avon-Midland Country Zone request the Wheatbelt Health MOU Group to consider not appointing an Independent Chair but consider appointing a chair from within the Health MOU Group, with such appointed Chair not have voting rights and not be paid an honorarium, but being eligible to be paid a travelling allowance, if required.

Reason

The Wheatbelt North Regional Road Group operates on this system effectively without an independent chair; therefore, it stands to reason that WH MOU Group could operate on a similar basis.

Furthermore, the position of chairperson has been performed effectively for the last 6 years without payment.

RECOMMENDATION 6

That the Avon-Midland Country Zone support the current arrangement with respect to the financial management through the Great Eastern Country Zone but would not be opposed to the costs of operating the Health MOU Group being shared equally by all parties to the Health MOU Agreement.

Officer comment

Recommendation not supported – current system of invoicing the 3 Country Zones seems to be working well, why introduce multiple invoicing across 43 local governments.

RECOMMENDATION 7

That the Avon-Midland Country Zone support the principle of paying an honorarium to the Independent Chair, if required, however does not support the payment of an honorarium being included in the Health MOU Agreement nor the amount being determined by the Wheatbelt Health MOU Working Party as it considers this removes the discretion of the Health MOU Group. If such a decision is made by the Health MOU Group then it should also determine the amount. The Avon-Midland Country Zone requests that this part of clause 4.4 be deleted.

Officer comment

Recommendation not supported – refer to officer's comments in recommendation 5 above.

RECOMMENDATION 8

That the Avon-Midland Country Zone does not support the arrangement for the Chair of the Wheatbelt Health MOU Working Party to be the deputy spokesperson for the Wheatbelt Health MOU Group, but would support the appointment, by the Health MOU Group, of a deputy spokesperson to act in the event that the Chair of the Wheatbelt Health MOU Group is unavailable.

Officer comment

Recommendation not supported – clause 4.5 should not be amended, current wording is considered appropriate.

It is agreed that the Chair of the Wheatbelt Health MOU Group shall be the spokesperson for all media releases relating to the MOU, or associated discussions, with the Executive Officer to be the deputy spokesperson should the Chair be unavailable.

RECOMMENDATION 9

That the Avon-Midland Country Zone support the principle of a review of the MOU every two years but considers the proposal to include the review dates in the agreement an unnecessary administrative burden and requests that this part of clause 6 be deleted.

Officer comment

Recommendation supported

RECOMMENDATION 10

That the Avon-Midland Country Zone not oppose the Regional Director WA Country Health Service Wheatbelt signing the MOU Agreement on behalf of WA Country Health Service.

Officer comment

Recommendation supported

RECOMMENDATION 11

That the Avon-Midland Country Zone support all other amendments to the Health MOU Agreement not specifically referred to within the above recommendations

Officer comment

Recommendation supported

OFFICER RECOMMENDATION / COUNCIL RESOLUTION –230413

Moved Cr Mackie / Seconded Cr Hawes

1. That Council **ENDORSE** recommendations 1-4 and 9-11 as prepared by the Avon-Midland Country Zone Executive Officer.
2. That recommendation 5 be **REPLACED** with:
That the Avon-Midland Country Zone request the Wheatbelt Health MOU Group to consider not appointing an Independent Chair but consider appointing a chair from within the Health MOU Group, with such appointed Chair not have voting rights and not be paid an honorarium, but being eligible to be paid a travelling allowance, if required.
3. That Council **DOES NOT SUPPORT** recommendations 6, 7 and 8.
4. That the Avon-Midland Country Zone Executive Officer be **ADVISED** accordingly.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10. REPORTS OF COMMITTEES

Nil

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

PROCEDURAL MOTION

Moved Cr Mackie / seconded Cr Hawes

That Council CONSIDERS an item of urgent business.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

Cr Mackie declared an Impartiality interest in item 13.1 as she is a member of the Bindoon and Districts Agricultural Society.

Cr Hawes declared and impartiality interest in item 13.1 as he is a member of the Bindoon and Districts Agricultural Society.

13.1 Elected Members Motion – Cr Mackie – Bindoon and Districts Agricultural Society, Bindoon Show Rodeo

COUNCILLOR MOTION / COUNCIL RESOLUTION - 240413

Moved Cr Mackie / Seconded Cr Norton

That Council AUTHORISES the use of Lot 62 Great Northern Highway for the Bindoon and Districts Agricultural Society Bindoon Show Rodeo, subject to the society providing all requested event information to the satisfaction of the Chief Executive Officer.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

14. CONFIDENTIAL ITEMS

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.47pm.



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