

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

WEDNESDAY, 16 AUGUST 2017

**Lower Chittering Hall
23 Chittering Valley Road
Lower Chittering**

**Commencement: 7.04pm
Closure: 8.04pm**



Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 31 August 2017.



Alan Sheridan
Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on 20 September 2017.

Signed

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

Disclaimer

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

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

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

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

TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....	1
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	1
	2.1 Attendance.....	1
	2.2 Apologies.....	1
	2.3 Approved leave of absence.....	1
	2.3.1 Cr Don Gibson.....	1
3.	DISCLOSURE OF INTEREST.....	1
4.	PUBLIC QUESTION TIME	2
	4.1 Response to previous public questions taken on notice	2
	4.2 Public question time	2
	4.2.1 Arthur Blewitt, Lower Chittering	2
5.	PRESENTATIONS / PETITIONS / DEPUTATIONS	2
	5.1 Petitions	2
	5.2 Presentations	2
	5.3 Deputations.....	2
6.	APPLICATIONS FOR LEAVE OF ABSENCE	2
7.	CONFIRMATION OF MINUTES.....	3
	7.1 Special Council Meeting: 18 July 2017	3
	7.2 Ordinary Council Meeting: 19 July 2017	3
8.	ANNOUNCEMENT FROM THE PRESIDING MEMBER	3
9.	REPORTS.....	4
	9.1 DEVELOPMENT SERVICES.....	4
	9.1.1 Proposed Additional Use of Storage / Warehouse and Construction of Storage / Industry–Rural Building: Lots 3 and 7 (RN 3907) Great Northern Highway, Muchea*	4
	9.2 TECHNICAL SERVICES	19
	9.3 CORPORATE SERVICES.....	20
	9.3.1 Financial statements for the period ending 31 July*	20
	9.4 CHIEF EXECUTIVE OFFICER	23
10.	REPORTS OF COMMITTEES	24
	10.1 Chittering Bushfire Advisory Committee: 1 August 2017	24
	10.1.1 Membership of the Chittering Bushfire Advisory Committee*	24
	10.1.2 Appointment of Fire Control Officers for 2017*	27
11.	MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	30
12.	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	30
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	30
14.	MEETING CLOSED TO THE PUBLIC	30
	14.1 Matters for which the meeting may be closed.....	30

14.1.1	CONFIDENTIAL ITEM State Administrative Tribunal Section 31 Reconsideration Proposed Extractive Industry for Sand: Lot 52 Old Gingin Road, Muchea *	31
14.2	PUBLIC READING OF RESOLUTION THAT MAY BE MADE PUBLIC	32
15.	CLOSURE	35

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.04pm.

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

2.1 Attendance

Councillors	Cr Gordon Houston Cr Peter Osborn Cr Mary Angus Cr Aaron King Cr Michelle Rossouw Cr George Tilbury	President (Presiding Member) Deputy President
Staff	Alan Sheridan Rhona Hawkins Jim Garrett Peter Stuart Nathalee Petersen Natasha Mossman	Chief Executive Officer Executive Manager Corporate Services Executive Manager Technical Services Acting Executive Manager Development Services Planning Officer Executive Support Officer (Minute Secretary)
Members of the public	8	
Media	0	

2.2 Apologies

Nil

2.3 Approved leave of absence

2.3.1 Cr Don Gibson

Council has previously approved leave of absence for Cr Don Gibson for the period inclusive of Friday, 11 August 2017 until Friday, 8 September 2017 (Resolution 020717).

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

4.2.1 Arthur Blewitt, Lower Chittering

Question 1 Will or are the Shire going to improve the public open space on the Wandena Estate?

Answer 1 The Presiding Member took the question on notice.

Through the Chair, Cr Rossouw asked for some clarity as to what improvements are required at Wandena Estate. Mr Arthur advised that the POS on the Estate is a fire hazard.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 Special Council Meeting: 18 July 2017

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010817

Moved Cr Rossouw / Seconded Cr Osborn

That the minutes of the Special meeting of Council held on Tuesday, 18 July 2017 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:09PM

7.2 Ordinary Council Meeting: 19 July 2017

7.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020817

Moved Cr Tilbury / Seconded Cr King

That the minutes of the Ordinary meeting of Council held on Wednesday, 19 July 2017 be confirmed as a true and correct record of proceedings.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:10PM

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

The Presiding Member expressed his gratitude to the Shire's Executive Support Officer (Natasha Mossman) for her effort in coordinating the arrangements to conduct the Council Meeting in the Lower Chittering Hall tonight.

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed Additional Use of Storage / Warehouse and Construction of Storage / Industry–Rural Building: Lots 3 and 7 (RN 3907) Great Northern Highway, Muchea*

Report date	16 August 2017
Applicant	DSY Engineering Pty Ltd
File ref	A3344; P057/17
Prepared by	Peter Stuart, Acting Executive Manager Development Services
Supervised by	Alan Sheridan, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Applicant's report 2. Applicant's proposed development plans 3. Schedule of Submissions

Executive Summary

Council is requested to consider and determine an application for an intended land use for the property at Lots 3 and 7 (RN 3907) Great Northern Highway, Muchea. In addition to the expansion of the existing 'Industry - Rural' use on lot 3, the applicant has applied for the additional use of 'Warehouse / Storage', which consists of open and undercover storage of agricultural and commercial based equipment. In addition, a 3,150sqm workshop building with an 840sqm lean-to is intended to be constructed containing the existing agricultural industry along with general storage. As an objection was received during the advertising process, the application has been referred to Council for determination.

IMAGE: Locality plan



Background

Council is requested to consider the proposed Transport Depot at Lots 3 and 7 (RN 3907) Great Northern Highway, Muchea.

The property is zoned 'Agricultural Resource' in the Shire's *Town Planning Scheme No. 6*. The property is also located within the 'Water Prone' Special Control Area and is in relatively close proximity to the Ellen Brook and its floodplain.

The applicant has been operating from the subject site since 2007 as a rural industry (manufacturer of stockyard components and equipment) on Lot 3. Despite the zoning, an industry based use was granted approval on the basis that no other suitable industrial land was available.

Notwithstanding the above, the land use was consistent with agricultural based industries, having involved the manufacture of metal agricultural products such as stock fencing, gates, livestock handling facilities, cattle yards, sale yards, cattle races and other livestock handling facilities. Since 2007, those operations have been conducted from the shed/workshop on Lot 3, which was also approved as part of the 2007 approval. The location of the existing shed/workshop on Lot 3 is identified as "Existing DSY Engineering" on the applicant's site plan.

The subject property is located on the western side of Great Northern Highway adjoining the northern side of the Old Gingin Road intersection. The Applicant currently operates a Rural Industry business at the property known as 'DSY Engineering' which has traditionally been conducted in the existing shed and compound area located at the northern end of the property. This business involves welding and maintenance on sheep and cattle crate trailers, fencing and cattle crushes, and other associated rural equipment.

In April 2015, Council considered and determined an application to construct a hardstand of approximately 8,000m² to the south of the existing business site, being Lot 7 only. The application was initially submitted back in 2013 however did not progress due to Main Roads' upgrade requirements resulting in the proposal being financially unviable. The Applicant subsequently revised the application, reducing the area of hardstand significantly, which received support from Main Roads to use the existing access without the need for significant highway upgrades.

The proprietor has stated in each of the applications from 2013 that the intention for the site is to use the hardstand area for parking of trailers and equipment associated with the existing business on the property and if the opportunity arises on occasions, park commercial vehicles associated with the business consistent with a Transport Depot. Given most of the equipment will be static, the use in fact pertains more to Warehouse/Storage.

In October 2015, the applicant resubmitted the 2013 application with a modified approach. The application presented to Council, in summary, proposed the following:

- Construction of gravel hardstand in a staged format;
- Access to Lot 7 via Lot 3 to Great Northern Highway;
- Maximum of up to 10 movements per day in total including Lot 3; and
- Maintain vegetation screening recently planted on rear boundary.

Having regard to the above, Council subsequently resolved to approve the application as follows:

1. *Approve stage 1 of the Transport Depot at Lot 7 Great Northern Highway, Muchea subject to the following conditions:*
 - a. *A Landscaping Plan being submitted and approved by the Shire to address screening of hardstand/parking areas visible from the road/s prior to the commencement of the development.*
 - b. *Landscape screening to be established (within 6 months of this approval) and approved to the satisfaction of the Chief Executive Officer prior to commencement of development. The Landscaping is to be permanently maintained to the satisfaction of the Chief Executive Officer.*
 - c. *No wash down or major service/repairs is permitted on site.*
 - d. *No more than 10 vehicle movements per day are permitted.*
 - e. *Access shall be via adjoining Lot 3 Great Northern Highway, Muchea only unless otherwise approved by Main Roads WA.*
 - f. *Dust shall be managed onsite and not visibly exit the property boundaries as a result of movements associated with the transport depot.*
 - g. *Compliance with the Catchment Management Plan at all times.*
2. *Defer consideration of proposed stages 2, 3 and 4 until further details can be obtained and provided by the Applicant in a separate application regarding an appropriate Catchment Management Plan and associated design details.*

While the planning framework has changed since the above determination – most significantly the change in the gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* – the applicant's currently proposed development application has been submitted in order to be generally consistent with the above resolution.

Consultation

Consultation for proposal occurred between 17 June 2017 and 1 August 2017. This process included:

- (i) Letters sent to nearby landowners; and
- (ii) Advertising on the Shire's website.

The Shire received a total of one submission during the advertising period, objecting to the proposal on land use incompatibility reasons. While applications for uses that are list as 'D' within LPS6 are not required to be advertised, discretion was exercised to ensure aware of the proposal, and to ascertain local knowledge which may impact the proposal.

In addition to neighbours' letters, the application was referred to the following additional state agencies:

- Main Roads WA
- Department of Health
- Department of Parks and Wildlife
- Department of Environment and Regulation

No objections were received from the state agencies.

Statutory Environment

Local

- *Shire of Chittering Town Planning Scheme No. 6 (TPS6)*

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

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

The proposal seeks to expand the existing business by utilising lot 7 for the uses of Industry – Rural and Warehouse/Storage. In this instance the products processed and stored on site are related to an agricultural industry. As the land is generally flat, and is proposed to remain as such, there will be no impact on the landform for the area. There is no opportunity for tourism or intensive agricultural uses, however the business does have a sales interface, ensuring its obvious agricultural intent. Therefore the intended operations are consistent with the objectives of the zone.

The property is also contained within the 'Water Prone' and 'Military Considerations' Special Control Areas (SCA) in the Shire's Local Planning Scheme No.6. Outlined under the 'Relevant Considerations' for 'Water Prone' areas (*Section 5.3.4*), in considering applications for Development Approval, the Local Government shall have regard to-

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

A number of site inspections have been undertaken, and a stormwater management report has been submitted. Overall, no evidence of contamination has been found, and the additional measures requiring installation for stormwater runoff result in little environmental impacts.

Outlined under the 'Relevant Considerations' for 'Military Considerations' areas (*Section 5.5.4*), in considering applications for Development Approval, the Local Government shall have regard to-

- the increase in number of dwellings and occupants likely to be affected by aircraft noise;*
- whether the proposal is compatible with the current and future operation of the aerodrome;*
- whether any buildings proposed for human occupation requires noise attenuation measures;*
- whether the proposal constitutes a hazard or interference to aircraft flying in the area.*

The proposal seeks to consolidate an 'Industry-Rural' land-use, meaning there will be no permanent inhabitants on the site. Most persons employed at the site will be operating within the proposed and existing sheds, undertaking activities unlikely to be hindered by aircraft noise. In any event, the impact of noise is existing, and if the noise were such a problem, the proponent would likely be relocating elsewhere rather than intensifying. The proposed shed is intended to be constructed to a maximum height of 12 metres, which is significantly under the height limit for flight paths.

Storage/Warehouse

The land use most recently approved land-use as a 'Transport Depot' is defined in Shire's *Local Planning Scheme No. 6* as meaning a:

'premises used or intended for use for the parking or garaging

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

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

As the Transport Depot consists of mainly rural and commercial/construction based equipment, the additional use of 'Warehouse/Storage' is proposed, which is defined in Shire's *Local Planning Scheme No.6* as meaning a:

premises including indoor or outdoor facilities used for —

- (a) the storage of goods, equipment, plant or materials; or*
- (b) the display or sale by wholesale of goods;*

In this regard, the applicant intends to provide the availability of the construction lay down areas for the storage of constructed stock and raw materials used in the manufacture of rural products, and to enable the storage of goods and/or display of goods produced on-site for potential clients to view those items, including those goods manufactured on site.

The applicant contends that the core business structure is rural in aspect, and currently operates fluently from Lot 3. The expansion into Lot 7, and the creation of a hardstand area, albeit in stages, is consistent with the definition of Warehouse/Storage as the intention is to store goods, equipment and materials, and display by wholesale the final product.

Industry - Rural

The historical land-use for the proponent has been for the manufacturing of rural equipment as described above. This land-use otherwise is contained to Lot 3 only. Accordingly, the expansion into Lot 7 is a natural progression for the proprietor. This is an observation made upon the lack of rural related activity on this site.

'Industry – Rural' is defined in Shire's Local Planning Scheme No.6 as meaning:

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

The expansion of this use, particularly within a new building, is intended to allow the facility to undertake internal repairs to storeyed stock crate trailers along with production of existing primary industry products (i.e. fencing et al).

Policy Implications

State

- [State Planning Policy 2.5 Rural Planning](#)

Clause 6.3(b) of *State Planning Policy 2.5 (SPP2.5)* states planning decision makers shall “in rural zones, limit the introduction of land uses that may constrain existing or potential future rural land uses;”

The historically approved land use is a rural related industry based use. In addition, the limited area in which the use is constrained to, is not able to be used for sustainable agricultural production. Accordingly *SPP2.5* is not impacted by the proposal.

- [State Planning Policy 3.7 Planning in Bushfire Prone Areas](#)

Lot 6 is identified in the Department of Fire and Emergency mapping identifying land considered to be ‘Bushfire Prone’ as indicated below.

The applicant has undertaken a Bushfire Attack Level assessment, which ascertained that a portion of this site is potentially of high risk. However whilst this contains a structure, it is used for the storage of equipment and machinery therefore there is minimal risk to life and safety.

- [Local Planning Policy No. 18 – Setbacks \(LPP18\)](#)

In accordance with *LPP18*, the required setbacks for land which is zoned ‘Agricultural Resource’ is:

- *Front – 100m (Highway)*
- *Side – 30m*
- *Rear – 30m*

In addition to *LPP18*, *LPS6* clause 4.8.2 contains a clause requiring a 100m setback from a highway.

Notwithstanding, *LPP18* accounts for the *LPS6* clause, by allowing for variation to the setbacks where it can be demonstrated that the proposal meets any one or more of the following:

- additions to an existing building*
- reduced size or irregularly shaped lot*
- commercial or industrial use*
- temporary or minor structures*
- heritage buildings*
- other cases where it is reasonable to do so, as determined by Council.*

The applicant has proposed the new building with a setback of 56.5 metres from Great Northern Highway, in lieu of the standard 100m. In this instance, the proposed setback is located to have better road frontage, thereby increasing the visual appeal of the site, consistent with commercial uses. The lesser setback further reduces impacts of building bulk and noise activity on the residential property to the rear. The building will be constructed with a glass façade at ground level.

There are no additional variations proposed from the previously approved transport depot use.

Financial Implications

There are no known financial implications associated with this proposal.

Strategic Implications

Local

- Shire of Chittering Local Planning Strategy 2001-2015

Lots 3 and 7 Great Northern Highway is located in the 'Ellen Brook Palusplain' identified in the Strategy. The aims of this area applicable to the proposal are:

6.4.2 Aims

- *To retain the productive land for broad acre farming but accommodate conversion to intensive horticulture where the landform, soils and water supplies permit;*
- *To retain the productive land for broad acre farming but support limited horticulture where the soils and water supplies permit;*
- *To encourage the change in agricultural practices to reduce phosphates and nitrate fertiliser applications;*
- *To include the recommendations of the Ellen Brook Integrated Catchment Plan as to land uses and nutrient control by encouraging improved land management practices;*
- *To prohibit any non-agricultural development which may contribute to pollution of the surface water or sub-surface water regimes*
- *To apply the recommendations for the Ellen Brook Catchment Management Plan to achieve the objectives and liaise with relevant agencies for any applications for development or change of land use.*

The subject site is zoned 'Agricultural Resource' to which Section 8.8 of the Strategy applies:

8.8 Agricultural Resource Area

8.8.1 Description/Location

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

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

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

The aims applicable to the proposal are:

8.8.2 Aims

- *To maintain agricultural lands for primary productive purposes*
- *To protect and improve the natural environment, including the landscape quality of the land*
- *To facilitate the conversion of suitable land, to intensive agriculture based upon appropriate soils and irrigable water supplies*
- *To prevent the loss of productive land to non-agricultural purposes*

The addition of the Warehouse/Storage use for the storage of stock equipment is consistent with the Shire's strategic planning objectives for the Agricultural Resource zone as it perpetuates the agricultural ideals while providing options for fencing and stock equipment supplies. As the land has historically been used for intensive agricultural based industries, the subject portion of Lot 7 is not able to be used for intensive primary productive purposes.

The aim of the Strategy for industrial type land uses is as follows:

- *To provide for local centres of service and employment*
- *Actively encourage the relocation of businesses to the light industrial area*
- *To ensure that all industrial/light industrial activities conform to best practice in environmental terms.*

The intent of this approval will be to encourage agricultural based businesses, including employment opportunities outside of the MEN. Notwithstanding, industrial activities unrelated to agriculture are clearly identified in the Local Planning Strategy to be located in the MEN.

State

- Muceha Employment Node

The Muceha Employment Node is a State led initiative which has identified this part of the Shire for the strategic development of industrial type land uses due to the proximity to the North Link road extension and the expanding need for this type of land in the northern corridor. The first stage of the Employment Node has recently been rezoned and is currently with the Western Australian Planning Commission for the commencement of the subdivision process.

The industrial type land uses which are seen as being the most compatible and appropriate in this area include those such as transport depots and other industries generally associated with large scale agricultural production. These land uses furthermore are those which if not appropriately sited in a designated industrial zone, can have the potential to cause a range of issues pertaining to noise, amenity and environmental impacts.

The purpose of this node is to also consolidate and designate an area for land uses which have previously not been compatible or able to be located within the Shire due to the lack of appropriately zoned land.

This strategic direction has influenced Council's determinations on similar use types outside of the Muceha Employment Node, whereby persons operating without the necessary approvals have been successfully prosecuted.

Site Inspection

A number of site inspections were undertaken by staff at the initiation of the applicant in order to better understand the intricacies of the proposal.

Lot 3 is currently operating with a number of staff, with an office located inside a donga (underneath an open sided shed) and hardstand to the south, which was approved in 2015. Lot 7 is current vacant, with a small portion of the hardstand extending within. There were no signs of flooding. Excessive noise is generated from the Highway, and from military jets flying overhead.

Ultimately the site does not appear to be capable of maintaining a rural activity such as stocking or cropping.

Within close proximity at the rear of Lot 7 is a residence. Verbal conversations with the landowners suggest that they have concerns with environmental, noise and light impacts associated with moving trucks etc. The site inspection confirmed that these impacts without regulation could cause a substantial impact on the neighbours' amenity. While these concerns have not been confirmed in writing, standard conditions of approval are capable of being upheld into perpetuity.

Triple Bottom Line Assessment

Economic implications

In relation to the economic implications associated with this application, in terms of directly impacting the Shire is minimal. Road access is currently gained from a road managed by Main Roads Western Australia, which at the time of writing is intended to be reverted to a local road.

The land use does however provide localised employment, the benefits of which trickle down into the local community.

Social implications

The existing development from a social perspective may provide long-term benefits in terms of providing localised employment. The land is also proposed to be screened by additional vegetation in order to distance itself from the residential areas surrounding, which minimises any potential conflicts pertaining to vehicle movements, noise and amenity.

Environmental implications

The applicant has subcontracted an environmental consultant to assess site stormwater capabilities, in accordance with Council's previous approval. Although State Authorities did not make comment on this aspect of the application, stormwater is recommended to be retained on site in any event. The Shire's Principal Environmental Health Officer has assessed the stormwater plan and advises that it should not impact upon the proposed wastewater treatment facility. The existing ablution facilities do not conform to current day standards and as such an ATU system will be required.

Comment

Statutory provisions

The proposal was advertised as per *Clause 9.4* of the Scheme to provide the opportunity for relevant agencies and residents to make comments on the proposal.

Section 10.2, 'Matters to be considered by local government' ascertains a range of matters which the local government is to take into consideration when assessing and ultimately making a decision on Development Applications. From a statutory prospective, the application contravenes *Section 10.2* of the Scheme (via the Deemed Provisions of the *Planning and Development Regulations [Local Planning Schemes] 2015*), particularly in relation to items f, o, w and x, as detailed below.

(f) *any policy of the State*

The *Muchea Employment Node Structure Plan (MENSP)* has been created to contain industrial uses such as transport depots. The Shire has a general presumption against industrial uses, specifically transport depots and Warehouse/Storage, outside of the industrial node. Therefore, in order to allow the continuation of the industrial use, the use must, at least, coincide with an agricultural use. The subject application provides for this intent.

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

The subject property falls within *Clause 6.3 – Ellen Brook Palusplain Special Control Area of TPS6*, which identifies the site as water prone (Water Prone SCA). In the additional information submitted, dated May 2017, the applicant detailed a more comprehensive management plan for future hydrocarbon and stormwater management. This was referred to the Shire's Principal Environmental Health Officer who subsequently advised that it is sufficient for the purpose of future catchment management.

(w) *the history of the site where the development is to be located;*

Council has previously determined the use of transport depot is acceptable at this location, and may be extended where a proper catchment management program is provided and installed. The addition of a 'warehouse/storage' use for the industry-rural component is consistent with the historical use of the site, which has been as an agricultural industry or similar.

The addition of the processing shed is significant in terms of the visual amenity impacts, however it does represent a better outcome such that existing and proposed works resulting in noise will be mitigated as it will be within the enclosed building rather than being open air.

(x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

In addition to the existing landscaping, which at the time of writing is somewhat immature in size and canopy, the intention to grow and plant additional landscaping is intended to soften the industrial nature of the long term built form at the property.

Strategic

• Local

The Local Planning Strategy establishes the fragility of the Ellen Brook Palusplain and the need to protect it from further nutrient export and other impacts from development. It is clear the aims and objectives of the Ellen Brook Palusplain area and Agricultural Resource zoned areas are to maintain productive land, preclude non-agricultural development which would impact on the productive land or waterways and preserve the landscape qualities of the land. The aims are to (*inter alia*):

- (i) *To protect and improve the natural environment, including the landscape quality of the land*
- (ii) *To prevent the loss of productive land to non-agricultural purposes*

The addition of the Warehouse/Storage use for the agricultural based industry is not necessarily within the strategic intent for agricultural land. However, with an industrial use existing and approved on the subject site, the addition of an agricultural based use allows the inference of the maintenance of agricultural land for agricultural reasons. Therefore strategically the land-use maintains its historical use as an agricultural based industry.

• State

From a State strategic perspective, the industrial type land is identified in the State document referred to as the Muchea Employment Node. Whilst the subject site is located adjacent, it is not within the Node itself, as there is a buffer of land between them. The location of Lot 6 in the future will also be impacted by the Northlink project, which further isolates the industrial type use from those identified within the Node and also the Strategy. In addition to this, the *Muchea Employment Node Structure Plan (MENSP)* has been designed to include all industrial development within its 1,100ha area. By allowing industrial uses to sprawl outside of the *MENSP* area, its effectiveness may be diminished by the establishment of inappropriate precedents for approving land uses outside of the designated appropriate areas.

While the State's strategic plan is clear in its intent, Council have previously endorsed a proposal to use the property for industrial purposes despite it being outside of the *MENSP*. Accordingly this may allow the occupiers to apply for additional uses without regard to the zoning. However by adding an agricultural-based use to the subject land, there remains a semblance of agricultural values being upheld, thus satisfying the zoning.

Lot 7 is identified as being within the 100m buffer area surrounding the MENSP. This means that the site should not be developed with sensitive land uses such as a residence or livestock, because of noise and other emissions. Therefore Lot 7 is further restricted in terms of uses capable of approval. Stocking for instance may be impacted by emissions created from the MEN.

Policy

The addition of agricultural based equipment satisfies objective 4(e) of State Planning Policy 2, which states that planning proposals on rural land should “avoid and minimise land use conflicts.” As the industrial based transport depot has an existing and valid approval, the expansion of the existing rural-industry use seeks to harmonise and minimise the land use conflict of industrial with rural.

Access

Conditions associated with access are required to remain on any approval issued to the subject property per Main Roads WA’s requirements. Future access will be at the requirements of the Shire following construction of the new highway.

Conclusion

The additional use of Warehouse/Storage is a use consistent with the overall operations of the existing business. While the hardstand area effectively is intended to generally expand across the entire site, thus limiting its pure agricultural propensity, the applicant intends to provide a visual buffer by planting thick screening across all boundaries. In addition, the applicant has confirmed the storage component will relate to the primary existing land-use.

By allowing an industrial use to occur on agricultural land perpetually, the industry must retain a form of rural aspect. It allows for the perception of a buffer to indicate that the land and surrounds remain agricultural, however can be developed to support agricultural industries.

The by limiting the intent of the proposal, which is to condition the approval to be developed over time, and that the Warehouse/Storage use is to be used in conjunction with the primary business only, there remains additional emphasis on the agricultural zoning. The applicant has already gone some way to achieving this, and ultimately it serves as a better outcome than that existing, which is vacant land adjoining a fully operational business to its north. The lands surrounding the subject property are often stocked, and as such the land remains predominantly agricultural, with three homes within close proximity.

As discussed above, noise and light intrusion is a historical concern and a matter that requires consideration when assessing the impact of the proposal on the adjoining properties, particularly the immediately adjoining residence to the north-west. These issues can be abated by conditions of approval relating to noise attenuation, light hooding, and plantation of effective landscape screening.

Regardless, the applicant has addressed the additional use and provided examples of the type of equipment to be placed on site. To this end the applicant has taken heed of the previous concerns of Council. In addition, the applicant has undertaken additional environmental measures to protect the surrounds from contamination, and provided a landscaping plan to further shield the property from its agricultural surroundings.

As such the application is recommended to be approved for the additional uses along with an approval for the building and associated industry – rural use. This approval is recommended to be subject to appropriate conditions, including that the warehouse/storage use be operated in conjunction with the primary industry-rural use.

OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Osborn

That Council approves the Proposed Additional Use of Storage / Warehouse and Construction of Storage / Industry–Rural Building on Lots 3 and 7 (RN 3907) Great Northern Highway, Muchea subject to the following conditions:

1. The decision constitutes planning approval only, valid for a period of four years from the date of approval and staged in accordance with the following:
 - a. Immediately upon approval – Establish perimeter landscaping and construct on-site drainage works in accordance with the approved Catchment Management Plan;
 - b. Following establishment of landscaping – Construction of lay down area ("Stage 2 Hardstand") with shed/workshop to follow once the lay down is completed; and
 - c. Future Stage – Construction of lay down area to the south of the site ("Stage 3 Hardstand").If the subject development is not substantially commenced within the four year period, the planning approval shall lapse and be of no further effect.
2. A landscaping plan is to be submitted and approved by the Chief Executive Officer in consultation with Chittering Landcare.
3. The 'Warehouse/Storage' use is for the supply and display of equipment associated with the primary 'Industry – Rural' land use and shall generally include items manufactured, or for the manufacture of items relating to, the primary use, and items with close association with the primary use. Mining equipment is not permitted.
4. The 'Warehouse/Storage' use is only to operate provided the 'Industry-Rural' use is operational.
5. A wash down and repairs station is to be installed and compliant with the approved Catchment Management Plan in accordance with *Department of Water's Water Quality Protection Note 28*.
6. Prior to first occupancy of any new building, the following measures are to be undertaken and completed to the satisfaction of the Chief Executive Officer:
 - a. The staff and visitor parking areas are to be constructed in accordance with *Australian Standard AS 2890.1*;
 - b. An alternative wastewater treatment and disposal system is to be approved and installed;
 - c. Landscaping is to be installed and completed in accordance with the approved plan submitted in accordance with Condition "2."; and
 - d. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with *Australian Standard AS 1158.3.1* (Cat. P). All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting development.
7. All on-site stormwater and hydrocarbon separation shall be managed in accordance with recommendations contained within the *Department of Water's Water Quality Protection Note 28*.
8. In order to minimise impacts on the existing and future amenity of the locality, the following measures are to be undertaken and maintained for the period of approval:
 - a. Dust suppression measures shall be undertaken at all times where any operation on the site is likely to generate a dust nuisance to nearby properties; and
 - b. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise.

9. No wash down or major service/repairs to vehicles other than those directly associated with the business is permitted on site.
10. Due to the property being within the flightpath of RAAF planes, roofing material is to be non-reflective in colour. Colorbond "Surfmist" and Zinalume, or similar are not acceptable.

Advice Notes

1. Should the applicant be aggrieved by Council's decision, the applicant maintains the right of review to the State Administrative Tribunal within 28 days of Council's decision.
2. This approval does not constitute a building permit. Part 2-Division 1-Section 9 of the *Building Act 2011* states "A person must not do building work unless a building permit is in effect for the building work". You are required to submit to the Shire either a BA1 Application for Building Permit Certified, or BA2 Application for Building Permit Uncertified. Building work cannot be commenced until planning and building approvals have been granted. Should that occur, the penalty for a first offence is \$50,000.00.
3. In relation to "Condition 1", the staging of the development is recommended to intertwine with the completion of the Muchea to Wubin Highway extension. This condition has been imposed consistent with the additional information provided on 31 July 2017.
4. The term of this approval relates to the time in which the development must be substantially commenced.
5. In relation to "Condition 6.b.", the alternative system is required to be approved by the Department of Health.
6. The Shire recommends an alternative wastewater treatment system which existing and new buildings can connect to, with the existing system decommissioned thereafter per *Health (Treatment of Sewage and Treatment of Effluent and Liquid Waste) Regulations 1974* Regulation 20.
7. In reference to "Condition 7", the following is recommended to ensure compliance in satisfying this condition:
 - a. Hydrocarbon treatment to take into consideration the information in WQPN 68 (Water Quality Protection Note) and in particular the table outlining "indicative wastewater discharge criteria".
 - b. The operation of the workshop should take into consideration the information in WQPN 28.
 - c. Stormwater management should take into consideration relevant aspects of WQPN 52.
8. The applicant is advised that the Shire's Principal Environmental Health Officer may undertake inspections from time to time to check on the effectiveness of water quality control measures undertaken.

AMENDMENT

Moved Cr Rossouw / Seconded Cr King

That the following "Condition 10" be deleted from the Officer Recommendation:

- "10. Due to the property being within the flightpath of RAAF planes, roofing material is to be non-reflective in colour. Colorbond "Surfmist" and Zinalume, or similar are not acceptable."

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

7:17PM

9.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 030817

Moved Cr Rossouw / Seconded Cr Osborn

That Council approves the Proposed Additional Use of Storage / Warehouse and Construction of Storage / Industry–Rural Building on Lots 3 and 7 (RN 3907) Great Northern Highway, Muchea subject to the following conditions:

1. The decision constitutes planning approval only, valid for a period of four years from the date of approval and staged in accordance with the following:
 - a. Immediately upon approval – Establish perimeter landscaping and construct on-site drainage works in accordance with the approved Catchment Management Plan;
 - b. Following establishment of landscaping – Construction of lay down area ("Stage 2 Hardstand") with shed/workshop to follow once the lay down is completed; and
 - c. Future Stage – Construction of lay down area to the south of the site ("Stage 3 Hardstand").If the subject development is not substantially commenced within the four year period, the planning approval shall lapsed and be of no further effect.
2. A landscaping plan is to be submitted and approved by the Chief Executive Officer in consultation with Chittering Landcare.
3. The 'Warehouse/Storage' use is for the supply and display of equipment associated with the primary 'Industry – Rural' land use and shall generally include items manufactured, or for the manufacture of items relating to, the primary use, and items with close association with the primary use. Mining equipment is not permitted.
4. The 'Warehouse/Storage' use is only to operate provided the 'Industry-Rural' use is operational.
5. A wash down and repairs station is to be installed and compliant with the approved Catchment Management Plan in accordance with *Department of Water's Water Quality Protection Note 28*.
6. Prior to first occupancy of any new building, the following measures are to be undertaken and completed to the satisfaction of the Chief Executive Officer:
 - a. The staff and visitor parking areas are to be constructed in accordance with *Australian Standard AS 2890.1*;
 - b. An alternative wastewater treatment and disposal system is to be approved and installed;
 - c. Landscaping is to be installed and completed in accordance with the approved plan submitted in accordance with "Condition 2."; and
 - d. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with *Australian Standard AS 1158.3.1 (Cat. P)*. All external lighting to be

hooded and oriented so that the light source is not directly visible to the travelling public or abutting development.

7. All on-site stormwater and hydrocarbon separation shall be managed in accordance with recommendations contained within the *Department of Water's Water Quality Protection Note 28*.
8. In order to minimise impacts on the existing and future amenity of the locality, the following measures are to be undertaken and maintained for the period of approval:
 - a. Dust suppression measures shall be undertaken at all times where any operation on the site is likely to generate a dust nuisance to nearby properties; and
 - b. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise.
9. No wash down or major service/repairs to vehicles other than those directly associated with the business is permitted on site.

Advice Notes

1. Should the applicant be aggrieved by Council's decision, the applicant maintains the right of review to the State Administrative Tribunal within 28 days of Council's decision.
2. This approval does not constitute a building permit. Part 2-Division 1-Section 9 of the *Building Act 2011* states "A person must not do building work unless a building permit is in effect for the building work". You are required to submit to the Shire either a BA1 Application for Building Permit Certified, or BA2 Application for Building Permit Uncertified. Building work cannot be commenced until planning and building approvals have been granted. Should that occur, the penalty for a first offence is \$50,000.00.
3. In relation to "Condition 1", the staging of the development is recommended to intertwine with the completion of the Muchea to Wubin Highway extension. This condition has been imposed consistent with the additional information provided on 31 July 2017.
4. The term of this approval relates to the time in which the development must be substantially commenced.
5. In relation to "Condition 6.b.", the alternative system is required to be approved by the Department of Health.
6. The Shire recommends an alternative wastewater treatment system which existing and new buildings can connect to, with the existing system decommissioned thereafter per *Health (Treatment of Sewage and Treatment of Effluent and Liquid Waste) Regulations 1974* Regulation 20.
7. In reference to "Condition 7", the following is recommended to ensure compliance in satisfying this condition:
 - a. Hydrocarbon treatment to take into consideration the information in WQPN 68 (Water Quality Protection Note) and in particular the table outlining "indicative wastewater discharge criteria".
 - b. The operation of the workshop should take into consideration the information in WQPN 28.
 - c. Stormwater management should take into consideration relevant aspects of WQPN 52.
8. The applicant is advised that the Shire's Principal Environmental Health Officer may undertake inspections from time to time to check on the effectiveness of water quality control measures undertaken.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:18PM

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 July 2017*

Report Date	16 August 2017
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Rowena Coshan, Finance Assistant
Supervised by	Rhona Hawkins, Executive Manager Corporate Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Statement of Financial Activity for period ending 31 July 2017 Bank Reconciliation as at 31 July 2017 List of Accounts Paid as at 31 July 2017

Executive Summary

Council is requested to receive the Monthly Statement of Financial Activity, Bank Reconciliation and Accounts Paid for the period ending 31 July 2017.

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.

Consultation

Internal

Executive Manager Corporate Services

Statutory Environment

State

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

Council is requested to receive the Monthly Statement of Financial Activity, Bank Reconciliation and Accounts Paid as at 31 July 2017 as presented.

OFFICER RECOMMENDATION

Moved Cr Osborn / Seconded Cr Rossouw

That Council:

1. endorse the Accounts Paid:
 - a. PR3979 — PR3987
 - b. EFT 14378 — EFT14499
 - c. Municipal Fund Cheques 14275 — 14281
 - d. Direct Debits and Transfers as listed
 - e. Trust Fund payments as listedtotalling \$890,931.75 for the period ending 31 July 2017.
2. receive the Bank Reconciliation as at 31 July 2017.
3. receive the Monthly Statement of Financial Activity for the period ending 31 July 2017.

AMENDMENT

Moved Cr Osborn / Seconded Cr Rossouw

That the Monthly Statement of Financial Activity for the period ending 31 July 2017 be tabled for consideration at the September Council Meeting.

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

7:20PM

9.3.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 040817

Moved Cr Osborn / Seconded Cr Rossouw

That Council:

- 1. endorse the Accounts Paid:**
 - a. PR3979 — PR3987**
 - b. EFT 14378 — EFT14499**
 - c. Municipal Fund Cheques 14275 — 14281**
 - d. Direct Debits and Transfers as listed**
 - e. Trust Fund payments as listed****totalling \$890,931.75 for the period ending 31 July 2017.**
- 2. receive the Bank Reconciliation as at 31 July 2017.**
- 3. table the Monthly Financial Statements for the period ending 31 July 2017 for consideration at the September Council Meeting.**

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0
7:20PM

9.4 CHIEF EXECUTIVE OFFICER

Nil

10. REPORTS OF COMMITTEES

10.1 Chittering Bushfire Advisory Committee: 1 August 2017

10.1.1 Membership of the Chittering Bushfire Advisory Committee*

Report date	16 August 2017
Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" draft minutes from the CBFAC meeting held on 1 August 2017

Executive Summary

Council's consideration is requested to endorse the membership of the Chittering Bushfire Advisory Committee.

Background

The Chittering Bushfire Advisory Committee (CBFAC) met on 1 August 2017 and during the meeting the membership of the Committee for the coming year was confirmed.

The table below is the new membership of the Committee:

Table 1: Membership as at 1 August 2017

Members	Deputies
Shire of Chittering Councillor Cr Michelle Rossouw	Shire of Chittering Councillor Cr George Tilbury
Chief Executive Officer	Nil
Community Emergency Services Manager / Chief Bush Fire Control Officer David Carroll	Nil
Deputy Chief Bush Fire Control Officer Southern Region David Wilson	Nil
Deputy Chief Bush Fire Control Officer Northern Region Gregory Cocking	Nil
Deputy Chief Bush Fire Control Officer Central Region Phillip Humphry	Nil
Muchea Brigade representative Peter Hall (Fire Control Officer)	Arthur Blewitt (Fire Control Officer)

Members	Deputies
Lower Chittering Brigade representative Jeff Reeves (Captain/Fire Control Officer)	Max Brown (Fire Control Officer)
Upper Chittering Brigade representative Gordon Carter (Fire Control Officer)	David Wilson (Fire Control Officer)
Bindoon Brigade representative Matthew Whelan (Fire Control Officer)	Peter Watterston (Captain)
Wannamal Brigade representative Kim Haeusler (Fire Control Officer)	Richard Rose (Captain)
Incident Support Brigade representative Paul Groves (Captain)	Sam Murray Whelan (First Lieutenant)

Consultation/Communication Implications

Local

Chittering Bushfire Advisory Committee

State

Not applicable

Legislative Implications

State

- *Local Government Act 1995 – Sections 5.8 and 5.11*
- *Bush Fires Act 1954 – Section 67*

Local

- *Shire of Chittering Brigades Local Law 2012*

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

The membership of the Chittering Bushfire Advisory Committee is presented to Council for endorsement. The Committee booklet will be updated and distributed accordingly.

10.1.1 OFFICER/COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 050817

Moved Cr Tilbury / Seconded Cr Rossouw

That Council approves the membership of the Chittering Bushfire Advisory Committee as follows:

1. Members:

- | | | |
|----|---|---|
| a. | Shire of Chittering Councillor | Cr Michelle Rossouw |
| b. | Shire of Chittering | Chief Executive Officer (Alan Sheridan) |
| c. | Community Emergency Services Manager / Chief | Bushfire Control Officer |
| | | David Carroll |
| d. | Deputy Chief Bushfire Control Officer (South) | David Wilson |
| e. | Deputy Chief Bushfire Control Officer (Central) | Phillip Humphry |
| f. | Deputy Chief Bushfire Control Officer (North) | Gregory Cocking |
| g. | Muchea Volunteer Bushfire Brigade | Peter Hall |
| h. | Lower Chittering Volunteer Bushfire Brigade | Jeff Reeves |
| i. | Upper Chittering Volunteer Bushfire Brigade | Gordon Carter |
| j. | Bindoon Volunteer Bushfire Brigade | Matthew Whelan |
| k. | Wannamal Volunteer Bushfire Brigade | Kim Haeusler |
| l. | Incident Support Brigade | Paul Groves |

2. Deputies:

- | | | |
|----|---|-------------------|
| a. | Shire of Chittering Councillor | Cr George Tilbury |
| b. | Muchea Volunteer Bushfire Brigade | Arthur Blewitt |
| c. | Lower Chittering Volunteer Bushfire Brigade | Max Brown |
| d. | Upper Chittering Volunteer Bushfire Brigade | David Wilson |
| e. | Bindoon Volunteer Bushfire Brigade | Peter Watterston |
| f. | Wannamal Volunteer Bushfire Brigade | Richard Rose |
| g. | Incident Support Brigade | Sam Murray Whelan |

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:21PM

10.1.2 Appointment of Fire Control Officers for 2017*

Report date	16 August 2017
Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Alan Sheridan, Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. "Unconfirmed" draft minutes from the CBFAC meeting held on 1 August 2017

Executive Summary

Council's consideration is requested to endorse the appointment of Fire Control Officers for 2017.

Background

The Chittering Bushfire Advisory Committee (CBFAC) met on 1 August 2017 and during the meeting the appointment of the Fire Control Officers were confirmed. Following endorsement by Council the Shire's Fire Break Notice for 2017-2018 will be updated and Gazetted with State Law Publisher with the new details.

Table 1: Fire Control Officers for 2017

Fire Control Officer	Chief Bushfire Control Officer / Community Emergency Services Manager	Deputy Chief Bushfire Control Officer
<u>Lower Chittering</u> Jeff Reeves and Max Brown	David Carroll	South – David Wilson
<u>Muchea</u> Arthur Blewitt and Peter Hall		Central – Phillip Humphry
<u>Upper Chittering</u> Gordon Carter and David Wilson		North – Gregory Cocking
<u>Bindoon</u> Matthew Whelan and Dennis Badcock		
<u>Wannamal</u> Kim Haeusler and Gregory Cocking		
<u>Shire Rangers</u> Mark Smith and Matthew Johns		

Consultation/Communication Implications

Local

Chittering Bushfire Advisory Committee

State

Not applicable

Legislative Implications

State

- *Local Government Act 1995 – Sections 5.8 and 5.11*
- *Bush Fires Act 1954 – Section 67*

Local

- *Shire of Chittering Brigades Local Law 2012*

Policy Implications

State

Nil

Local

Nil

Financial Implications

There will be costs to Gazette the Appointments of the Fire Control Officers and the Fire Break Notice in in the *Government Gazette*.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Officer Comment/Details

Council is requested to consider the appointment of Fire Control Officers following the Annual General Meeting of each Brigade in the Chittering Shire. The position of Chief Bushfire Control Officer is filled by the Shire's Community Emergency Services Manager. All Fire Control Officer positions become vacant in May and it is the responsibility of each Brigade to provide their appointments to the Chittering Bushfire Advisory Committee following their Annual General Meeting.

10.1.2 OFFICER/COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 060817

Moved Cr Angus / Seconded Cr Osborn

That Council approves the appointments as follows:

1. Fire Control Officers:
 - a. Lower Chittering Volunteer Bushfire Brigade Jeff Reeves and Max Brown
 - b. Muchea Volunteer Bushfire Brigade Arthur Blewitt and Peter Hall
 - c. Upper Chittering Volunteer Bushfire Brigade Gordon Carter and David Wilson
 - d. Bindoon Volunteer Bushfire Brigade Matthew Whelan and Dennis Badcock
 - e. Wannamal Volunteer Bushfire Brigade Kim Haeusler and Gregory Cocking
 - f. Shire of Chittering Rangers Mark Smith and Matthew Johns
2. Chief Bushfire Control Officer David Carroll
3. Deputy Chief Bushfire Control Officers:
 - a. South David Wilson
 - b. Central Phillip Humphry
 - c. North Gregory Cocking

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 6/0

7:21PM

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

PROCEDURAL MOTION/ COUNCIL RESOLUTION 070817

Moved Cr Osborn / Seconded Cr King

That Council, in accordance with c11.1(g) of *Local Government (Council Meetings) Local Law 2014* close the meeting to the public.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7:24PM

14.1.1 CONFIDENTIAL ITEM State Administrative Tribunal Section 31 Reconsideration Proposed Extractive Industry for Sand: Lot 52 Old Gingin Road, Muchea *

Report date	16 August 2017
Applicant	Stawest Planning
File ref	A10587; P030/17
Prepared by	Nathalee Petersen, Planning Officer
Supervised by	Peter Stuart, A/Executive Manager Development Services
Disclosure of interest	Nil
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Applicant's Report 2. Environmental Reports 3. Schedule of Submissions 4. Transport Impact Statement Report

Reason for Confidentiality

In accordance with the *Local Government Act 1995* Section 5.23:

- (2) *If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
- (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*

Executive summary

Council is requested to determine a State Administrative Tribunal referral of the application for a proposed extractive industry for sand on Lot 52 Old Gingin Road, Muchea.

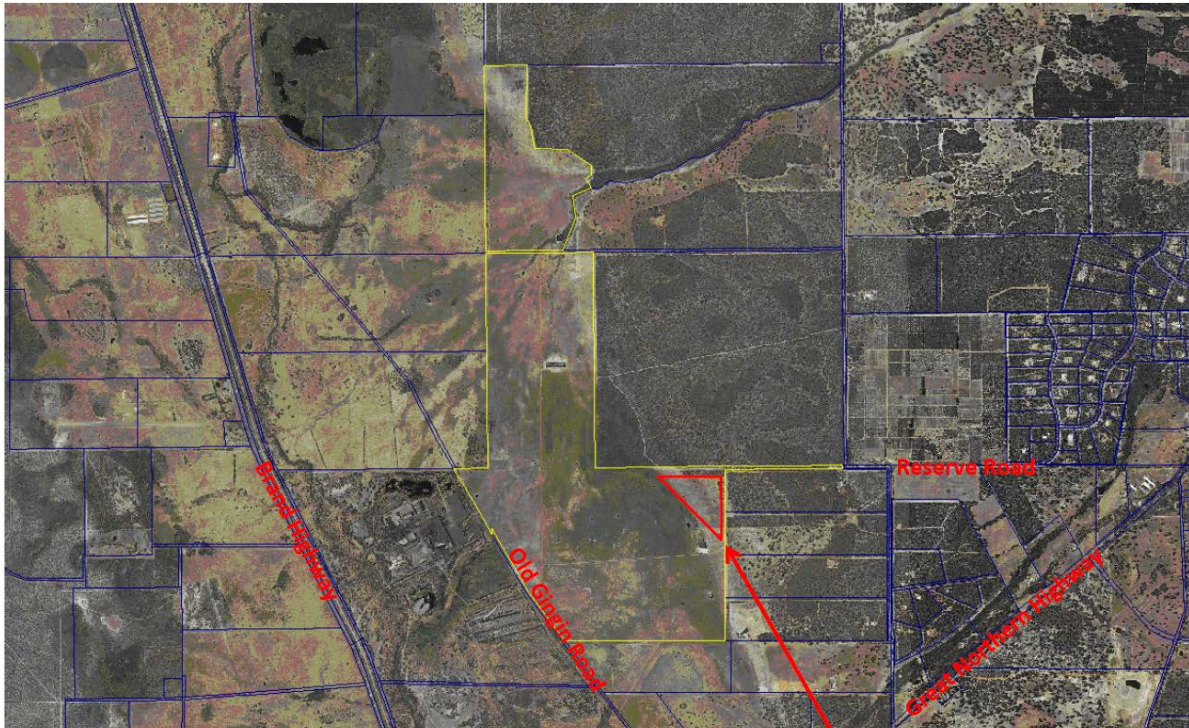
The application comprises of one proposed extractive area measuring approximately 7.989 hectares with a maximum depth of five metres. The landowner has previously been granted planning consent for two additional excavation areas on the property in 2012 and 2015 respectively. These approvals remain current, however relate to separate, specific locations.

The subject property is located within land zoned for 'Agricultural Resource', for which 'Industry – Extractive' is an 'A' use. Consequently, the item is being referred to Council as objections were received during the public consultation period.

The application the subject of this report was previously raised during the Shire's last (July) Ordinary Council Meeting. It was however determined by Council that insufficient evidence relating to traffic management was provided within a reasonable timeframe for officers and Council to appropriately assess potential impact. The affected residents have subsequently been consulted, and an assessment has been completed. Hence, the item is now being raised again for determination.

The applicant has lodged an appeal at the State Administrative Tribunal based on a deemed refusal, and has subsequently been referred back to Council as a Section 31 reconsideration. The applicant has requested that the application, should it feel aggrieved by Council's determination, be referred directly to a final hearing.

IMAGE 1: LOCALITY PLAN



Pit A – Proposed Extractive Area

14.2 Public reading of resolution that may be made public

Two members of the general public returned to the meeting and the Presiding Member read aloud the following recommendation:

14.1.1 SUBSTANTIVE MOTION / OFFICER RECOMMENDATION 080817

Moved Cr King / Seconded Cr Osborn

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004* (WA), sets aside its deferral of 19 July 2017 and approves the revised Development Application for the Extractive Industry (sand) at Lot 52 Old Gingin Road, Muchea in accordance with the attached documentation, subject to the following conditions and advice notes:

Conditions

1. The Excavation License shall only be granted for Pit A once Pits B and C have been decommissioned and rehabilitated to the satisfaction of the Shire.
2. The terms of this approval shall be for the period of 18 months, being from the date of completion of Pit C per Condition 1, at which time all excavation and distribution activities must cease and the site be rehabilitated in accordance with the approved documentation.

3. The planning consent shall only apply to Pit A as shown on the Excavation Plan prepared by Statewest Planning dated 1 May 2014 reference 14921.
4. Prior to the commencement of any works the applicant shall submit to the Shire evidence of currency of Public Liability Insurance for the excavation works. The issue of the approval shall not, in any way, render the Shire of Chittering liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant. The applicant shall ensure that the proprietor and/or the excavating contractor and/or transportation contractor hold sufficient public liability insurance for any claim against them.
5. Top soil from the excavated areas shall be stockpiled and used where applicable in the rehabilitation process. No direct sales from the site shall occur as part of this approval.
6. Prior to the issue of an Extractive Industry Licence, a detailed hydrogeological assessment report by a qualified groundwater professional with at least two years' experience in the discipline, that clearly identifies, understands and addresses the risks of the extractive industry proposal, discussed in the context of the groundwater resources, is to submit a suitable risk management strategy to be developed for protection of an undisturbed peak water table.
7. Water Management Plan
Prior to an Extractive Industry License being granted, a Stormwater Management Plan is to be prepared to ensure all water on the site is adequately managed. The Plan is to include:
 - a. All stormwater management of hardstand areas.
 - b. Details on how hydrocarbons will be managed to prevent pollution.
 - c. Ground water management.
8. All stormwater generated within the pits and access way shall be directed away from the regrowth thicket and in accordance with the Water Management Plan.
9. Dust suppression measures shall be undertaken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents in accordance with the Dust Management Plan.
10. Old Gingin Road
Access and egress to the site via Old Gingin Road is subject to the following:
 - a. Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of Old Gingin Road to a sealed standard of the remainder of the road to the satisfaction of the Chief Executive Officer and in accordance with the submitted Transport Impact Statement Report dated July 2017.
 - b. A levy of \$0.50 per tonne of material extracted is to be paid on an annual basis to Council to assist in the upgrade and maintenance of gazetted roads used for access to the pit.
 - c. Prior to the issue of an extractive industry license the applicant shall enter into an agreement with the Shire for payment of fees for the upgrade and maintenance of Old Gingin Road.
11. A maximum of 200 single truck loads are permitted on a daily basis. No access is to occur via Reserve Road.
12. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* in respect to noise but, notwithstanding, the operations to

- have due regard to the health and amenity of any person in the vicinity.
13. All vehicles' loads entering and exiting the site shall be fully covered and secured prior to and upon leaving the site to prevent spread of material.
 14. Any storage of fuels or refuelling on site is to be located on a designated hardstand area location to the satisfaction of the Shire.
 15. Any fuel leakages or spills are to be cleaned up within 24 hours.
 16. The hours of operation shall be in accordance with the approved management plan, limited to:
 - a. Monday to Friday 0700 to 1800 hours;
 - b. Saturday 0730 to 1700 hours;
 - c. Sunday and Public Holidays not permitted; and
 - d. Any variation of these times requires written approval from Council.
 17. Noise suppression measures are to be undertaken at all times where any operation onsite is likely to generate noise nuisance to nearby residents in accordance with the Noise Management Plan.
 18. Excavation for the extractive industry shall not occur in the following areas:
 - a. within 50 metres of a boundary of any land not owned by the applicant/Landowner or Planning Consent holder;
 - b. within 50 metres of any identified threatened ecological community;
 - c. within 20 metres of any land affected by a registered grant of easement;
 - d. within 50 metres of any designated Resource Enhancement Wetland;
 - e. within 500 metres of any house;
 - f. within 50 metres of any road or road reserve; and
 - g. outside of the approved excavation areas shown on the site map dated 01-05-14 Cross Sections of Existing Contours in accordance with the submitted and approved plans.
 19. The applicant is to obtain a Clearing Permit from the Department of Water and Environment and Regulation prior to an extractive industry licence being granted.
 20. Areas of remnant vegetation are to be fenced off to the satisfaction of the Shire and Chittering Landcare.
 21. Rehabilitation and Land Management Plan
 - a. Prior to the issue of an Excavation Licence a guarantee/bond or other acceptable form of security shall be lodged with or paid to the Shire of Chittering in accordance with the amount stipulated in Part 5 of the *Extractive Industries Local Law 2014* and the Shire's adopted *Schedule of Fees and Charges*.
 - b. Revegetation is to include a ratio 1:60 of existing trees that are removed as a result of the excavation.
 - c. Upon decommissioning of Pit B and C, rehabilitation shall take place in accordance with the approved plan, or as otherwise stipulated, prior to commencement of the next stage.
 - d. Rehabilitation of Pit A shall include surface water and wind control measures on all pit faces to prevent gully erosion, and final batters to be graded to provide safe entry and exit slopes should access to any standing water within the pit be required or accidentally occur.
 - e. Materials imported for rehabilitation or other purposes shall be certified free of dieback or other plant diseases.

- f. Any amendments or variations to the rehabilitation or land management plan associated with the excavation shall be approved in writing by the Shire within three months of the commencement of operations.
 - g. An Annual Report shall be submitted to the Shire that includes:
 - i. the progress of excavation;
 - ii. depth to groundwater from each pit floor;
 - iii. monitoring program results and findings;
 - iv. progress of rehabilitation;
 - v. contingency actions and outcomes; and
 - vi. community complaints and responses.
22. The applicant is to maintain two metres of undisturbed profile from the maximum winter water table for the site.
23. Piezometers are to be installed on the east (up gradient) and one west (down gradient) of the excavation area. Meters are to be constantly monitored during peak water table months and results provided to the Shire on the first day of each month.
24. Stockpiles are to be limited to eight metres in height.

Advice Notes

1. The applicant is to liaise with the Department of Environmental Regulation in relation to compliance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
2. In relation to Condition "21.a.", the rehabilitation bond/bank guarantee may be limited to a single stage and rolled over to after each stage is rehabilitated in accordance with this approval.
3. In relation to Condition "21.b.", the applicant is to liaise with Chittering Landcare regarding a species list and planting regime.
4. The Stormwater Management Plan is recommended to be undertaken and managed thereafter in accordance with the Stormwater Management Manual of Western Australia (DoW, 2004-2007).

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 5/1
CR ROSSOUW VOTED AGAINST THE SUBSTANTIVE MOTION

7:58PM

15. CLOSURE

The Presiding Member declared the meeting closed at 8.04pm.



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