

**MINUTES FOR  
ORDINARY MEETING OF COUNCIL**

Wednesday, 16 December 2015

Council Chambers  
6177 Great Northern Highway  
Bindoon

Commencement: 7.05pm

Closure: 9.35pm



**These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 17 February 2016.**

**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.

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\* indicates separate attachments

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

The Presiding Member declared the meeting open at 7.05pm.

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

### 2.1 Attendance

The following members were in attendance:

Cr Stephen Vallance	Shire President
Cr Gordon Houston	Deputy Shire President
Cr Don Gibson	
Cr Aaron King	
Cr Peter Osborn	
Cr Michelle Rossouw	
Cr George Tilbury	

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Ms Bronwyn Southee	Executive Manager Development Services
Mr Jim Garrett	Executive Manager Technical Services
Mrs Karen Parker	Manager Human Resources
Ms Karen Dore	Economic Development/Communications Officer (Minute Secretary)

There were 31 members of the general public in attendance.

### 2.2 Apologies

Nil

### 2.3 Approved leave of absence

Nil

## 3. DISCLOSURE OF INTEREST

Nil

## 4. PUBLIC QUESTION TIME

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

#### 4.1.1 Barni Norton, Bindoon

**Question 1:** *(as supplied)* As the media release was delivered by former councillor Rossouw to a Facebook page, less than 48 hours after she had become "general public", can President Cr Vallance please direct Cr Rossouw to clarify to the new council she is now part of, (and again, no longer general public,) as well as the general public, what exactly had been done by two councillors to leave her with no choice but to resign with less than three months left of her term? I am happy to take this on notice.

*Answer 1:* The Department of Local Government has confirmed that questions that relate to the personal action and decision taken by an individual member, is considered not to be a matter related to the affairs of the local government.  
Furthermore, the presiding person or president has no power or authority to compel a member to answer a question.

**Question 3:** *(as supplied)* Did the doctor or Binda Medical Service representative ever advise you that money was paid to the Doctor or an employee of the Doctor, for accommodation by the university placement scheme?

*Answer 3:* I cannot find a record of advice to me from BMS to confirm whether payments had been received by the Doctor or an employee under the university placement scheme.

*I first became aware of the scheme when you advised me that you would be hosting a medical student.*

#### 4.1.2 Francis Bryant, Muchea

*(as supplied)* A water sample was taken from the north side of Chittering Street on a large private property which is approximately 800m from our place on Fewster Street. Elevated hydrocarbon levels were found in the water taken from the Private properties/creek. HO Glenn Sargeson came to our property and took an improper soil sample without informing us why.

**Question 1:** Why was it decided that our place was the source of the hydrocarbons?

*Answer 1:* The property on Chittering Street mentioned above has been the subject of a Development Approval application and part of this process was the submission of a Catchment Management Plan (CMP). The CMP included surface water samples from a watercourse arising from the western portion of the Muchea town site which showed elevated levels of hydrocarbons. The sampling point is approximately 167 metres from the corner of the Bryant/Williamson property in Muchea or 280 metres from an area adjacent to their shed where there is evidence of hydrocarbon spillage. There is a roadside drain along Fewster Street that feeds into the watercourse where the sample was taken. The Fewster property and the neighboring property also have open drains which could outflow to the roadside drain creating a possible pathway for contamination. The area is low lying with surface water in the winter time within 500 mm of natural ground level.

*Because of the concern of possible hydrocarbon contamination a meeting was held on site with Danny Williamson who operates a Truck Depot from the site. He was advised of the purpose of the meeting namely to view his operations in reference to the planning approval that was issued originally in 2002 and amended in 2011 in which the following conditions were listed :*

- *“oil and grease traps to be installed onsite to prevent pollution of the groundwater” and;*
- *“trucks not to be washed down on site”.*

*At the meeting it was determined that an oil and grease trap was not installed and trucks and trailers were being washed down on site on the hardstand area at the side of the shed. In addition, floor washings from the shed were directed to the outside area. Landgate photos going back to 2011 later confirmed that this had been happening for several years with the photos showing large areas of staining.*

*At the site meeting a soil sample from surface to 10 cm was taken of an area that appeared to be heavily stained and which had odour and physical characteristics that resembled hydrocarbon contamination. The purpose of the sample was to establish the nature and concentration of any contamination. The method of sampling was not ‘improper’ as suggested by Ms. Bryant and suited the purpose for which it was taken. This sample was subsequently analysed by a NATA accredited laboratory and found to contain levels of hydrocarbons (possibly diesel) above the NEPM (National Environmental Protection Measure) guidelines.*

*Following this a letter was sent to Mr Williamson advising that the property may need to be reported to the Department of Environment Regulation, Contaminated Sites Section. Mr Williamson has since engaged a consultant to undertake further testing and the Principal Environmental Health Officer is awaiting details of the outcome of the consultant’s investigation.*

**Question 2: Does anyone here imagine hydrocarbons in Muchea sand will travel sideways for 800m?**

*Answer 2: Hydrocarbons can be mobilized if in contact with groundwater and if soil and chemical conditions are favorable.*

**Question 3: How many other possible points of contamination are there nearby including houses that may have spilt diesel refueling tractors or other machinery etc.?**

*Answer3: This inspection was undertaken as it was specifically identified that there was hydrocarbon contamination in close proximity to this site.*

*Due to the nature of the business being operated on this site it was considered appropriate to undertake this investigation.*

*Single dwellings are unlikely to have uses that would create hydrocarbon contamination, and if it was brought to the Shire’s attention that there were specific sites that were contributing to the contamination the Shire would undertake investigations of these sites also. However, the Shire does not have the resources available to undertake numerous random investigations.*

**Question 4:** Has the Shire taken soil samples from its works depot? (In front of the fueling point and in front of the work shop etc.)?

*Answer 4:* Yes, a consultant has undertaken a soil investigation and a report is currently being considered by the Executive Manager Technical Services for remedial work to be undertaken possibly in next year's budget.

**Question 5:** If not, why not?

*Answer 5:* Refer to above.

**Question 6:** When will they?

*Answer 6:* Refer to above.

**Question 7:** Does the shire generally condone such random, unreasonable proclamations and assumptions?

*Answer 7:* The investigation was not unreasonable as the Transport Depot was within the catchment area of the contaminated watercourse and was undertaking operations in breach of Planning Approval conditions and environmental legislation which could cause contamination.

**Question 8:** This appears to be a very unprofessional way to operate?

*Answer 8:* The site inspection was not considered to be random, nor unreasonable as it was an action taken as a response to a professional report identifying contamination in the area in close proximity to this site. The results from the test samples taken from the site did confirm hydrocarbon contamination on the site.

*It is considered that the work of the officer in conducting this investigation was undertaken in a very professional manner.*

## 4.2 Public question time

### 4.2.1 Dierdre Bell, Lower Chittering

*(as supplied)* As per 1st December 2015 Shire minutes, the 2014/15 audited financial statements were presented and received at this year's AGM of Electors. I understand that Cr King has been scrutinising past financials, and wonder if it has been brought to councils attention that in July 2014 an EFT payment of \$1760 was made to Northern Valley's Directory, (former Councillor Barni Norton) for the 2014/15 Northern Valley Directory.

**Question 1:** To my knowledge the last directory was published in 2013, my question is, has the Shire received a refund from the supplier and if not will it be seeking a refund considering the directory has not been produced?

*Answer 1:* The Shire President advised this question would be taken on notice.



**Question 2:** Further to this, when council voted on the financials in August 2014 no conflicts of interest were registered according to the minutes. Should a Councillor not register a financial conflict of interest in a situation like this? If this is the case can this be reported to the department of LG?

*Answer 2: The Shire President advised this question would be taken on notice.*

#### 4.2.2 Sam Young, Muchea

*(as supplied)*

**Question 1:** Has the Shire of Chittering received documentation from the Federal Government's Compliance Department regarding the Proponent's alleged referral under the EPBC Act for the Carnaby's Black Cockatoo?

If yes; please advise it's contents.

If no; Correspondence addressed to the shire of Chittering from the Environmental Protection Authority refers to 'Advice and Recommendations regarding Environmental Factors – refer to point 2 – specifically, Terrestrial Fauna–

*"The clearing of remnant native vegetation on Lot 9001 Rosewood Drive, Chittering may cause a loss of habitat for Black Cockatoos. Baudin's Cockatoo, Carnaby's Cockatoo and Forest Red-Tailed Black Cockatoo are protected under both the Wildlife Conservation Act 1950 and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The proponent should consider its notification responsibilities regarding matters of National Environmental Significance under the EPBC Act should implementation of the scheme fail to avoid impacts to protected fauna."*

As it appears that the proponent has not meet their responsibilities under the EPBC Act, we request that the Shire of Chittering start the referral process for the Carnaby's Black Cockatoo under the EPBC Act in relation to the proposed development of Lot 2 Reserve Road Muchea and Lot 9001 Rosewood Drive Chittering.

*Answer 1: The Shire President advised this question would be taken on notice.*

**Question 2:** The Shire of Chittering Meeting Minutes dated 21<sup>st</sup> May 2008 state under the heading *Community Infrastructure*

*'At the presentation by the applicant to Council on Wednesday 14 May 2008, Council made a request for a Community Infrastructure Contribution to the POS. The applicant indicated that this can be provided. It is recommended that a monetary contribution for the Community Infrastructure be provided by the applicant to be negotiated with the Council.'*

Is this 'deal' still applicable to the development?

If so how much is this contribution?

*Answer 2: The Executive Manager Development Services, advised that the 'deal' was not still applicable due to the changes to the residential design codes. It is a requirement that a contribution will be made to develop Public Open Space.*

**4.2.3 Marnie Giroud, Muchea**

*(as supplied)*

**Question 1:** When referring the Scheme Amendment for this development to the EPA, did the Shire provide a full flora and fauna survey or just the two environment reports provided by the Proponent which incorrectly assessed there were no priority fauna utilising Lot 9001?

*Answer 1: The Shire President advised this question would be taken on notice.*

**Question 2:** Has the Proponent's environmental consultant applied a Population Viability Analysis (PVA) for Carnaby's Cockatoos before formulating the Structure Plan which will impact the surrounding vegetation communities?

*Answer 2: The Shire President advised this question would be taken on notice.*

**4.2.4 Carey Church, Chittering**

**Question 1:** (Referencing Lot 9001 Rosewood Drive) With regard to the environmental report, it was desktop study and walk over the site the water contaminants has high excess level of iron and manganese. If the developer wants to install a treatment system to reduce the iron and manganese levels, how will they do it without changing the groundwater flow? Is there an environmental plan as to what that effect if going to be on the environment and natural bush areas?

*Answer 1: The Executive Manager Development Services advised that if the structure plan was to go ahead, all water provided must be through potable water source and provided by a licensed service provider. It is in the preliminary stage at the moment.*

Cr Houston departed Chambers at 7.13pm.

**Question 2:** What are you going to do to maintain the iron and manganese for the natural bushland and ensure the groundwater flow is not affected.

*Answer 2: The Executive Manager Development Services advised that the Department of Water and appropriate licensing body would manage this. As such all information would be available through the Department of Water.*

**Question 3:** Don't you want, or need, to know for your approval the outcome of results from the Department of Water?

*Answer 3: The Executive Manager Development Services advised that it would be a condition of the Shire approval that the Department of Water requirements be met.*

*The Shire President explained that the Department of Water had the expertise in this area and that is what the Shire Staff and Council relied upon.*

**Question 4: You will affect the groundwater flow, you will need to ensure that you don't have a negative effect on the flora and fauna.**

*Answer 4: Cr King advised that the Department of Water had been undertaking the relevant study since 2008 and that their investigation was well advanced.*

*The Chief Executive Officer reiterated that it would be a condition of Shire approval, however, the responsibility would lie with the Department of Water. He clarified that if the matter could not be dealt with to the satisfaction of the Department of Water that would mean that the condition was not met, and therefore the approval would not progress.*

**Question 5: Do you have the State Planning Approval Number?**

*Answer 5: The Executive Manager Development Services advised that this would be supplied.*

#### 4.2.5 Tracey Papich, Chittering

**Question 1: With reference to the new highway (bypass), Sugar Gum Drive will be lost as a departure point leaving only Reserve Road to get out of the area.**

*Answer 1: The Chief Executive Officer advised that there was no final plan as yet from Main Roads.*

**Question 2: The plan I've seen there is only one exit and there is planned to be an extra 250 blocks with one exit for people needing to leave in an emergency.**

*Answer 2: The Chief Executive Officer advised that the Shire would liaise with Main Roads WA with regard to the issue of limited access / egress points.*

#### 4.2.6 Bill Nobes, Bindoon

**Question 1: After the Councillors resigned, did anyone speak to the Minister about why the remaining Councillors were stood down?**

*Answer 1: The Chief Executive Officer advised that as Council no longer had a quorum they were unable to conduct business.*

**Question 2: Did anyone speak to the Minister about why they resigned?**

*No opportunity given for reply to be made.*

*Cr Rossouw advised that she would verbally explain why she resigned, noting that she was speaking for herself only. Councillor Rossouw provided the reasons for her resignation.*

**Question 3: I have been looking into East Fremantle, the (CEO) position was advertised on October 3, the shortlist was interviewed on October 23 and the position confirmed on December 7 or 8. Who gave Gary Tuffin a reference? Was it Councillor Rossouw?**

*Answer 3: The Chief Executive Officer advised that who he had as his referee is a private matter.*

#### 4.2.7 Tuarn Brown, Chittering

**Question 1:** With regard to Binda Place and the use of the privately owned land at the corner of Gray Road and Great Northern Highway. Details of the agreement with the landowner are not included in the report, can you please ensure that this is rectified, will you honour your promise of transparency?

*Answer 1:* The Shire President advised that the works undertaken on the land had been done so by the Shire. There was then a lease agreement in place, whereby no monies would be paid until the value of the works was met. If the land is sold before the lease is complete then a cash reimbursement would be made to the Shire. Future access would be a condition of development and the Shire has the provision to take a 'grant of easement'.

*The Chief Executive Officer further advised that with regards to the provision of additional parking, a minimum number of parking spaces are actually meant to be provided by the landowner (as per the Shire's planning policy). This project addresses the issue of insufficient parking spaces. He agreed that it was unfortunate that the footpath could not run along the shopfronts, however, this final plan represents a compromise following three years of consultation with landowners.*

**Question 2:** It seems that the plan is 'just to go with this one'. The IGA is the most frequented store however it's parking is being cut from four spaces to three. From a community point of view this is just not a good plan.

*Answer 2:* The Chief Executive Officer said that site was being lost, however an additional 47 parking bays were being created overall (not inclusive of the overflow area on the corner of Great Northern Highway and Gray Road).

Cr Houston returned to Chambers at 7.35pm.

**Question 3:** But they are not where people want them.

*Answer 3:* The Chief Executive Officer explained that unfortunately due to constrained space (due to the highway, landowner requirements and the Lake) this compromised plan addressed as many previously raised concerns as possible.

**Question 4:** Too much compromise is the problem. This plan is going backwards. Spending money on park benches, trees and paving is OK, but the parking bays are going backwards.

*Answer 4:* The Shire President advised that there was more gain than loss through the proposed plan and that the compromise was due to the constraints and mismatched ideas. He reminded the community that at Midland Gate you would walk much further.

**4.2.8 Nina Foulkes-Taylor, Bindoon**

**Question 1:** I have spoken to the IGA, Hardware and Butcher, only one doesn't want the shopfront footpath and is being held to ransom by the other two. Why should we be held to ransom?

*Answer 1: The Shire President advised that they had landowner rights.*

**Question 2:** Gray Road has over 600 users per day which will increase with the proposed plan. Is that safer than possibly backing into someone? It's not safe, it's creating a dangerous corner.

*Answer 2: The Executive Manager Technical Services advised that the second exit was remaining to address this issue.*

*The Chief Executive Officer further advised there would be an additional northern slip lane along with a widening of the road travelling south on Great Northern Highway to make exiting and entry safer.*

**4.2.9 Craig Herbert, Bindoon**

**Question 1:** When are we looking at all this happening? Business owners are nervous about the bypass, we are all small local businesses. We are not drawing people to our town, it looks like rubbish. We have spent a lot of money in our businesses, we are invested in them, we are trying to make the town a better place. When is this improvement going to happen? When the bypass goes through it won't just be trucks using it, it will be the grey nomads too. No business means no butcher, no baker, no IGA...

*There was no answer given.*

**4.2.10 Tuarn Brown, Chittering**

**Statement:** Yes, I agree we need to do something. We need to get the others (landowners) on board, they have to stop blocking our progress. The Shire needs to add a rule, we have to think as a community. We have to beautify the town. The current plan with one-way traffic won't work. The new caravan parking won't work. We just need to connect the existing footpaths. The community need to say what's important.

## 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

### 5.1 Petitions

Nil

### 5.2 Presentations

Nil

### 5.3 Deputations

Nil

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

### 6.1 COUNCILLOR MOTION / COUNCIL RESOLUTION 011215

Moved Cr Houston/ Seconded Cr Tilbury

That Cr Michelle Rossouw be granted approved leave of absence for the period 22 December 2015 to 2 January 2016 inclusive.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

## 7. CONFIRMATION OF MINUTES

### 7.1 Ordinary Meeting of Council – 18 November 2015

#### 7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021215

Moved Cr Tilbury/ Seconded Cr Rossouw

That the minutes of the Ordinary Meeting of Council held on Wednesday, 18 November 2015 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

### 7.2 Annual Meeting of Electors – 1 December 2015

#### 7.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031215

Moved Cr Rossouw/ Seconded Cr Osborn

That the minutes of the Annual Meeting of Electors held on Tuesday, 1 December 2015 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED 7/0

## 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

The Shire President shared with those present the recent news of Gary Tuffin resigning from his position as Chief Executive Officer. He thanked Gary for his service to the community and said that whilst the move could be considered 'bigger and better' we must remember that East Fremantle is smaller than Muchea and where could be better to live than here? He thanked Gary for what he has achieved in the Shire during his time.

## 9. REPORTS

### 9.1 DEVELOPMENT SERVICES

At the Ordinary meeting of Council held 28 October 2015, Council resolved to lay item '9.1.3 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering' on the table.

#### 9.1 PROCEDURAL MOTION

Moved Cr Tilbury/ Seconded Cr King

That item '9.1.1 Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering' be raised from the table.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

#### 9.1.1 Proposed Structure Plan – Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering\*

Report date	16 December 2015
Applicant	Taylor Burrell Barnett Town Planning and Design
File ref	18/07/13
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Locality Plan 2. Applicant Letter 3. Proposed Structure Plan 4. Schedule of Submissions 5. Bushfire Management Plan 6. Traffic Impact Statement 7. Local Water Management Strategy 8. Consultation Plan 9. Development Plan report 10. Updated environmental plans November 2015

#### Executive Summary

Council, at its Ordinary Meeting of Council held on 28<sup>th</sup> October 2015 resolved the following"

*"That the item 9.1.3 "Proposed Structure Plan: Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering" be laid on the table."*

Further to the resolution above, Council's reconsideration is requested for a proposed Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering.

### Background

Council initiated the Scheme Amendment to rezone the land at its 18 February 2015 Ordinary Council Meeting (OCM). This included a draft Structure Plan.

The Structure Plan was advertised in conjunction with the Scheme Amendment. Council at its 15 July 2015 (OCM) resolved to support the Scheme Amendment to rezone the subject land and defer consideration of the Structure Plan (referred to as Development Plan at the time) seeking the following further information:

1. Amendments to Bushfire Management Plan as specified by the Community Emergency Services Manager.
2. A Traffic Impact Statement (TIS) and/or other relevant information as required by Main Roads WA being undertaken, submitted and satisfied by Main Roads WA.
3. A Local Water Management Strategy (LWMS) being prepared and submitted to the satisfaction of the Department of Water.
4. And any other minor amendments considered required by Shire Officers.

Following the 15 July 2015 OCM, the applicant has submitted the required information listed above and has modified the Structure Plan as per Shire recommendations, which includes:

- Removal of building envelopes on Residential R2 lots;
- Inclusion of building exclusion zones on Residential R2 lots that adjoin Chittering Rise Estate;
- Removal of permissible use provisions;

Following the July OCM the applicant supplied the required additional information and the structure plan was presented to Council at its October OCM where it resolved to lay the item on the table, to allow the new Council further time to consider this item.

### Consultation

The Shire advertised the Scheme Amendment concurrently with the Structure Plan in accordance with the *Town Planning Regulations 1967* and with regard to the *Shire of Chittering Community Engagement Plan 2012*. The advertising period was 42 days concluding on 22 May 2015.

The following methods of consultation were undertaken by the Shire:

- Referral letters to relevant agencies;
- Referral letters to likely affected landowners (Consultation Plan – Attachment 8);
- 2 advertising signs at the subject properties;
- The Advocate newspaper advertisement;
- The West Australian newspaper advertisement;
- Shire website advertisement;
- Public Notice Board; and
- Shire Administration office.

The Schedule of Submissions, as previously attached to the Council Agenda for the Scheme Amendment, is attached (Attachment 4) due to the Structure Plan being advertised concurrently and comments made directed at the proposed Structure Plan.

Since the October OCM, Council has received a briefing on the proposal and its history by the developer. The Shire has also been provided with updated environmental reports (attached).



### Statutory Environment

State: Planning and Development Act 2005  
Town Planning Regulations 1967

Local: Shire of Chittering Town Planning Scheme No. 6

Council supported Lot 2 Reserve Road to be rezoned to "Residential R2" and Lot 9001 Rosewood Drive to "Rural Conservation".

The objectives of "Residential R2" are:

- *To designate areas for low density residential development in a rural setting in which natural environmental values are conserved as far as possible.*
- *To meet the demand for lifestyle lots with a minimum lot size of 5000m<sup>2</sup>*
- *To ensure development is sited and designated to achieve an integrated and harmonious character within each estate.*

The objectives of "Rural Conservation" zone are:

- *To maximize the long-term protection and management of significant environment values.*
- *To minimize the fragmentation of, and where deemed relevant, promote ecological linkages between these values.*
- *To ensure that development is compatible, sympathetic and integrated with these values.*
- *To create lot/s that are of sufficient size to sustain the long term protection and management of these values.*
- *Encourage innovative subdivision design, such as consolidated cluster style development, that maximizes the long-term protection and management of these values.*

Lot 2 Reserve Road is located within the 'Military Considerations (RAAF) Landscape Protection Special Control Area' which requires residential buildings to be constructed to the appropriate Australian Standard for aircraft noise and built with non-reflective materials such as Colourbond.

Clause 5.19 of the Scheme was gazetted on 26 June 2015 and sets out the provisions and statutory process for Structure Plans. Due to the transition from when this application was submitted in February 2015, the process for the Structure Plan (formerly Development Plan) is not affected. The subject Structure Plan complies with the requirements and objectives of the R2 and Rural Conservation Zones.

### Policy Implications

State: Planning for Bush Fire Protection Guidelines

The Applicant has submitted a revised Bushfire Management Plan in accordance with the Guidelines and demonstrates the compliance of the proposed development.

State: Liveable Neighbourhoods 2009

This document is an operational policy for the design and assessment of structure plans and subdivisions in residential areas.

The proposed Structure Plan meets the objectives outlined in Liveable Neighbourhoods as it has demonstrated and documented an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving environment for future residents and those visiting the proposed estate.

The smaller lot sizes may also cater for the diverse housing needs of community which is currently not available.

State: Development Control Policy No. 2.3 Public Open Space in Residential Areas (DCP 2.3)

This State Policy sets out the requirements for the provision of public open space in Residential areas as proposed in the Structure Plan. The Structure Plan is compliant with the provision and development of public open space.

Local: Shire of Chittering Local Planning Policy No 32 Development Plans

The Applicant submitted a Development Plan and report (Attachment 9) consistent with LPP 32. The recent Town Planning Scheme changes have resulted in the Plan being referred to as a Structure Plan.

Local: Shire of Chittering Policy 1.5 Execution of Documents

### **Financial Implications**

The maintenance of the proposed road infrastructure and public open space would be the responsibility of the Shire. However, the public open space will be developed prior to the Shire inheriting it, so the financial implication will be maintenance only.

### **Strategic Implications**

Local: Shire of Chittering Local Planning Strategy 2001-2015

The subject properties fall within the Vegetation Protection Area. Clause 10 of the LPS states:

#### **LANDSCAPE PROTECTION AREAS**

*This category applies to the Chittering Valley from the southern part of the shire to the northern extremity and to the Gingin Scarp as viewed from Ellen Brook. The intent is to preserve the rural character of the visual aspects of the landscape from undue subdivision and development that may depreciate the scenic value of the Chittering natural environment.*

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

Local: Shire of Chittering Local Biodiversity Strategy

The Local Biodiversity Strategy (LBS) identifies the entirety of Lot 9001 to be an Indicative High Conservation Value Area (IHCVA). The intention and objectives of IHCVA's is covered in Section 2.5 of the LBS. The vegetation is mapped as 'Mogumber complex-south' in very good condition and listed as being protected at less than 10% regionally.

Whilst some clearing of native vegetation will be required for the development of the road network within the proposed estate, restrictions as to the amount of vegetation eligible to be cleared for development is restricted to 2000m<sup>2</sup> in accordance with the Shire of Chittering TPS No. 6. This ensures a considerable amount of vegetation on the individual lots is required to be retained.

Further to the above, a large conservation lot comprising 20 ha is proposed which ensures a significant portion of remnant vegetation will be retained. This is further constrained through appropriate restrictive covenants.

Local: Shire of Chittering Strategic Community Plan 2012-2022

*Outcome – Protect Environment*

*Strategies – Protect and value local environment and biodiversity*

### **Site Inspection**

Site inspection undertaken: Yes

The site has been inspected previously for the Scheme Amendment initiation. The Rural Conservation area has also been inspected with the Shire Officers and applicant's Bushfire Consultant to discuss the required information for the Structure Plan consideration.

### **Triple Bottom Line Assessment**

#### Economic implications

The public submissions indicated concerns of devaluation of their property. The proposed development would result in 243 residential rateable lots, a reticulated potable water supply service in the Shire outside of the Bindoon townsite area and the upgrade of Reserve Road. These can be considered to be of considerable economic benefit to the Shire. Comments in relation to property devaluation are not a planning consideration in accordance with section 10.2 of Town Planning Scheme No. 6 as it is too subjective.

#### Social implications

The public submissions received objecting to the proposal made comment of the negative impact the development would have on their lifestyle with increased traffic and unsocial behaviour. It is considered the concerns of impact have been addressed in the Officer's Recommendation with the placement of building exclusion areas (in particular providing a development buffer to Chittering Rise). The likely impact of increased traffic is considered to be less than perceived with higher traffic usage of Reserve Road expected due to the easier and shorter access to the south. The concerns of unsocial behaviour are not considered to be well founded as a result of the proposed residential development.

#### Environmental implications

The public submissions and submission from the Ellen Brockman Integrated Catchment Group raised strong concerns that the development (particularly Lot 9001) will have significant impact on wildlife habitat and clearing of vegetation identified for conservation. It is considered that the balance lot provided significant vegetation retention in accordance with the objectives of the Local Biodiversity Strategy and the Local Planning Strategy.

### **Comment**

#### Council Resolutions

As covered in the background of this report, Council initiated the rezoning of the subject land at its OCM held on 18 February 2015 subject to further resolutions requiring a Deed for the community infrastructure, provision of a reticulated potable water supply for the development, a bushfire hazard assessment and avoid multiple conservation lots.

Council at its 15 July 2015 OCM, resolved to support the rezoning but deferred consideration of the Development (Structure) Plan subject to further information including a revised bushfire hazard assessment, a Local Water Management Strategy being provided and a Traffic Impact Statement or other document approved by Main Roads WA to support the development.

The applicant has provided the requested information (attached to this report) to allow for the consideration of the Structure Plan.

### Town Planning Scheme (TPS6)

The Structure Plan submitted meets the application requirements prescribed by TPS6. The Applicant has demonstrated how the environmental, servicing and traffic constraints have been addressed in conjunction with the Scheme Amendment to justify support for the rezoning.

The Structure Plan proposes Residential R2 lots in excess of 5,000sqm and Rural Conservation lots in excess of 1ha, with one 20ha Conservation lot, which meets the minimum lot sizes. The road layout provides strong connectivity and would result in additional access/egress options for landowners in the locality and importantly provide an alternative emergency egress route. This 'grid like' layout is supported by Liveable Neighbourhoods, a State Planning document guiding residential development, to provide efficient traffic and pedestrian access and provides for easier emergency management as opposed to loop roads and cul-de-sacs enhance the connectivity and permeability of the proposed estate.

The Structure Plan provides for a cluster Rural Conservation development to conform with the zone objectives of the Scheme and set out in the Local Biodiversity Strategy. The current Development Plan approved on Lot 9001 (as well as Lot 2) provides for 1ha Rural Residential lots covering the entire site. It is considered the proposed Structure Plan would result in a far better outcome in protecting the conservation value area by limiting clearing and consolidating development. In addition the applicant proposes a 20ha Conservation lot on the far north side to achieve the biodiversity targets and minimise fragmentation to provide an ecological linkage. Whilst the development of the Rural Conservation site proposes multiple lots, it is inconsistent with Council's Resolution at its 18 February 2015 OCM, however it should be considered for support as it meets the biodiversity targets set in the Local Biodiversity Strategy and greatly reduces fragmentation and disturbance of the vegetation to what is currently approved for subdivision on the site.

It is considered the proposed Structure Plan meets the objectives of the Residential R2 and Rural Conservation zones.

### Local Planning Strategy

The site is located in the Landscape/Vegetation Protection Area identified in the Strategy. The aims of this area are to protect remnant vegetation and establish biodiversity corridors as a priority. The proposed Structure Plan for the Rural Conservation site (Lot 9001) provides for better retention of vegetation, less fragmentation and a biodiversity corridor in the 20 hectare Conservation lot in comparison to the existing endorsed Development Plan and subdivision approval for Rural Residential development. It is considered the proposed Structure Plan meets the aims of the Local Planning Strategy.

### Local Biodiversity Strategy (LBS)

Lot 9001 is entirely vegetated and identified as an Indicative High Conservation Value Area (IHCVA). The LBS rates the vegetation as being in very good condition with less than 10% protected regionally. The LBS aims to achieve a 30% protection target for this specific vegetation complex on Lot 9001. The Applicant previously demonstrated the 30% target could be met however the unknown factor in reaching this target was the level of clearing required for bushfire protection due to the high default fuel load assessment provided in the bushfire hazard assessment. This fuel load assessment has been revised, as requested by Council, with an on-site study and clarifies the fuel load of the site is far less, which would in turn result in less impact on the vegetation and biodiversity values for bushfire protection.

The 20 hectare Conservation lot provides for a strong ecological corridor to the west and northwest IHCVAs. When comparing with the current Development Plan, the proposed Structure Plan results in a better outcome in achieving the targets and objectives of the LBS.

### Public Open Space

As previously mentioned in the Council Agenda Report (18 July 2015), the State Development Control Policy 2.3 requires the development of Public Open Space (POS) in residential areas. The Applicant has provided for Public Open Space on the Structure Plan and is committed to developing and ceding the POS to the Shire. This commitment will be further strengthened through a Deed of Agreement (as required by Council's Resolution for the Scheme Amendment initiation at 18 February 2015 OCM) which is currently being progressed satisfactorily.

### Bushfire Management

Council required the Applicant to provide further detail in relation to the bushfire assessment and management of the site in addition to the resultant clearing for fire protection. The Applicant's Bushfire Consultant has discussed the required changes with the Shire's Senior Planning Officer and Community Emergency Services Manager and revised the Bushfire Assessment in the Bushfire Management Plan (BMP - Attachment 4). The main concern of the BMP was the standardised desktop assessment of the bushfire hazard of the site based on topography and vegetation type which is outlined in the Bushfire Guidelines. This rated Lot 9001 as 'Extreme Bushfire Hazard' with a fuel load of '25t/ha or more'. The extent of clearing of vegetation for landowners for bushfire protection (building protection and hazard separation zones) around each dwelling down to '2t/ha' and '6-8t/ha' was perceived to be significant and conflict with the objectives of the zone. The Applicant's Bushfire Consultant has undertaken an onsite fuel load assessment using the DFES fuel load guide and determined the actual hazard of Lot 9001 to be far less; being '8t/ha'. This then greatly reduces the perceived clearing from '25t/ha' to '6-8t/ha' to now a much more acceptable level in minimising impact on the vegetation and provides an accurate measure to what is expected, should the development be approved.

### Submissions

The Schedule of Submissions (Attachment 4) has not been altered from the 15 July 2015 Council Report. The Structure Plan was advertised concurrently with the Scheme Amendment and therefore all submissions have been considered with the Structure Plan assessment.

The Shire Officer responses in the Schedule of Submissions at the time for the 15 July 2015 made note of a number of comments that are relevant to the Development/Structure Plan and proposed development. These comments with officer responses include:

- Lot sizes too small and not consistent with Chittering Rise Estate  
The Residential R2 and Rural Conservation zones permit 5,000sqm and 10,000sqm minimum lot sizes. Council supported the scheme amendment to rezone to these zones and the proposed Structure Plan does not seek to vary these minimum lot sizes set by the Town Planning Scheme. Chittering Rise is a Rural Residential estate and at the time of approval was subject to a 2ha minimum lot sizes. Whilst lot sizes are different due to different zones, the proposed Structure Plan provides road connection with Chittering Rise.
- Significant increase in traffic and impact on public safety  
The number of proposed lots would result in increased traffic, as indicated in the Traffic Impact Statement. However the development is predominantly accessed and serviced by Reserve Road as most traffic would be from a southerly direction. Whilst the speeds of the roads are not determined with a Structure Plan, the impact on public safety is not considered to be an issue due to the requirement for appropriate pedestrian access.

- **Impact on wildlife and vegetation clearing**  
It is considered the impact on wildlife and vegetation is greatly reduced in comparison to the current endorsed Development Plan and subdivision approval of Lot 9001. The Applicant proposes the creation of a large 20 hectare Conservation lot and clustering of the Rural Conservation lots to minimise environmental impacts. The current approval of the Rural Residential subdivision on Lot 9001 would result in greater clearing and fragmentation, having a greater impact on the biodiversity values.
- **High fire risk**  
The Bushfire Management Plan (BMP) identifies Lot 9001 as extreme, however with the implementation of the Australian Standards for building in bushfire prone areas, the bushfire risk can be mitigated to an acceptable level. The change in zoning and proposed new Structure Plan to replace the previous approvals actually introduces the requirement for the development to be designed to the bushfire prone standards. Previously this was not required for the development or landowners. The proposal provides for better fire management and protection.
- **Increased crime**  
Whilst it cannot be assumed the proposed development will result in increased crime activity, it is acknowledged the area lacks police and crime prevention services. The increase in population drives the demand for such services, similar to education and health services.

It is the Officer's Recommendation that the submissions objecting and raising concerns of the proposal are better addressed and achieved with the proposed Structure Plan. The increase in the number of lots is significant however is supported by the zones Council previously supported. Furthermore the result of such development provides indirect benefits of potable water supply services and developed recreational public open space in the locality.

#### Concluding Comments and Recommendations

As mentioned in the background of this report, Council's consideration of the Structure Plan was subject to the applicant providing further information. The Applicant has provided the information required, being a Traffic Impact Statement to the satisfaction of Main Roads WA, a revised Bushfire Management Plan providing an on-site fuel load assessment, updated environmental reports and a Local Water Management Strategy submitted to the Department of Water. The Shire has reviewed these documents and is satisfied there are no outstanding issues.

Point 4 of Council's Resolution of the 15 July 2015 OCM noted 'changes as required by the Shire'. The following minor amendments have been made at request of the Shire:

- Removal of building envelopes on Residential R2 lots;
- Preference for building exclusion areas (as indicated in the applicant's letter – Attachment 2); and
- Removal of permissible land uses due to conflict with the Town Planning Scheme.

In further review, the Officer recommends a modification to include the requirement of AS3959 (construction standards in bushfire prone areas) be inserted as a provision on the Structure Plan.

### 9.1.1 OFFICER RECOMMENDATION

That Council:

1. Adopt the Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering with the following modification:
  - a. Insert Provision stating the requirement for dwellings to be built in accordance with AS3959.
2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the adopted Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive.
3. Forward the adopted and executed Structure Plan to the Western Australian Planning Commission.

#### 9.1.1. ALTERNATE COUNCILLOR MOTION / COUNCIL RESOLUTION 041215

Moved Cr Osborn / Seconded Cr Houston

**That the proposed Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive be referred for assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and that this application be laid on the table pending the receipt of this assessment.**

**THE ALTERNATE MOTION WAS PUT AND DECLARED CARRIED 4/3**

*Crs Gibson, Rossouw and Tilbury voted against the motion*

Cr King departed Chambers at 8.33pm.

Cr King returned to Chambers at 8.34pm.

#### COUNCIL MOTION / COUNCIL RESOLUTION 051215

Moved Cr Gibson / Seconded Cr Houston

**That Council consider the revocation of the previous Resolution 041215:**

***“That the proposed Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive be referred for assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and that this application be laid on the table pending the receipt of this assessment.”***

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

#### COUNCIL MOTION / COUNCIL RESOLUTION 061215

Moved Cr Gibson / Seconded Cr Houston

**That Council revoke the previous Resolution 041215:**

***“That the proposed Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive be referred for assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and that this application be laid on the table pending the receipt of this assessment.”***

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

### 9.1.1 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

1. Adopt the Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering with the following modification:
  - a. Insert Provision stating the requirement for dwellings to be built in accordance with AS3959.
2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the adopted Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive.
3. Forward the adopted and executed Structure Plan to the Western Australian Planning Commission.

### AMENDMENT

Moved Cr Rossouw / Seconded Cr Osborn

That an additional recommendation 1 and 2 be included as follows:

*"That:*

1. *Prior to the adoption of the proposed Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive it be referred to the Federal Department of the Environment for consideration under the EPBC Act.*
2. *Subject to receipt of a written approval from the Federal Department of the Environment per Condition 1 (above) Council;"*

And the remainder of the recommendation renumbered accordingly.

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

### 9.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 071215

Moved Cr Rossouw / Seconded Cr Osborn

That:

1. Prior to the adoption of the proposed Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive it be referred to the Federal Department of the Environment for consideration under the EPBC Act.
2. Subject to receipt of a written approval from the Federal Department of the Environment per Condition 1 (above) Council;
  - a. Adopt the Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering with the following modification:
    - i. Insert Provision stating the requirement for dwellings to be built in accordance with AS3959.
  - b. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the adopted Structure Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive.
  - c. Forward the adopted and executed Structure Plan to the Western Australian Planning Commission.

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



### 9.1.2 Proposed amendment to Extractive Industry approval – Lot 52 Old Gingin Road, Muchea\*

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	Temma Nominees
<b>File ref</b>	A10587; P009/12
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Bronwyn Southee, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Applicant request documents 2. Planning Approval 2012 3. Excavation Site Plan

#### Executive Summary

Council's consideration is requested for a proposed amendment to an Extractive Industry Planning Approval granted at the 27 June 2012 Ordinary Council Meeting (OCM).

The application is being referred to Council as the request is to amend a decision made by Council and Shire Officer's do not have authority to amend a Council decision.

#### Background

Council granted approval for an extractive industry for sand at Lot 52 Old Gingin Road, Muchea on 27 June 2012. The Applicant then requested Council to reconsider a number of conditions. On 15 August 2012 OCM, Council resolved to amend the Planning Approval from Pit C to Pit B but did not support other amendment requests such as reduced setbacks. The Applicant sought review on the conditions not supported by Council through the State Administrative Tribunal in which a reconsideration was presented to Council at the October 2012 OCM and further conditions were amended.

The Planning Approval was limited to Pit B only, excluding proposed pits A and C. The Applicant has operated and almost exhausted Pit B and now wishes to amend the current planning approval to include Pit C. Pit B at present has had approximately 100,000 tonnes (8,000 square metres) extracted from the pit, with a further 100,000 tonnes of materials approximately needed to be extracted until it is exhausted. The applicant envisages the pit to be exhausted within 12 months. This is to allow the operation to continue without delay and to avoid duplicating the approval process each time. Limiting extraction to one pit area at a time allows for a controlled operation, particularly given the separation between pits on the site.

Lot 52 is 416 hectares and located on the floodplain of the Ellen Brook Palusplain. The site is largely cleared and is extensively grazed by cattle. The current Pit B comprises 4 hectares and Pit C is 16 hectares (Attachment 3), however this area would be reduced due to the 50m setback now required. The pits are located on areas of elevated ground, with excavation proposed to ground level (up to 6m below natural ground level) which avoids intercepting the high groundwater table.



### Consultation

It is not considered the proposed amendment to the Planning Approval requires consultation. The proposed amendment and recommendation maintains excavation to a single area and does not propose or would not result in an increase in traffic movements. The proposed pit is located further away from nearby residences than the current Pit B.

The Planning Application in 2012 was advertised in accordance with Clause 9.4 of the Town Planning Scheme, which required referral to nearby landowners and relevant agencies. The objections received at this time were generally based on the impact on lifestyle and safety due to the significant number of truck movements on a quiet rural road. The Planning Approval limited excavation to a single pit area and no more than 20 truck-loads per day.

### Statutory Environment

State: Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 77 of the Regulations state:

**77. Amending or cancelling development approval**

- (1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —
  - (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
  - (b) to amend or delete any condition to which the approval is subject;
  - (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
  - (d) to cancel the approval.
- (2) An application under subclause (1) —
  - (a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and
  - (b) may be made during or after the period within which the development approved must be substantially commenced.
- (3) Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.

- (4) *The local government may determine an application made under subclause (1) by —*
- (a) *approving the application without conditions; or*
  - (b) *approving the application with conditions; or*
  - (c) *refusing the application.*

Clause 77 of the Regulations now allows for the local government to consider the amendment of a development approval.

Local: Shire of Chittering Town Planning Scheme No 6

Lot 52 is zoned 'Agricultural Resource'. The objectives of the zone are:

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

The land use was considered to be consistent with the objectives of the zone when approved in 2012. The proposed amendment does not conflict with these objectives and if approved would allow for the continuation of extraction of basic raw materials.

The property is located within the 'Water Prone – EllenBrook Palusplain' and partly within the Landscape Protection Special Control Area (SCA). The main objective of this area is to preclude and manage development which may increase nutrient contamination.

Local: Shire of Chittering Local Law relating to Extractive Industries 2014

A licence is required for the operation of an extractive industry. Part 6 of the Local Law sets out the limitations and obligations of a licensee. Clause 6.1(a) requires a 50m setback for excavation from a boundary. The applicant is aware of this requirement and the greater setback required than initially approved in 2012 under the previous Local Law.

### **Policy Implications**

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

The buffer for an extractive industry for sand set by these Guidelines is 300-500m. The nearest residence is over 2km, which greatly exceeds the buffer requirement. This would negate the nuisance and adverse impact of noise, dust and visual amenity associated with the use.

### **Financial Implications**

Nil

### **Strategic Implications**

Local: Shire of Chittering Local Planning Strategy 2001-2015

The subject property is located within the Ellen Brook Palusplain Geographic Unit and Water Prone Special Control Area. The proposed amendment and land use does not conflict with the strategic aims to protect the catchment from pollution, degradation and inappropriate development. The conditions of the Planning Approval address these strategic aims with a water management plan, rehabilitation and soil testing.

### **Site Inspection**

Site inspection undertaken: Yes

The proposed Pit C has been inspected. The proposed excavation area gently slopes upward to the property boundary. The area does not contain remnant vegetation and consists of very low pasture growth on white sandy soil.

### **Triple Bottom Line Assessment**

#### Economic implications

There are no known significant economic implications associated with this amendment request.

#### Social implications

There are no known significant social implications associated with this amendment request.

#### Environmental implications

There are no known significant environmental implications associated with this amendment request.

### **Comment**

The Applicant approached the Shire in September 2015 seeking planning approval to excavate from Pit C due to Pit B being close to exhaustion. The Applicant does not propose to increase truck movements from what is currently limited (maximum 20 daily movements). As acknowledged in the Applicant's letter (Attachment 1), the new Local Law for Extractive Industries prescribes a 50m setback with no discretion for variation.

It should be noted that there is an unconstructed road being YaYal Road that dissects Lot 52. Therefore, it is recommended that should council approve this application a condition be imposed requiring the applicant to enter into an agreement with the Shire to cross YaYal Road for the life of Pit C.

All three pits A, B and C were proposed with the initial planning application for the extractive industry. The Shire recommended the planning approval for the extractive industry be limited to a staged approval to limit the areas being excavated at one time. The proposed amendment does not deviate from this as excavation would be limited to a maximum of one hectare at a time and as per the recommendation, a licence would not be issued until Pit B is rehabilitated.

The amendment to the Planning Approval to allow extraction of Pit C is considered to be acceptable and does not introduce any new requirements or implications. It is the Officer's Recommendation that Council support the amendment request to allow excavation in Pit C subject to rehabilitation being undertaken on Pit B.

If the amendment to the Planning Approval is supported, prior to receiving a Licence, the Applicant would require to provide information set out in the "prior to" conditions of the Planning Approval for Pit C as was required previously for Pit B. All conditions on the Planning Approval are required to be complied with in moving to Pit C such as Management Plans, vegetation screening and maximum working area.

As mentioned above, including Pit C on the Planning Approval does not permit extraction in Pit C. A licence would not be issued for Pit C until Pit B is rehabilitated to an appropriate standard.

**9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081215**

Moved Cr Gibson/ Seconded Cr Tilbury

That Council:

1. Amend the Planning Approval P009/12 to include 'Pit C';
2. Advise the Applicant that they are required to make arrangements with the Shire of Chittering to utilise YaYal Road for access arrangements to pit C to the satisfaction of the Executive Manager Technical Services;
3. Advise the Applicant the Licence issued under the *Local Law relating to Extractive Industries 2014* for Pit C will not be issued until Pit B is rehabilitated to an appropriate stage to the satisfaction of the Chief Executive Officer; and
4. Authorise the Chief Executive Officer to issue an amended excavation licence to include Pit C.

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

Cr Rossouw departed Chambers at 8.39pm.

Cr Rossouw returned to Chambers at 8.40pm.

**9.1.3 Request to reconsider conditions to Transport Depot approval – Lot 3281 (RN 9071) Great Northern Highway, Wannamal\***

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	G Kirkwood
<b>File ref</b>	A6011; P260/14
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Bronwyn Southee, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Council Minutes 18 Nov 2015 OCM 2. Reconsideration request

**Executive Summary**

Council's reconsideration is requested in relation to new conditions placed on the Planning Approval resolved at the 18 November 2015 Ordinary Council Meeting (OCM).

**Background**

A Transport Depot was approved at the subject lot at the 19 November 2014 OCM subject to the following conditions and advice:

*"That Council grant Planning Approval for the Transport Depot at Lot 3281 (RN 9071) Great Northern Highway, Wannamal subject to the following conditions:*

1. *There is to be no more than 80 vehicles and trailers located on the site at any one time.*
2. *Parking of vehicles and/or trailers shall be within the approved hardstand area.*
3. *Hardstand shall be constructed in accordance with the approved site plan and shall not exceed 4 hectares in total area.*
4. *This approval shall only be for vehicles to a maximum length of 19m.*
5. *There shall be no more than a maximum of five (5) vehicle movements per hour.*
6. *This approval shall be in accordance with the Additional Information (refer Attachment 3).*
7. *The development hours of operation shall comply with the Environmental Protection (Noise) Regulations 1997. Traffic movements outside of the prescribed hours shall be in accordance with the assigned noise level of the said Regulations.*
8. *The following setbacks for the hardstand and associated drainage shall apply: a. 30m from the side boundary adjoining the Nature Reserve; and b. 20m from remnant vegetation.*
9. *The Applicant shall upgrade the crossover to the satisfaction of Main Roads WA prior to commencement of transport depot operations.*
10. *The internal access road shall be a minimum width of 6m.*
11. *To minimise dust emissions:*
  - a. *The maximum speed on the internal access road and hardstand area shall be 20km/hr and be sign-posted on site.*
  - b. *The internal access road shall be watered to prevent dust leaving the property.*
12. *The hardstand area shall be constructed to a gravel standard to the satisfaction of the Chief Executive Officer prior to commencement of transport depot operations.*
13. *The hardstand and access road shall be maintained at all times to minimise dust emissions to the satisfaction of the Chief Executive Officer.*
14. *Remnant vegetation to be retained on site.*

15. *All stormwater runoff and drainage shall be directed to drainage basins constructed to include hydrocarbon traps, stabilised and maintained to the satisfaction of the Chief Executive Officer prior to the commencement of transport depot operations.*
16. *Storage of any products/goods being transported, equipment or materials is not permitted.*
17. *On site servicing, tyre rotation, refuelling and wash down facilities are not permitted on site.*
18. *Any alterations that are not in accordance with conditions of this approval shall require the Applicant to seek additional approval from Council.*

*Advice Notes*

1. *The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.*
2. *With regard to condition 5, if the Applicant wishes to exceed more than five vehicle movements per hour, prior written approval from the Shire of Chittering and Main Roads WA must be obtained.*
3. *With regard to condition 9, the Applicant shall forward a copy of any approval and documentation relating to the crossover and access arrangements to the Shire prior to commencing the Transport Depot.*
4. *With regard to condition 15, the Applicant shall implement drainage to ensure all runoff from the hardstand is captured within the hardstand area.*
5. *The Applicant is to be aware that the Shire will be requesting Landcare to monitor the condition of the Udumung Creek downstream of the depot"*

Following this, the Shire received an application requesting an amendment to the approval granted 19 November 2014, which was presented to Council at its 18 November 2015 OCM. Council was requested to reconsider condition 1 and 6 as specified in the resolution above. In addition to this, Council imposed the following two new conditions:

1. *Hardstand to be security fenced due to the equipment stored on site.*
2. *This approval to be reviewed in November 2020 in relation to progress of and transfer of this operation to the Muchea Employment Node.*

The applicant has now submitted a request for Council to reconsider the imposition of the two new conditions on the amended Planning Approval for the reasons set out in Attachment 2.



### Consultation

Not applicable

### Statutory Environment

State: Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 of the Regulations sets out 'Deemed Provisions for local planning schemes' which came into effect 19 October 2015. These Deemed Provisions act as part of the Scheme and replace any inconsistent provisions in the Shire's Town Planning Scheme. In this case the Shire's Town Planning Scheme clause relating to an amendment to a Planning Approval has been replaced.

Clause 77 of the Regulations now allows for the local government to consider the amendment of a development approval.

Local: Shire of Chittering Town Planning Scheme No 6

Lot 3281 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 property is located within the 'Landscape Protection Area' Special Control Area identified by the Scheme. The 'transport depot' land use was supported by Council and considered to generally meet the purpose and requirements of the Special Control Area.

The intent of this Special Control Area is to preserve productive agricultural land and protect the environmental and landscape values. The requirements of the Special Control Area help to achieve this through appropriate siting and minimising extent of clearing.

The proposed development falls within the definition of a 'Transport Depot' in the Scheme:

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

A 'Transport Depot' land use is listed as an 'A' use in Schedule 2 – Zoning Table of the Scheme:

*'A' means that the use is not permitted unless the Local Government has exercised its discretion by granting Planning Approval after giving special notice in accordance with clause 9.4.*

Part 10.2 of the Scheme sets out the matters to be considered by the Local Government; in particular for 'D' and 'A' uses.

### Policy Implications

Nil

### Financial Implications

Nil



### **Strategic Implications**

Local: Shire of Chittering Local Planning Strategy 2001-2015

Lot 3281 is located in the 'Northern Broad Agricultural Area' identified in the Strategy which aims to retain productive agricultural land. Council considered the 'transport depot' to be appropriate and granted Planning Approval.

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

There are no known significant economic implications associated with this amendment request.

#### Social implications

There are no known significant social implications associated with this amendment request.

#### Environmental implications

There are no known significant environmental implications associated with this amendment request.

### **Comment**

It is considered the reasons by the applicant to remove the fencing condition are reasonable and justified. The fencing of the hardstand area for security is not founded under planning grounds. The use of the hardstand area for parking has not altered from the initial Planning Approval in 2014 and the landowner has indicated the property would have a security gate entrance. Furthermore the standard of 'security' fencing is not clear and the installation of fencing would result in a more industrialised development which would depart from the objectives of the planning requirements applicable to the site.

It is considered that the requirement of additional security fencing surrounding the hardstand area may hinder accessibility by emergency services vehicles in terms of needing to establish a control point, and more importantly if the vehicles needed to be removed in a hurry.

The risk of fire due to anti-social behaviour would be minimal mainly due to the isolation of the property from a dense urban population and the hardstand area being setback a distance from the Great Northern Highway, making access to the vehicles by the general public unlikely.

The Applicant also requests the condition relating to review of the approval for relocation to the Muclea Employment Node to be removed mainly due to this not being required for the 2014 Planning Approval and the extent of works required to establish the development. The Officer recommends the condition imposed relating to reviewing the development in 2020 for possible relocation to the MENSPP to be altered to an Advice Note on the Planning Approval. It is the Officer's view the condition is not reasonable to impose due to the Planning Approval for the land use being approved in 2014 with no expiry period and the amendments at the 18 November 2015 OCM not altering the land use or area approved for development. Further to this the condition states the approval be 'reviewed' in 2020 for relocation to the Muclea Employment Node and is therefore considered to be more appropriate as an Advice Note as the intent is not an expiry period of the Planning Approval and it is dependent on the 'progress' of the Muclea Employment Node, to which again is not clear and should not relate to the Planning Approval as a condition of the development.

The Applicant has advised that if the removal of the conditions as detailed above are not supported by Council, then they intend to appeal the matter through the State Administrative Tribunal (SAT). This would result in staff time preparing for the hearing in attending to the matter which could be resolved by Council, also due to the nature of the required condition it is likely that the SAT member would request a S31 reconsideration, which would result in this item being presented to Council yet again for reconsideration, requiring further Shire resources and time which could be better spent elsewhere.

**9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091215**

**Moved Cr Gibson/ Seconded Cr Tilbury**

**That Council:**

- 1. Amend the Planning Approval dated 18 November 2015 by removing:**
  - a. Condition 2 The hardstand be security fenced due to the equipment stored onsite; and**
  - b. Condition 3 This approval to be reviewed in November 2020 in relation to the progress of and transfer of this operation to the Muchea Employment Node.**
  
- 2. Place an advice note on the approval advising the Applicant that it should consider relocating to the Muchea Employment Node in 2020.**

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

*Cr Osborn voted against the motion.*

The Applicant (TPG WA) contacted the Shire on 15 December 2015 and requested that this item be removed from the agenda; and to be presented to the Council in the new year.

#### 9.1.4 Proposed Pylon Sign – Lot 5 (No 5371) Great Northern Highway, Muchea\*

<b>Report date</b>	16 December 2015
<b>Applicant</b>	TPG Town Planning, Urban Design and Heritage
<b>File ref</b>	A3084; P322/15
<b>Prepared by</b>	Stephanie Gladman, Planning Officer
<b>Supervised by</b>	Bronwyn Southee, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Locality Plan 2. Documentation accompanying Development Applications 3. Proposed Signs 4. Main Roads Response

#### Executive Summary

Council’s consideration is requested in regards to an application to construct two (2) pylon signs on a property located at Lot 5 (No. 5371) Great Northern Highway, Muchea (see Attachment No. 1).

#### Background

Lot 5 (No. 5371) Great Northern Highway, Muchea is zoned ‘Agricultural Resource’ in the *Shire of Chittering Town Planning Scheme No. 6* with an additional use for ‘Industry – General Builders Storage Yard’. The landowners undertake the construction and display of modular homes on the subject land. A portion of the property is contained within the Muchea Employment Node for future industrial land uses, whilst the rear of the property is affected by the construction of the Perth to Darwin Highway alignment.

The Applicant has sought approval for the construction of two (2) pylon signs located at the front entrance of the property with a 0m setback to the boundary (see below and Attachment No. 2).



The dimensions of the signs are envisaged to measure 3m x 6m each (18m<sup>2</sup>) (Attachment No. 3) and are proposed to sit atop a 2m high pylon from the natural ground level. The proposed signs are advertising a caravan park located in Cavesham, whom use the modular homes constructed on the property by Aussie Modular Solutions (AMS).



### Consultation

The application was referred to Main Roads Western Australia for their comment in regards to the proposed signs in addition to the Shire's Executive Manager Technical Services.

### Statutory Environment

Nil

### Policy Implications

State: Planning and Development Act (2005)

Land Administration Act (1997)

Local: Shire of Chittering Town Planning Scheme No. 6

Shire of Chittering Signs, Hoardings and Bill Posting Local Law 1993

Shire of Chittering Signs, Hoardings and Bill Posting Local Law (Draft) 2015

#### Land Administration Act (1997)

Section 173

*No improvements to be made to required land without Minister's approval. While a notice of intention is current in relation to land, a person must not cause the building or making of any improvement to the land to be commenced or continued except with the approval in writing of the Minister.*

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

##### **Zoning**

##### **Agricultural Resource**

- *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.*

## **5.11 ADVERTISEMENTS - POWER TO CONTROL**

5.11.1 *For the purpose of this Scheme, the erection, placement or display of any sign and the use of land or any building for the display of any sign involving non site specific advertising is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning approval is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Local Laws.*

### **5.11.4 Consideration of Applications**

*Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display a sign, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.*

### Shire of Chittering Signs, Hoardings and Bill Posting Local Law 1993

*"Pylon Sign" is an advertisement device and means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills may be added.*

### **Licences and Exemptions**

2.1.4 *Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws the Council may refuse a licence if:*

- (b) *the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.*

### **Restrictions**

3.1.2 *A sign or advertising device including an existing sign shall not be erected or maintained:*

- (b) *if the sign is likely to obscure or cause confusion with or about a traffic light or traffic sign or is the sign is likely to be mistaken for a traffic light or sign;*

### **Specific Signs**

#### **4.9 Pylon Sign**

4.9.1 *A pylon sign:*

- (a) *shall be so constructed that no part of the sign shall be less than 2750mm or more than 600mm above the level of the ground immediately under the sign;*
- (b) *shall not exceed 2550mm measured in any direction across the face of the sign or have a greater superficial area than 4m<sup>2</sup> ;*
- (c) *shall not project more than 900mm over any street, way, footpath or other public place;*
- (d) *shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;*
- (e) *shall not be within 1800mm of the side boundaries of the lot on which it is erected;*
- (f) *shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.*

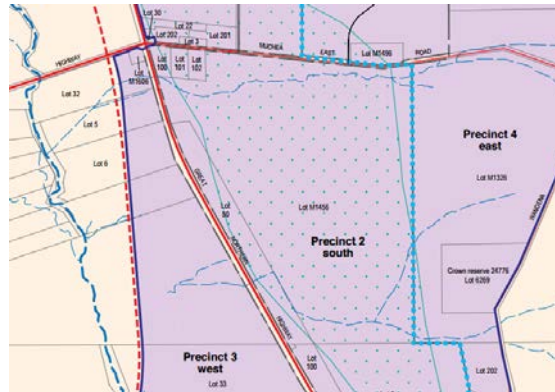
### **Financial Implications**

Nil

### Strategic Implications

Lot 5 (No. 5371) Great Northern Highway has been identified for future light industrial land uses in the Shire of Chittering Local Planning Strategy (2001 – 2015). A portion of the site is also contained within the Muchea Employment Node Structure Plan area.

The image below is an extract from the Muchea Employment Node Structure Plan (2011) indicating the portion of Lot 5 as being within the Node and also the possible alignment of the Perth – Darwin Highway.



### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

The proposed signs promote a caravan park which is located outside of the Shire of Chittering. Any significant financial implications generated from the proposed signs advertising predominantly the caravan park will be directed into the business operating in the City of Swan.

#### 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

#### Consultation

Main Roads was consulted in relation to the proposed application. In their response they advised that they are not supportive of the application stating that:

*'MRWA objects to any further development of Lot 5 (No. 3571) as a Notice of Intention to Take (NOITT) has been lodged for this property for the purposes of constructing the Perth to Darwin National Highway. In accordance with Section 173 of the Land Administration Act 1997 a person must not cause the building or making of any improvement to the above land to be commenced or continued except with the prior approval in writing of the Minister for Lands'.*

The Shire's Executive Manager Technical Services was also consulted and advised that whilst they did not have an issue with the location and sign, their concerns were that when road users are 'travelling and reading the sign, travellers may only read the first bit and make the assumption that it is the holiday park and turn in (which could become a traffic hazard if they turn suddenly)'.

Shire of Chittering Town Planning Scheme No. 6

Due to the proposed signs advertising a caravan park which is not located within the Shire and it involves non site specific advertising, approval by Council is required in accordance with Section 5.11.1 of the Scheme. Whilst the proposed sign mentions AMS whom manufacture the modular homes (on Lot 5) the emphasis of the advertising is on the caravan park, not the use of the land on which the signs are proposed to be located.

In relation to Section 5.11.4 *Considerations of Applications* in the Scheme, the property owner has been previously granted planning approval for a freestanding advertising pylon sign with the dimensions of 6.98m x 2.556m wide (12m<sup>2</sup>) located 1m from the front boundary of the property. This was approved by Council in October 2011. Two additional signs, with a significant area in close proximity to the existing sign may result in the area looking more cluttered, with the front portion of the property already used for the display of the modular homes in addition to the signs. The site is already industrialised and not extensively screened by vegetation. The additional signage would contribute to the 'over' application of signage on the site.

Shire of Chittering Signs, Hoardings and Bill Posting Local Law 1993

In relation to Section 2.1.4 of the local law, the proposed signs advertise a business (caravan park) which uses the modular homes which are constructed on the site. Furthermore the caravan park being advertised is not located in the Shire of Chittering, but another local government authority.

The indication of the business which manufactures the modular homes is only referenced in a minor manner with the predominant advertisement details of the caravan park. In order for the signs to comply with Section 2.1.4, there would need to be a reduced emphasis on the caravan park and detail more specifically of the manufacturer of the modular homes.

Section 3.1.2 states that 'a sign or advertising device including an existing sign shall not be erected or maintained: (b) if the sign is likely to obscure or cause confusion with or about a traffic light or traffic sign or is the sign is likely to be mistaken for a traffic light or sign'.

The property is located around 400m from the major intersection of Great Northern Highway and Muchea East Road which connects to Brand Highway. The majority of traffic would be slowing down to stop at or be beginning to accelerate from the lights. The application has been referred to MRWA for their comment (see Attachment No. 4).

**4.9 Pylon Sign**

4.9.1 A pylon sign:

Specifications for Pylon Signs	Proposal – Comments
(a) shall be so constructed that no part of the sign shall be less than 2750mm or more than 600mm above the level of the ground immediately under the sign;	Signs are proposed to sit atop a 2000mm pylon.  Complies
(b) shall not exceed 2550mm measured in any direction across the face of the sign or have a greater superficial area than 4m <sup>2</sup> ;	The proposed signs measure 6m x 3m (18m <sup>2</sup> ) and therefore requires a significant variation to the policy.
(c) shall not project more than 900mm over any street, way, footpath or other public place;	N/A

Specifications for Pylon Signs	Proposal – Comments
<i>(d) shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;</i>	Applicant has not detailed the type of materials to which the signs will be affixed.  Will require them to detail in writing prior to approval.
<i>(e) shall not be within 1800mm of the side boundaries of the lot on which it is erected;</i>	Proposed signs are proposed to be located at the entrance at the property alongside the front boundary facing Great Northern Highway.
<i>(f) shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.</i>	15m separates the two signs which are located on either side of the entrance to Lot 5 Great Northern Highway

Shire of Chittering Draft Signs, Hoardings and Bill Posting Local Law (2015)

**Section 2.2 Exemptions**

- (3) *Notwithstanding that a sign or hoarding would otherwise comply with the provisions of this local law the local government may refuse a licence if—*
- (b) *the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.*

Comment

The proposed signs advertises a business (caravan park) which uses the modular homes that are constructed on the site. Whilst the modular homes are offered for sale from the premises, the proposed advertising signs have a clear emphasis of the caravan park not the modular homes.

This therefore makes the proposal inconsistent with the exemptions of the local law.

**Section 4 - Requirements for Particular Signs**

**4.10 Pylon Sign**

A pylon sign—

Requirement	Proposed
(a) shall not have any part thereof less than 2.7m or more than 6m above the level of the ground immediately under the sign;	Proposed pylon which the signs are proposed to be attached is 2m in height. The height of the sign overall and pylon is 5m
(b) shall not exceed 2,550mm measured in any direction across the face of the sign or have a greater superficial area than 4m <sup>2</sup> ;	Area of the proposed signs is 3m x 6m (18m <sup>2</sup> ). Total area of both signs is 32m <sup>2</sup> .  A variation to the applicable size would need to be supported.
(c) shall not project more than 900mm over any street, way, footpath or other public place;	Proposed signs are located 22m from the bitumen road side.
(d) shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the	Applicant has not provided the details.



Requirement	Proposed
sign under all conditions;	
(e) shall not be within 1,800mm of the side boundaries of the lot on which it is erected; and	Proposed signs are located alongside the front boundary of the property.
(f) shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.	Complies.

### Conclusion

Whilst the proposed signs comply with the majority of the provisions within the existing and draft Shire of Chittering Signs, Hoardings and Bill Posting Local Law, the significant variation to the size of the signs should not be supported. The existing local law (Section 4.9 (b) and draft (Section 4.10 b)) stipulates a pylon sign requiring an area of 4m<sup>2</sup>, the proposed signage is envisaged to be 18m<sup>2</sup> (3m x 6m each). In 2011, Council approved a pylon sign measuring 12m<sup>2</sup> for the advertising of AMS.

This would mean, if the application were to be approved that the property would have signage fronting the road totalling 48m<sup>2</sup>.

Whilst the applicant states the reason for the size of the signage is due to the speed in which traffic is travelling on Great Northern Highway, the proposed signs are located 400m from a major intersection (Great Northern/Muceha East Road). The majority of traffic would be slowing down to stop at the lights, a reduction in speed from 110kph to 80kph in a northerly direction, whilst in a southerly direction traffic would be accelerating to 80kph from the stop lights.

The proposed signs also clearly place an emphasis on the caravan park located outside of the Shire and not the modular homes which are currently manufactured on Lot 5 Great Northern Highway. This may create confusion for travellers not familiar with the area who may assume that the site is a caravan park, potentially causing a traffic hazard.

### **9.1.4 OFFICER RECOMMENDATION**

That Council refuse the application for two (2) proposed Pylon Signs on Lot 5 (No. 3571) Great Northern Highway, Muceha for the following reasons:

1. A Notice of Intention has been lodged by Main Roads Western Australia in regards to Lot 5 for the purposes of the construction of the Perth – Darwin Highway. Under Section 173 of the Land Administration Act (1997) *“No improvements to be made to required land without Minister’s approval. While a notice of intention is current in relation to land, a person must not cause the building or making of any improvement to the land to be commenced or continued except with the approval in writing of the Minister.*
2. The size of the signage individually significantly exceeds the required size of pylon signs (4m<sup>2</sup>) as detailed in Section 4.9.1 e) of the Shire of Chittering Signs, Hoardings and Bill Posting Local Law 1993 and Section 4.10 of the Draft Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015.
3. The additional signs will result in the proliferation of advertising on the site which has an already approved pylon sign (12m<sup>2</sup>) advertising the approved business on the site.
4. The proposed signs would contribute to unnecessary bulk and scale of advertising on the site and proliferation of signage on the lot and adjacent major highway.

Advice Note

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.

## 9.2 TECHNICAL SERVICES

### 9.2.1 Julimar Lookout – Proposal to Close Access\*

<b>Report date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	26/01/1
<b>Prepared by</b>	Jim Garrett, Executive Manager Technical Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Outgoing correspondence (ref O1565217)
<b>Attachments</b>	1. Map, showing location 2. Photos of the site

#### Executive Summary

Council is requested to consider closing the vehicle access to Julimar Lookout due to safety concerns along with issues associated with it being used as an illegal dumping ground.

#### Background

Julimar Lookout is located on Julimar Road, Lower Chittering adjacent to 3577 Julimar Road. There are 'no details' for this parcel of land on the Shire's mapping system. Further research reveals that the Landgate Parcel Identification Number is 11744276 and its use is "ROAD".

Concerns with this area have been raised a number of times over the past couple of years.

Initially comments were received during research undertaken to complete the Chittering Trails Network Master Plan 2013-2023 (endorsed by Council on 19 December 2012 and reviewed on 21 May 2014). Landcare advised "*Julimar Lookout, would possibly be better closed, not the best view, no facilities (picnic table could be relocated)*".

More recently, whilst liaising with Shire staff with regards to designated camping areas within the Shire of Chittering, it was ascertained that whilst Julimar Lookout is designated as a "*picnic, no camping*" area, it appears that it is used for both camping and dumping. These actions make it an unattractive tourist attraction. Unfortunately, as it is 'out of sight', we only tend to find out that there is an issue when it's too late, i.e., when someone visits the site, finds it in disrepair and submits a report.

Most recently public comment has been received (see document O1565217).

In addition, the entry / exit driveway to the Lookout is in quite a dangerous location, being on a bend. Also, there is a tendency for gravel from the steep driveway to get washed and / or dragged out onto the road. Gravel on a corner is not ideal.

This report is a consequence of the issues raised.

#### Consultation

Chittering Trails Network Master Plan  
Landcare  
Shire of Chittering Executive  
WALGA RoadWise / Toodyay RoadWise Committee

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

The works (relocation of picnic table and installation of a chained gate) would be undertaken under the Technical Services maintenance budget.

### **Strategic Implications**

Nil

### **Site Inspection**

A site inspection was undertaken on 23 October 2015. There appears to be nowhere on the site to install a significant walk trail, the rubbish bin is currently 'missing' and there is evidence of camping (rocked campfire area, miscellaneous household rubbish items and items of discarded clothing) that were removed during the inspection.

### **Triple Bottom Line Assessment**

#### Economic implications

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

#### Social implications

The restriction of vehicle access to the site will assist with ensuring that the area is not accessed for the purposes of camping and / or the dumping of rubbish. It will also assist with the improvement to driver / rider safety along Julimar Road.

#### Environmental implications

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

### **Comment**

It is proposed that Shire staff relocate the picnic table to the corner of Chittering and Julimar Roads. This is a popular picnic area that can continue to be enhanced with the addition of another table. The steep gravel entry / exit driveway can then simply be semi-permanently closed with the installation of a padlocked chain gate (as used on fire breaks). Avon Waste would be advised that a service is no longer required at the site.

Existing signage and promotion will then be updated to reflect that the area is accessible on foot only. Future road modifications and works could consider ascertaining a location for an adjacent pull-in area where people can park so that they can easily walk up to the Lookout.

**9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101215**

**Moved Cr Rossouw/ Seconded Cr Osborn**

**That Council:**

- 1. relocate the existing picnic table at the Julimar Lookout to the corner of Chittering and Julimar Roads.**
- 2. close the vehicle access to Julimar Lookout through the installation of two posts with a padlocked chain.**

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

Miss Southee departed Chambers at 8.48pm.

Miss Southee returned to Chambers at 8.50pm.

## 9.3 CORPORATE SERVICES

### 9.3.1 Financial statements for the period ending 30 November 2015\*

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/03/4
<b>Prepared by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Financial Statements for period ending 30 November 2015
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Statement of Financial Activity for period ending 30 November 2015</li><li>2. Bank reconciliation for period ending 30 November 2015</li><li>3. List of accounts paid for November 2015</li></ol>

#### Executive Summary

Council is requested to endorse the Statement of Financial Activity for the period ending 30 November 2015, financial statements, bank reconciliation and list of accounts paid for the period ending 30 November 2015.

#### 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 30 November 2015, financial statements, bank reconciliation and list of accounts paid for the period ending 30 November 2015 are hereby presented for Council's information.

#### Consultation

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

#### Statutory Environment

State: *Local Government Act 1995*  
*Local Government (Financial Management) Regulations 1996*

#### Policy Implications

Not applicable

#### Financial Implications

Not applicable

**Strategic Implications**

Not applicable

**Site Inspection**

Not applicable

**Triple Bottom Line Assessment**

Economic implications

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

Social implications

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

Environmental implications

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

**Comment**

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

**9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111215**

**Moved Cr Rossouw/ Seconded Cr Tilbury**

**That Council:**

1. endorse the list of payments:
  - a. PR3637
  - b. PR3638
  - c. EFT 11739 - EFT 11876
  - d. Municipal Fund Cheques 13995 – 14004
  - e. Direct Debits and Transfers as listed
  - f. Trust Fund Cheques 495 - 496

**Totalling \$745,681.96 for the period ending 30 November 2015.**
2. receive the bank reconciliation for the period ending 30 November 2015.
3. receive the financial statements for the period ending 30 November 2015.

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

### 9.3.2 Shire of Chittering Youth Strategy 2015 – 2018\*

<b>Report date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	03/01/0007
<b>Prepared by</b>	Lisa Kay, Community and Club Development Officer
<b>Supervised by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Shire of Chittering Youth Strategy 2015 – 2018

#### Executive Summary

Council is requested to endorse the Shire of Chittering Youth Strategy 2015 – 2018.

#### Background

The Shire of Chittering has the second highest population of Youth in the Avon-Midland Country Zone and has the highest youth population for a non-regional Shire in Western Australia. The Shire's overall population is expected to double by 2026, hence the development of the Shire of Chittering Youth Strategy 2015 – 2018 to ensure our community becomes a vibrant and sustainable option for youth now and into the future.

Following a detailed assessment of the needs of local young people, a number of options have been considered and documented. In developing this strategy a commitment has been made to work with young people to support the vision of the Youth within the Shire of Chittering to have the opportunity to reach their full potential.

#### Consultation

During March - April 2014, young people were invited to comment on the development of this strategy through the youth survey 'Let's Get It Right for Young People' to which a total of 162 young people responded. These responses were gathered through online surveys and face-to-face interviews in structured forums and casually around the area. They were asked for their views on what they thought the priorities of the Youth Strategy should be and what they thought the gaps in provision were. Twelve local sporting and community organisations also commented on the services they provide and their views on the needs of local youth.

At the Ordinary Council Meeting held on 20 May 2015 Council resolved to advertise the *Shire of Chittering Youth Strategy 2015 – 2018* for community comment. Public comment was sought between 8 June – 1 July 2015 and was advised via a Community Engagement Plan utilising Shire Noticeboards, Email contact lists, Shire of Chittering Website, Facebook, eNewsletter, advertisement in Northern Valley Newspaper and media release. Only one comment was received suggesting the linkage between the Northern Valley Early Years Network be identified within the Youth Strategy.

The finalised draft was presented to the Executive Management team on 16 November 2015 to finalise outcomes outlined within the action plan.

#### Statutory Environment

Nil

#### Policy Implications

Nil



### Financial Implications

Nil - any outcomes from the youth strategy will be allocated in future budgets.

### Strategic Implications

Wheatbelt Blueprint 2015 outlines significant issues for the Wheatbelt region in relation to out-migration patterns of youth in search of further education and employment opportunities. This is a result of limited local employment and training opportunities and restricted transport options. Solutions to employment difficulties for the youth of the Shire will rely on collaborative and innovative solutions, improved public transport options and enhanced focus on the needs of the emerging workforce represented in the youth population.

As a result of these issues the Shire of Chittering Youth Strategy has strong linkages to other Wheatbelt strategies such as Wheatbelt Workforce Development Plan 2013–2016 and alliances such as the Northern Growth Alliance between the Shires of Chittering, Dandaragan and Gingin.

The Youth Strategy 2015 – 2018 relates to the Shire of Chittering Strategic Plan in the following sections:

- *Social: Building a Sense of Community – Access to local services, strengthened social connections and Active communities.*
- *Built Environment: Infrastructure for future lifestyle choices – Local and Central Activity areas supporting community needs.*
- *Access: Local transport and access solutions – Access to local and central services*
- *Economic: Prosperity for the future – Economic growth, Chittering a Place to visit.*
- *Governance: Strong leadership – Stakeholder engagement*

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

Financial implications that may arise from the endorsement of the Shire of Chittering Youth Strategy are encapsulated within existing and projected Corporate Business planning budgets for Community and Club Development activities and Economic Development activities where partnership and collaborative opportunities would be explored to cost share with other relevant stakeholders.

#### Social implications

Building the social capital and civic engagement of children and young people within our communities is an important aspect towards sustainability of our community.

#### Environmental implications

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

### Comment

The Shire of Chittering Youth Strategy 2015 – 2018 is a commitment by Council towards recognising the value and potential of the youth within our Shire. It provides a framework for achieving our intentions over the next three years by identifying priorities to be advanced to support the youth of the Shire of Chittering.

#### **9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121215**

**Moved Cr Gibson/ Seconded Cr Rossouw**

**That Council endorses the Shire of Chittering Youth Strategy 2015 – 2018.**

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

### 9.3.3 Community Safety and Crime Prevention Plan 2016 – 2019\*

<b>Report date</b>	16 December 2016
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	02/03/0003
<b>Prepared by</b>	Lisa Kay, Community and Club Development Officer
<b>Supervised by</b>	Jean Sutherland, Executive Manager Corporate Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Community Safety and Crime Prevention Plan 2016 - 2019

#### Executive Summary

Council is requested to endorse the draft Shire of Chittering Community Safety and Crime Prevention Plan 2016 – 2019 for public comment for a period of 21 days.

The Community Safety and Crime Prevention Plan is an essential component of the Shire's integrated planning and reporting framework; as an operational plan that identifies community safety requirements and strategies over the next three years.

#### Background

This plan continues to build on the findings and actions outlined in the Shire of Chittering Community Safety and Crime Prevention Plan 2012 – 2015 and aims to guide the actions of the Shire of Chittering and its community over the next three years.

#### Consultation

In developing this plan the Shire of Chittering reviewed the achievements and outcomes from the 2012 – 2015 Community Safety and Crime Prevention Plan and undertook a Community Perception Survey from 19 March – 10 April 2015.

45 submissions were received during the survey period comprising of 28 responses from residents in the Chittering / Lower Chittering area, 15 responses from Bindoon and 1 response each from Mooliabeenee, Muchea and Wannamal areas. Survey results are contained in Appendix 4.

Home break in, rural theft and dangerous road conditions including speeding and dangerous driving were considered the top safety and crime issues across the Shire. Of these poor / hazardous road conditions and speeding or dangerous driving were considered the greatest priority areas for the community to address. These statistics are consistent with WA Police Crime Statistics for the period February – September 2015.

Community suggestions towards making people feel safer and prevent crime in the Shire included:

- Neighbourhood or community watch and increased community focus around this.
- More police presence
- Improved roads and road lighting

The ongoing focus of this plan is to maintain community safety and ensure continuing measures that contribute to keeping the levels of crime low. This plan is committed to continuing the work that has been undertaken in the previous plan whilst incorporating the lessons learnt from our review of activities over the previous 4 years.

### Statutory Environment

Nil

### Policy Implications

Nil

### Financial Implications

Nil – any outcomes from the Community Safety and Crime Prevention Plan will be allocated in future budgets.

### Strategic Implications

“The Community Safety and Crime Prevention Plan relates to the Shire of Chittering Strategic Plan in the following sections:

- *Social: Building a Sense of Community – Improved services to community, strengthened social connections and Active communities.*
- *Built Environment: Infrastructure for Future lifestyle choices - Sustainable assets ,*
- *Access: Local transport and access solutions – Access to local and central services, Safe access.*
- *Economic: Prosperity for the future – Economic growth, Chittering a Place to visit.*
- *Governance: Strong leadership – Stakeholder engagement.”*

Community Safety and Crime Prevention also has correlations to the Wheatbelt Blueprint 2015, particularly in relation to livable and connected communities; and the Western Australian State CCTV Strategy.

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

There are no known significant economic implications associated with this proposal. Advertising for the public comment period will be undertaken utilising the Shire of Chittering Community Engagement Strategy and includes the use of email contact lists, Shire Web page, Shire Facebook pages and minimal advertising costs associated with advertising through Chatter in the Northern Valley Newspaper.

#### Social implications

Community safety and crime prevention is a complex issue that relies on combined efforts from the community as a whole including Council, residents, local businesses, State Government agencies and community groups.

#### Environmental implications

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

### Comment

Crime statistics and trends provide the basis for community safety and crime prevention activities however; public perceptions are just as important to any planning tool as they provide a guide on how safe community members feel within their own community. Therefore, it is essential that this plan be submitted for public comment prior to final endorsement by Council.

**9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 131215**

**Moved Cr Tilbury/ Seconded Cr Houston**

**That Council endorses the draft Shire of Chittering Community Safety and Crime Prevention Plan 2016 – 2019 for public comment for a period of 21 days.**

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

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Setting of 2016 Ordinary Council meeting dates

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	13/02/33
<b>Prepared by</b>	Danica Kay, Executive Assistant
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

#### Executive Summary

Council is requested to endorse the 2016 Ordinary Council Meeting dates.

#### Background

The *Local Government (Administration) Regulations 1996* requires that a local government is to give local public notice at least once each year of the proposed dates on which meetings are to be held and the times and venues at which they are to be held. The purpose of this report is to set Ordinary Council meeting dates for the period February 2016 to December 2016, so that these can be advertised in accordance with that regulation.

#### Consultation

Chief Executive Officer  
Executive Manager Corporate Services

#### Statutory Environment

State: *Local Government (Administration) Regulations 1996*  
*Local Government Act 1995*

#### Policy Implications

Nil

#### Financial Implications

There will be costs involved in advertising for meeting dates in *The Advocate* and *Northern Valley News*. If there are any special council meetings called during the 2016 calendar year these will also incur advertising charges.

The advertising of the Committee dates will incur a charge as and when they are advertised. This has been allowed for in the 2015-2016 Annual Budget.

#### 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 determining meeting dates for 2016, consideration needs to be given to school and public holidays, and their impact on agenda distribution, meeting clashes, Councillors and the general public's ability to attend the scheduled meetings.

The following timetable shows the relationship between school and public holidays and the usual meeting cycle:

DATE	SCHOOL HOLIDAY	PUBLIC HOLIDAY
17 February		
16 March		7 March – Labour Day (Monday) 25 March – Good Friday 28 March – Easter Monday
20 April	Saturday 9 April until Monday 25 April	25 April – ANZAC Day (Monday)
18 May		
15 June		6 June – WA Day (Monday)
20 July	Saturday 2 July until Sunday 17 July	
17 August		
21 September	Saturday 24 September until Sunday 9 October	26 September – Queen's Birthday (Monday)
19 October		
16 November		
21 December	Term 4 break commences Friday, 16 December	25 December – Christmas Day 26 December – Boxing Day 27 December – Christmas Day Additional Holiday

**9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 141215**

**Moved Cr Tilbury/ Seconded Cr Rossouw**

**That Council:**

1. endorses the following schedule for the Ordinary Council meetings for the period February 2016 through to December 2016:
  - 17 February
  - 16 March
  - 20 April
  - 18 May
  - 15 June
  - 20 July
  - 17 August
  - 21 September
  - 19 October
  - 16 November
  - 21 December
  
2. advertises the 2016 Ordinary Council meeting dates in accordance with *Local Government (Administration) Regulations 1996*.

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

#### 9.4.2 Bushfire Relief Payments\*

Report date	16 December 2015
Applicant	Shire of Chittering
File ref	12/07/4
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	<b>Absolute Majority</b>
Documents tabled	Nil
Attachments	1. Bushfire Relief Payments Criteria

#### Executive Summary

Council's consideration is requested to endorse a payment of \$3,000 to Ms Drummond.

#### Background

During the Bindoon bushfire on Sunday 22 November 2015, unfortunately Ms Drummond and her family lost their home. Ms Drummond is eligible for the payment of \$3,000 under the State Governments "Bushfire Relief Payment" program.

Ms Drummond was paid \$3,000 on Friday 27 November 2015 to assist with temporary accommodation, food, washing and laundry and emergency transport.

Shire staff do not currently have authority to make such a payment as it is an unbudgeted expense, therefore the Shire President was contacted and authorised the payment in accordance with Section 6.8(1)(c) of the *Local Government Act 1995*.

#### Consultation

Shire President  
Chief Executive Officer  
Executive Manager Corporate Services

#### Statutory Environment

Local: *Local Government Act 1995*

Section 6.8 of the Local Government Act 1995 states;

**6.8. Expenditure from municipal fund not included in annual budget**

(1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

(a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*

(b) *is authorised in advance by resolution\*; or*

(c) *is authorised in advance by the mayor or president in an emergency.*

#### Policy Implications

Nil

#### Financial Implications

This Shire is required to make the payment directly to Ms Drummond then can recoup the funds directly from the State Government. Therefore there will be no implications on the current budget.



**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**

As this was an urgent matter following the bushfire, Council are now requested to authorise the payment of \$3,000 to Ms Drummond.

**9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 151215**

**Moved Cr Gibson/ Seconded Cr Rossouw**

**That Council endorses the actions of the Shire President in approving the Bushfire Relief payment of \$3,000 to Ms Drummond on Friday 27 November 2015.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0  
BY AN ABSOLUTE MAJORITY**

#### 9.4.3 Regional Development Assistance Program – Light Industry Areas\*

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	18/02/13
<b>Prepared by</b>	Gary Tuffin, Chief Executive Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Porter Consulting Engineers</li><li>2. Crest Hill Rd/Mingah Road</li><li>3. Gray Road – Indicative design</li><li>4. 2015 RDAP Submission guidelines</li></ol>

#### Executive Summary

Council is requested to support the rezoning of Lot 101 Mingah Road, Bindoon.

#### Background

Council has no light industrial area in the Bindoon townsite and many sole operator businesses are purchasing the larger lots that prevail in the rural residential subdivisions and using them for business activities (owner driver trucking, tradespersons, etc), causing land use conflicts and conflicts to neighbouring landowners.

Two potential industrial sites have been identified by staff, which Landcorp provided a technical overview (prefeasibility study) on to determine their suitability and estimated development costs.

Landcorp engaged Porter Consulting Engineers on behalf of Council to undertake the study.

#### Crest Hill Road, Bindoon

The Shire has a 23ha freehold land parcel on the corner of Crest Hill Road and Mingah Road upon which the current Bindoon refuse disposal site is being operated. This site currently houses the Bindoon Refuse centre, which has been identified by Council for conversion to a Transfer station at a later stage. The southern half of the site has been used in the past for gravel extraction and sand extraction (to a depth of approximately 2.0m). The site is located 4.2km west of the Great Northern Highway and is approximately 5.5km by road from the business centre of Bindoon. The lot is separated from the more intense urban land uses by rural land, thereby significantly reducing the potential for on-going complaints as industrial development occurs.

#### Gray Road, Bindoon

The Shire also has a 68ha freehold land parcel immediately adjacent to the western boundary of the Bindoon Cemetery on Gray Road. Royalties for Regions funding was secured to develop the site as the Shire of Chittering Work's Depot and a cleared area of approximately 5ha (fronting Gray Road) was fenced from the balance of the site and the power supply upgraded to that fenced "compound"; the relocation of the depot from the centre of the town to this site was abandoned by Council and the "compound" remains vacant. Approximately 50% of the site has been cleared and the balance contains remnant vegetation which is not listed as being regionally significant. The site is flat, is located approximately 5.0km west of the Great Northern Highway and is 5.4km from the business centre of Bindoon. Gray Road is the primary access route to numerous "Rural Residential" lots which range in area from 5,000m<sup>2</sup> to 1ha (low density residential land uses) and a greater potential exists for complaints to be generated as road traffic along Gray Road increases.

### Great Northern Highway, Chittering

At the rear of Chittering Roadhouse was another site originally considered by Council, however, the property owner indicated that they were not willing to sell the required land. The land is being excavated for clay and the operator has not advised or set a timeline on when the site will be vacated, or on what the final levels for that site will be.

### Landcorp – Regional Development Assistance Program (RDAP)

To support the revitalisation and growth of regional towns, the State Government provides LandCorp with funding under the Regional Development Assistance Program (RDAP) which allows LandCorp to assist communities to develop land that is otherwise not commercially attractive to the private sector, this includes Industrial developments.

### **Consultation**

Landcorp  
Council

### **Statutory Environment**

State: Local Government Act 1995

*Section 3.58 of the Local Government Act – Disposing of Property*

*(1) In this section –*

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

State: Local Government (Functions & General) Regulations 1996, section 30 states:

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

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

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

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

*(i) its market value is less than \$5000; and*

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

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

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

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

*(c) the land is disposed of to —*

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

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

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

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

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

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

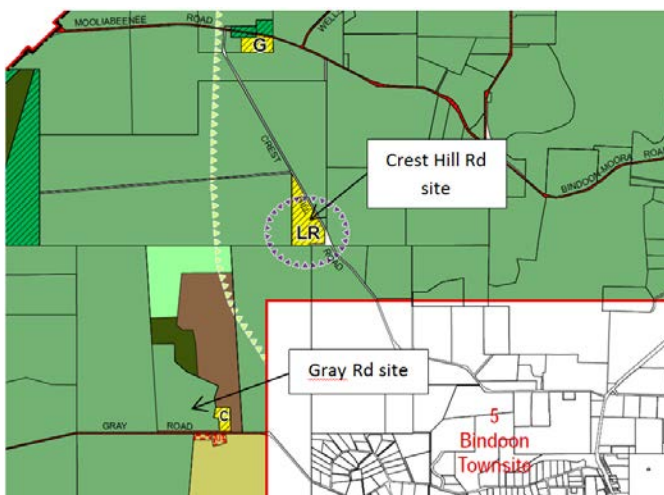
Therefore, section 3.58 of the *Local Government Act 1995* does not need to be complied with in relation to the proposal.

Local: Shire of Chittering Town Planning Scheme No 6

The Crest Hill Road site is reserved as 'Public Purposes' for land refuse. The site is also predominantly covered by a land refuse buffer and is located within the Landscape Protection Special Control Area.

The Gray Road site is zoned 'Agricultural Resource'.

Both sites can be seen in the below Scheme Map extract.



### Policy Implications

Nil

### Financial Implications

The prefeasibility study of the two potential sites was funded by Landcorp.

The indicative development cost for each potential site has been provided in more detail in the options development paper (prefeasibility study – Attachment 1) undertaken by Porter Consulting Engineers.

Crest Hill Road **\$1,140,216** or \$190,036 per lot (including GST)

Gray Road **\$1,105,797** or \$184,300 per lot (including GST)

Should Council proceed with either subdivision, it is a requirement of the funding program (RDAP) that Council contribute the land that is to be developed free of charge to Landcorp, and that any funds received from the sale of the developed lots belongs to Landcorp.

If Council is successful with a RDAP application all associated developments costs are met by Landcorp, unless Council agrees to any in-kinds contributions.

### **Strategic Implications**

Shire of Chittering Community Strategic Plan - *Economic: Prosperity for the Future Strategy* *Facilitate environmentally sound industrial and commercial growth.*

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

The Gray Road site is identified in the Strategy for 'Townsite Consolidation' due to the availability of a reticulated potable water supply, and consolidation of residential development of the Bindoon Townsite. The Crest Hill Road site is not identified for development potential in the Strategy likely due to the continued operation of the landfill.

The review of the Strategy will allow for the consideration of development potential for these sites.

### **Site Inspection**

Not applicable

### **Triple Bottom Line Assessment**

#### *Economic implications*

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

#### *Social implications*

As mentioned above Council has received a number of complaints from residents regarding their neighbours storing and using industrial/commercial plant & equipment on their property and also from those residents that would like the ability to reside and operate their business from the same site.

Council previously raised interest in a 'Mixed use industrial (Rural Industrial)' lots to provide the ability for people to reside on site and operate their businesses without causing land use conflicts with their neighbours. However, it's should be noted that the Crest hill site would likely need to be 'Special Use – Light Industry' as there is a Land Refuse buffer over this site that restricts the site of all residential habitation uses, therefore not permitting any composite type lots to be developed.

#### *Environmental implications*

If Council was to support the proposed development any environmental issues would be identified during the rezoning process.

### **Comment**

Attachments 2 and 3 are very preliminary concepts showing how each of the 2 selected sites could be developed. Each option generates approximately 160 metres of internal road construction and both seek to minimize the external construction requirements. These concepts have been used to work up the initial cost estimates to deliver each option. Should the project proceed, consultants would be engaged to work with the Shire's Planners to generate various design concepts and achieve a final detailed area plan for the chosen site.

The proposed Crest Hill Road Stage 1 subdivision would create 6 lots (4ha) ranging in size from 2,640m<sup>2</sup> to 6,980m<sup>2</sup>, and the proposed Gray Road subdivision Stage 1 would also create 6 lots (4.7ha), ranging in size from 3,150m<sup>2</sup> to 1.15ha.

Prior to either option progressing it will be necessary for Council to initiate a scheme amendment for the rezoning of the chosen site. Gray Road is currently zoned “*Agricultural Resource*” and the Hill Crest Road “*Public Purposes – Land Refuse*”. The Scheme Amendment application will require studies including, but not limited to, infrastructure requirements, fire hazard assessment, planning opportunities and constraints and a vegetation survey.

The proposed Gray Road site is not viewed as an ideal industrial development site due to the number of rural residential developments along the road, and the perceived amenity impacts that may be caused by increased industrial traffic. Lastly, Gray Road would be the only entry and exit point out from the proposed development.

The proposed Hill Crest Road Site on the other hand is considered more appropriate due to its strategic location and is less likely to conflict with the surrounding land uses.

If Council agrees to the rezoning of Lot 101 Mingah Road from “*Public Purposes – Land Refuse*” to “*Special Use for Light Industry purposes*” it is recommended that an application for the 2016 Regional Development Assistance Program (RDAP) be prepared and submitted by the Chief Executive Officer.

#### **9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 161215**

**Moved Cr Gibson/ Seconded Cr Rossouw**

**That Council:**

- 1. supports the rezoning of Lot 101 Mingah Road, Bindoon and requests the Chief Executive Officer have the necessary report prepared for Council’s formal initiation of the required scheme amendment.**
- 2. authorises the Chief Executive Officer to prepare and submit an Regional Development Assistance Program application for the subdivision of Lot 101 Mingah Road, Bindoon (Stage 1).**

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

#### 9.4.4 Support for Agribusiness Collaboration

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	02/04/3
<b>Prepared by</b>	Karen Dore, Economic Development / Communications Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	O1565718 – Letter of Support
<b>Attachments</b>	Nil

#### Executive Summary

Council's consideration is requested to endorse the Shire of Chittering's support of a proposed collaborative agribusiness project, which will on focus on the Northern Growth Alliance region (Chittering, Dandaragan and Gingin).

Grant funding for the project is being sought from the Department of Agriculture and Food's "Grower Group Research and Development Grants Program", with the application being auspiced by the West Midlands [Local Grower] Group. As such the provision of a letter of support was required prior to 2 December 2015, hence the retrospective nature of this report.

#### Background

The project and application was initiated by local resident, Ms Juliet Grist. The proposed project seeks to improve profitability, facilitate collaboration and identify regional solutions which will lead to a more resilient regional agribusiness sector.

The project outline was provided as follows;

1. *Support producers to identify and meet market requirements for supply in order to better match production with demand and improve overall profitability via:*
  - a. *The provision of a regional dedicated support person (~ 2.5 days a week) to focus on horticultural opportunities identified through partnering with Vegetables WA in order to access Agricultural Produce Commission data.*
  - b. *The provision of a regional dedicated adviser (~ 2.5 days a week) to support agribusiness outside of the Vegetables WA focus (e.g. meat producers) to identify and meet market opportunities (such as new opportunities for meat producers created by the anticipated opening of the Cataby abattoir).*
2. *Undertake research and a 'proof of concept' based around the conversion of food production waste – or seconds – into a higher value product to increase grower profitability and productivity. On-farm food losses in Australia are estimated to be 10 per cent of gross production.*
3. *Provide project management of the above to ensure regional opportunities are appropriately leveraged, including being informed by, and informing, concurrent work being done by Water for Food, Department of Agriculture and Food Western Australia and Wheatbelt Development Commission.*

The \$500,000 application requires a 25% in-kind co-contribution. Please see the "Financial Implications" section of this report for details of the Shire of Chittering's offer of support.

In-kind support is also being requested from; Vegetables WA, Northern Valleys News, Shire of Gingin, Perth Natural Resource Management and Wheatbelt Development Commission, as well as local businesses.

### Consultation

A draft of the letter of support (tabled) was shared with the Shire President for his consideration.

Mr Alex Douglas spoke on behalf of the Bindoon Theatre Group (leaseholders of the Bindoon Town Hall), to advise that arrangements could be made for the use of the kitchen for the benefit of the local community.

### Statutory Environment

Nil

### Policy Implications

Nil

### Financial Implications

The support offered is of an in-kind nature for fixed cost items and as such there is no direct financial cost to Council.

For example:

- Promotion: Economic Development / Communications Officer.
- Connection with the local Business Network: Economic Development / Communications Officer.
- Connection with Shire / Council: Economic Development / Communications Officer.
- Office Space: there is currently a spare workstation within the Shire administration building.
- Meeting Space: Council Chambers can be made available when not in use.
- Commercial Kitchen Space: free use of the Bindoon Town Hall kitchen will be negotiated.

Should the funding application be successful the Shire of Chittering would seek to enter into an agreement to ensure further clarity around the extent of support.

### Strategic Implications

Chittering Strategic Community Plan 2012-2022

*"Economic: Prosperity for the Future"*

To *"seek investment for local business growth"* is a short term priorities.

Chittering Economic Development Strategy 2015-2025

Strategy Two *"Business Support and Growth"*

Support for local business networks, Chittering should be promoted as a sound place to invest for economic growth.

Chittering Economic Development Strategy 2015-2025

Strategy Five *"Regional Collaboration"*

- i. In order to achieve regional development the Shire of Chittering should strengthen and grow the Northern Growth Alliance (Chittering, Dandaragan and Gingin).
- ii. The Shire of Chittering should encourage and support the formation and growth of regional cooperatives.
- iii. The Shire of Chittering should encourage and support the formation and growth of industry focused local and regional groups.

### Site Inspection

Not applicable



### **Triple Bottom Line Assessment**

#### Economic implications

The proposed project will facilitate collaboration and identify regional solutions which will lead to a more resilient and profitable regional agribusiness sector.

#### Social implications

The collaborative nature of this proposed project will encourage an awareness of the opportunities available to agribusinesses in the region, and also provide the chance to share this with the community. The more a community knows about itself the more resilient it can be in the face of challenges.

#### Environmental implications

The reduction of on farm wastage and loss can only contribute to positive outcomes for the environment.

### **Comment**

The Shire of Chittering does not have the resources to undertake a project such as the one proposed, however, the opportunity to support such a positive economic and social contribution to our Shire / region should not be missed.

#### **9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 171215**

**Moved Cr Gibson/ Seconded Cr Rossouw**

**That Council endorse the Shire of Chittering's support for the proposed Agribusiness Collaboration project.**

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

#### 9.4.5 Proposed Update to Binda Place Improvement Plan\*

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	18/07/0012
<b>Prepared by</b>	Karen Dore, Economic Development / Communications Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Proposed Updated Binda Place Improvement Plan 2. Letters of Support received during funding application process

#### Executive Summary

Council's consideration is requested to endorse the proposed updated Binda Place Improvement Plan.

The original Binda Place Improvement Plan was endorsed by Council at the Ordinary Council Meeting held on 17 December 2014.

#### Background

For a number of years there have been requests from the community to Council for safety improvements in Bindoon's 'CBD'. The current inadequate roadway and parking designs, along with the lack of a footpath, mean that the area is quite dangerous for both vehicles and pedestrians, with a number of 'near misses' occurring on a regular basis.

In 2004 an improvement plan was drafted, including the proposal of a "Town Square". Whilst over the decade that followed there was continued Council and Community support for this proposal and other concept plans, there was no funding available to assist with the works that needed to be undertaken.

On 26 February 2013 a road safety audit was undertaken by RSA Works, which identified a number of areas for improvement.

- Alignment of Binda Place
- Northern Entry / Exit Point
- Southern Entry / Exit Point
- Pedestrian Requirements
- Delineation
- Shire Office Entry Point
- Heavy Haulage Vehicle Parking

Funding was identified for the 2014-2015 and 2015-2016 financial years to support the proposed improvement. Previous concepts were researched with a number of Concepts being discussed with stakeholders, including Council and the community. Concept Plan D (as identified in the attached updated Plan) is the culmination of this research and consultation.

It should be noted that both the original, and updated, Binda Place Improvement Plans refer to "Stage 1" of the required works (i.e. the northern end of Binda Place).

### Consultation

Binda Place property and landowners  
Binda Place business proprietors  
Shire of Chittering Executive Staff  
Local community (call for comments)

### Statutory Environment

Nil

### Policy Implications

Nil

### Financial Implications

Should this updated Binda Place Improvement Plan be endorsed by Council there are no direct financial implications. The costs of the proposed actions, identified within the Plan, will be met by Roads to Recovery funding and Wheatbelt Regional Grants Scheme funding.

The figures utilised in the attached document are estimates only, the exact actual figures will not be known until the completion of the tender process.

Should the available funding not be sufficient to undertake all of the works highlighted in the Plan the scope of works for Stage 1 will be reduced accordingly.

### Strategic Implications

With reference to the Chittering Strategic Community Plan 2012-2022;

#### Built Environment: Infrastructure for Future Lifestyle Choices

Outcome – Local and Central Activity Areas Supporting Community Needs

- Strategy – create options to enhance growth, redevelopment activity, and the individuality of local areas.
  - Key Priority – build and create local hubs.

Outcome – Local and Central Activity Areas Supporting Community Needs

- Strategy – provide a regional and central area providing recreation, employment, housing and service choices.
  - Key Priority – continue to develop Bindoon as the Regional Centre.
  - Key Priority – redevelopment of Binda Place as an attractive, inviting and functional main street environment.

#### Access: Local Transport and Access Solutions

Outcome – Safe Access

- Strategy – facilitate improved road safety.
  - Key Priority – continue to ensure appropriate road designs.
- Strategy – enable inclusive access.
  - Key Priority – continue with the development of footpaths.

### Economic: Prosperity for the Future

#### Outcome – Economic Growth

- Strategy – seek investment for local business growth.
  - Key Priority – promote Chittering as a sound place to invest.
- Strategy – facilitate local service growth.
  - Key Priority – plan and promote local hubs – retail, home businesses.

With reference to the Chittering Economic Development Strategy 2015-2025 (endorsed 23 February 2015);

#### Key Strategic Direction One: Enabling Infrastructure

##### Main Street Revitalisation – Hub Creation

Implement the Binda Place Improvement Plan.

- To encourage new development and investment.
- To increase attractiveness as a place to invest and live.

#### Key Strategic Direction Four: Economic Precincts

##### Construction of a Great Northern Highway heavy traffic bypass road

Facilitate the formation of a network of affected local businesses and collate research undertaken in other locations to assist with the development of a future Plan.

- Chittering needs to be on the ‘front foot’ and have a plan in place to offset any negative social / economic

### **Site Inspection**

A number of qualified inspections have been undertaken by the Technical Services department, in the development of their Binda Place Upgrade plans.

### **Triple Bottom Line Assessment**

#### Economic implications

The key deliverables of this project in relation to economic benefit are an improved streetscape (landscaping and street furniture) and the creation of a promotable precinct. It could be reasonably expected that through the beautification of our main town-site’s “CBD” that the profile of the whole area would be lifted, enabling the promotion of the area as a place for investment.

Tim Horton, Renew Australia Architect ... *“encouraging creative entrepreneurs to participate in the built environment grows the social, environmental and economic sustainability of a place”.*

#### Social implications

The key deliverables of this project in relation to social benefit are improved access, efficiency and safety for both vehicles and pedestrians. Socially, an additional outcome will be the activation of the place.

Village Well *“Placemaking is the art and science of making authentic, vibrant, and resilient places that are valued by their communities and admired by visitors.”*

#### Environmental implications

Through liaison with local flora specialists it will be ensured that the landscaping is undertaken in such a way that it enhances the environment.

### Comment

The safety and aesthetics of Binda Place are issues that the community has showed concern about for a number of years. With the assistance of the aforementioned approved funding this is the perfect time to address both issues during one project.

The Binda Place Upgrade project will improve the efficiency of both traffic and pedestrian movements within the area in order to make it a safer area for both vehicles and people. The improved access / egress will also improve safety for highway users.

The Binda Place Beautification sub-project will improve the streetscape to make the presentation of our main town-site's shopping precinct more attractive for local residents, tourists and potential investors (both business and residential). Through this improvement it would be hoped to encourage economic development through private investment, into both the development of the vacant lots and the improvement of the existing buildings / surrounds.

It is envisaged that a precinct will be created that can be promoted in order to further lift the profile of the region as a destination for visitors, tree-changers and investors.

### 9.4.5 OFFICER RECOMMENDATION

Moved Cr Rossouw/ Seconded Cr Osborn

That Council endorse the proposed updates to the Binda Place Improvement Plan.

### AMENDMENT

Moved Cr Gibson / Cr Rossouw

The following advice notes to be included:

1. No action is to be taken until a further meeting is undertaken by the Chief Executive Officer with each Binda Place Landowner, in order to re-discuss the final location of the footpath.
2. Should no progress be made with the Binda Place Landowners collectively, the Chief Executive Officer is authorised to commence the project.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 7/0

### 9.4.5 SUBSTANTIVE MOTION / COUNCIL RESOLUTION 181215

Moved Cr Gibson / Cr Rossouw

That Council endorse the proposed updates to the Binda Place Improvement Plan.

#### Advice Notes:

1. No action is to be taken until a further meeting is undertaken by the Chief Executive Officer with each Binda Place Landowner, in order to re-discuss the final location of the footpath.
2. Should no progress be made with the Binda Place Landowners collectively, the Chief Executive Officer is authorised to commence the project.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

Ms Sutherland departed Chambers at 9.07pm.

Ms Sutherland returned to Chambers at 9.08pm.

#### 9.4.6 Cost Reduction Plan\*

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	12/07/4
<b>Prepared by</b>	Gary Tuffin, Chief Executive Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Cost Reduction Plan

#### Executive summary

Council is requested to consider a number of possible cost reduction initiatives in the attached Cost Reduction Plan.

#### Background

Council at its meeting held on 28 October 2015 resolved as follows:

*“That Council direct the Chief Executive Officer to draft a significant cost reduction program, to be tabled at the December 2015 Meeting.”*

No guidance or parameters were provided by Council as to the expected outcome, other than to investigate whether there were any areas within the organisation where sustainable cost reductions could be achieved.

#### Consultation

Executive Managers Development, Technical and Corporate Services  
Manager Human Resources

#### Statutory Environment

Nil

#### Policy Implications

Nil

#### Financial Implications

There are various financial implications associated with this report subject to the actions taken by Council in response to the proposed recommendations.

It is anticipated that some specialist consultant services may be required to assist with the process.

#### Strategic Implications

The review has been undertaken to look at how the rates burden on ratepayers can be constrained and to maximise the use of the funds generated by the Shire to maintain and increase expected levels of service.

#### Site Inspection

Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

There may well be economic implications associated with the various recommendations contained in the Plan. Due to the varying nature of the recommendations it is difficult to speculate what impacts may result not knowing the selected course of action(s).

#### Social implications

There may be substantial social implications associated with this report if there is any significant impact on service levels as a consequence of the cost reduction program.

#### Environmental implications

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

### **Comment**

Whilst it is appreciated that a Cost Reduction Plan may be met with some resistance, if it is to be achieved, it is essential that staff are involved and are willing to assist. There may be possibly other cost-reduction opportunities in every department. However, identifying and implementing these cost reductions requires the enthusiastic cooperation of staff across all departments.

If Council mandates a cost reduction it may be difficult to achieve the full benefits of undertaking the program. There needs to be assistance from the people who will make it happen (staff).

Acting fast to reduce costs may be viewed as a necessity to address the current economic downturn. However, some research on the subject warns that reactive and non-strategic cutting of costs across the board may destroy confidence, resulting in underperformance. Cost cutting that is not strategically focused can mean efficient parts of Council's operations will suffer.

Open communications and a deliberate effort to keep people informed and involved in the program are critical to maintaining employee engagement and morale in such unsettling circumstances.

#### Advantages of a cost reduction program

- Lower and stable rate increases
- Cost reduction is obtained by increasing productivity.
- Cost reduction lays emphasis on continuous search for improvement which will improve the image of the Shire for long-term benefits.

#### Other considerations when introducing cost reduction

- Quality of service may be sacrificed at the cost of reduction in cost.
- Cost reduction program may not be liked by the employees, and create a poor sense of morale in the workforce, leading to more inefficiencies.
- Reduction in cost may not be real and permanent (ie deferring purchases).
- Conflict between organisational objective and individual objective (Community Strategic Plan).

Engaging in cost reduction is more than simply making cost savings. At its best, a cost reduction program creates a situation where the available resources are used to best advantage, employees find themselves able to function more efficiently, and ratepayers receive the highest quality of services possible for the resources available. The cost cutting efforts must make the process easier and more productive for all concerned, as well as save money.

Council is requested to give consideration to the Cost Reduction Plan and provide further direction as to what actions they would like investigated further.

**9.4.6 OFFICER RECOMMENDATION**

Moved Cr Osborn/ Seconded Cr Gibson

That Council resolve to accept the recommendations contained within the Cost Reduction Plan.

THE MOTION WAS PUT AND DECLARED LOST 1/6

*Crs Tilbury, Rossouw, Houston, Vallance, Osborn and Gibson voted against the motion*

**9.4.6 FORESHADOWED MOTION / COUNCIL RESOLUTION 191215**

Moved Cr King / Seconded Cr Houston

That Council:

1. resolve to receive the Cost Reduction Plan; and
2. workshop the recommendations contained within the Cost Reduction Plan at the next available opportunity.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0



#### 9.4.7 **LATE ITEM: Lighthouse Grant Funding**

<b>Report Date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	03/01/0008
<b>Prepared by</b>	Karen Parker, Manager Human Resources
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

#### **Executive Summary**

Council is requested to authorise the unbudgeted expenditure and amend the 2015-2016 Annual Budget in the Annual Budget Review to include the total expenditure for the project of ten thousand dollars and the income from the grant being seven thousand five hundred dollars.

Council is required to contribute 25% of the cost of the Grant (being two thousand five hundred dollars (\$2,500)) with the total cost for the project being ten thousand dollars.

As this Grant was advertised after the Shire's 2015-2016 Budget was approved, the expenditure pertaining to the grant application is required to be endorsed by Council (Local Government Act, Section 6.8).

#### **Background**

The Local Government Managers Association WA advised via email on Friday 11 December 2015 that the Shire's Lighthouse Grant Application for seven thousand five hundred dollars (\$7,500) has been given in principle approval by the Grant Assessment Panel.

In October, the Shire received advice that funding was available to assist agencies meet the objectives of Outcome 7 of their Disability Access and Inclusion Plans, through the Lighthouse Project Grants Program.

The maximum grant per application (and local government) was \$10,000, although applications may be submitted for a lesser amount

The proposed project is in accordance with the Shire's Outcome 7 Strategy and/or implementation plan (as being deemed to provide an opportunity or address a barrier(s) to the inclusive and accessible recruitment, selection and retention of people with disability, as identified through the Shire's workplace self-assessment).

It is a requirement of the *Disability Services Act 1993* that the Shire of Chittering develops and implements a Disability Access and Inclusion Plan (DAIP) which outlines the ways in which the Shire will continue to ensure that people with disabilities have equal access to its facilities and services.

Other legislation linked to the Disability Access and Inclusion Plan includes the *WA Equal Opportunities Act (1984)* and the *Commonwealth Disability Discrimination Act 1992 (DDA)*, both of which make discrimination on the basis of a person's disability unlawful.

In 2013 the Disability Services Commission advised that DIAPs needed to be amended to incorporate Outcome 7 to ensure people with disabilities have the same opportunities as others to obtain and maintain employment with a 'public authority'.

Funding for the Lighthouse Project Grants Program is provided by the Disability Commission. Administration of the grants is coordinated by Local Government Managers Australia (LGMA).

As the deadline for submissions was only a few days after the new Council was sworn in staff informed Council of the opportunity to apply for funding and Council encouraged the submission to be tendered with LGMAWA.

### Statutory Environment

State: Local Government Act 1995, as amended Section 6.8

#### 6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

(1a) In subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Local: Shire of Chittering Disability Access and Inclusion Plan

Outcome 7: People with disabilities will have the same employment opportunities as other people at the Shire of Chittering.

Strategy	Task	Task Timeline	Responsibility	Status
Develop strategies to improve the appointment and retention of employees with disabilities, where practical, within the organisation: Reviewing position descriptions to ensure they are non-discriminating and do not exclude people with a disability.	Position descriptions are reviewed either during the performance review process or during the recruitment process.	As required / ongoing	MHR	<ul style="list-style-type: none"> <li>• Current position descriptions reviewed during the Workforce Planning Process and performance review process.</li> </ul>
Identifying the needs of current employees with disabilities and work towards meeting these needs;	Information will be gathered using surveys and during meetings to identify needs of current staff and ways they can be met.	Ongoing	MHR / supervisors / managers	<ul style="list-style-type: none"> <li>• One staff member identified during 2013/2014 performance review – measures have</li> </ul>

Strategy	Task	Task Timeline	Responsibility	Status
				<ul style="list-style-type: none"> <li>been put in place to assist the individual.</li> <li>One new staff member in Parks and Gardens, processes changed to accommodate.</li> </ul>
The costs of modifying workplaces are incorporated into the budget of the relevant department.	<p>Modifications identified will be incorporated in the next annual budget process;</p> <p>The Building Coordinator will be involved in the process.</p>	Ongoing / but considered at least annually	Executive Managers / Building Coordinator	<ul style="list-style-type: none"> <li>2014/2015 No budget submissions.</li> <li>2015/2016 budget submission to update access to library and Council Chambers unsuccessful will be included in future budget processes.</li> <li>2015/2015 assistance for funding sort to help the Shire modify Parks and Reserves plant and equipment for a new employee.</li> </ul>

### Consultation

Council  
Chief Executive Officer  
Building Coordinator

### Policy Implications

*1.5 Execution of Documents*

### Financial Implications

Shire will receive a \$7,500 grant and will need to contribute \$2,500 towards the project.

These costings are unbudgeted and therefore need to be approved by Council before the Grant Agreement can be signed by the Chief Executive Officer.



### Strategic Implications

The Shire of Chittering Strategic Community Plan includes the following:

Access: Local Transport and Access Solutions					
Our Vision: our future communities will have alternative transport options placing value on safe access for all.					
Outcome	Strategies	Key Priorities	Links	Timeframe	Partners
Safe access	Enable inclusive access	Provide appropriate Aged and wheelchair access	SOC Disability Access & Inclusion Plan	Ongoing	Disability Services WA

### Site Inspection

Site inspection undertaken: Not applicable

### Triple Bottom Line Assessment

#### Economic implications

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

#### Social implications

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

The upgrade of the entrance door into the library / Council Chambers area will improve accessibility for those with disabilities, aged and children.

#### Environmental implications

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

### Comment

The Shire has been advised that the Lighthouse Projects Grant Funding Panel has approved, in principle, the Shire's grant application to replace the current standard width, heavy, hinged glass door that provides access to the Shire's Administrative Centre Library / Council Chambers area, with a single, sliding door with movement sensors to both sides of the door (battery back-up operation) to improve access into the building.

The Grant Agreement will be sent to the Shire in January 2016 for signing but it is not known whether the Shire's Common Seal will be required to be affixed.

Staff therefore seek Council's consideration to authorise: the unbudgeted expenditure and amend the 2015-2016 Annual Budget in the Annual Budget Review to include the total expenditure for the project of ten thousand dollars and the income from the grant being seven thousand five hundred dollars; and the Shire President and Chief Executive Officer to sign and affix the Shire's common seal to the funding agreement if required.

**9.4.7 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 201215**

**Moved Cr Houston/ Seconded Cr Gibson**

**That Council:**

- 1. Authorise the new expenditure in accordance with the Local Government Act, Section 6.8.**
- 2. Amend the 2015-2016 Annual Budget in the Annual Budget review as follows:**
  - a. addition of expenditure for Job 04005 (GL04004) by \$10,000; and**
  - b. increase of revenue GL04063 by \$7,500.**
- 3. Authorise the Shire President and Chief Executive Officer to sign and affix the Shire's Common Seal to the Lighthouse Grant Funding Agreement if required.**

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

## 10. REPORTS OF COMMITTEES

### 10.1 Chittering Bush Fire Advisory Committee – 9 June 2015 and 3 November 2015\*

<b>Report date</b>	16 December 2015
<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	09/02/4
<b>Prepared by</b>	Danica Kay, Executive Assistant
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. "Unconfirmed" Chittering Bush Fire Advisory Committee Minutes, 9 June 2015 and 3 November 2015

#### **Executive Summary**

Council is requested to accept the minutes of the Chittering Bush Fire Advisory Committee (CBFAC) for the meetings held on 9 June 2015 and 3 November 2015.

#### **Background**

At meeting of the CBFAC held on Tuesday 3 November 2015, there was one recommendation made during the meeting:

*"That the Chittering Bush Fire Advisory Committee request that Council amends the restricted burning period for the Shire of Chittering to commence on the 1<sup>st</sup> October for each of the ensuing years."*

#### **Consultation**

Chittering Bush Fire Advisory Committee

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Not applicable

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

##### Economic implications

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

Social implications

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

Environmental implications

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

**Comment**

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

**10.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 211215**

**Moved Cr Houston/ Seconded Cr Rossouw**

**That Council:**

- 1. receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on Tuesday 9 June 2015 and Tuesday, 3 November 2015.**
- 2. amends the restricted burning period for the Shire of Chittering to commence on the 1<sup>st</sup> October for each of the ensuing years.**

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

## 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 11.1 Sea Containers for storage purposes (Cr Don Gibson)

#### 11.1 COUNCILLOR MOTION

Moved Cr Gibson/ Seconded Cr King

That Council endorses the use of shipping containers for storage purposes in fire prone rural residential, rural retreat and rural small holdings, as the safest fire proof option.

THE MOTION WAS PUT AND DECLARED LOST 1/6

*Crs King, Tilbury, Rossouw, Houston, Vallance and Osborn voted against the motion.*

#### Cr Gibson has provided the following comments

*Containers should be located behind the line of existing buildings and painted to conform with existing structures. This motion makes a lot of sense in recognising the practical use of containers as secure fire proof storage, which prevents theft, and will save the cost of prosecutions of a number of ratepayers who prefer this option.*

#### Officer's comments

Council has requested that a review be undertaken in regards to its local sea container planning policy, therefore, it would be premature to make any decision on this matter without first completing this process.

Furthermore, it is likely that the entire shire will be declared Bushfire Prone (BP) in the New Year by the State Government.

Therefore, it is recommended that Council not make a decision on the proposed motion until such time as further information is provided by DFES on this matter so the full impact of the proposed change (BP) can be assessed by staff and reported back to Council.

### 11.2 Shire of Chittering Depot Vehicle Security (Cr Don Gibson)

#### 11.2 COUNCILLOR MOTION

Moved Cr Gibson

That Council directs the Chief Executive Officer to secure all the Shire's commercial vehicles in the depot after working hours, with the exception of the Executive Manager Technical Services vehicle, one (1) rostered Ranger vehicle, and any requirements in emergency situations.

THE MOTION LAPSED FOR WANT OF A SECONDER.

#### Cr Gibson has provided the following comments

*This practical measure will save fuel, wear and tear, excessive mileage, and prolong the useful life of the vehicles, delivering savings to the budget.*

#### Officer's comments

All vehicles that currently do not have a commuter right attached as a condition of employment are currently stored in the Shire Depot each night.

Any staff member that has access to a vehicle as a condition of employment cannot be changed without mutual agreement of both parties.



It would not be possible to enact the proposed motion without breaching conditions of employment (contract). Therefore, it is recommended that the proposed motion not be supported.

### 11.3 New employment contracts (Cr Don Gibson)

#### 11.3 COUNCILLOR MOTION

Moved Cr Gibson/ Seconded Cr King

That Council directs the Chief Executive Officer to desist from including Shire vehicles in any new employment contracts, but to make a pool vehicle available to employees when required for work purposes.

THE MOTION WAS PUT AND DECLARED LOST 1/6

*Crs King, Tilbury, Rossouw, Houston, Vallance and Osborn voted against the motion.*

#### Cr Gibson has provided the following comments

*This will progress a reduction in the vehicle fleet, providing savings in transport costs and working towards a more sustainable budget without rate increases.*

#### **Officer's comments**

Vehicles are generally only provided to attract senior staff, and if this benefit is removed it may be very difficult to attract future potential employees.

Pooling of staff vehicle already occurs, every vehicle that is parked at the Shire's administration including the CEO's vehicle is available for use by staff members for Council business.

It is recommended that rather than taking the approach suggested in the motion, that a policy be developed identifying those staff positions that would attract a vehicle.

## 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

### 12.1 Cr Osborn

**Question 1:** Cr Osborn queried the status of the old Medical Centre building in Binda Place.

*Answer 1: The Chief Executive Officer advised that whilst the building was currently vacant, there was a funding condition to be met. He further advised that he was liaising with 'Canberra' with regards to this funding condition.*

*The Chief Executive Officer also advised that the 'old' Health Nurse building (which was previously a staff house) was also vacant. He explained that works would need to be undertaken in order to return it to a residential property, with an assessment currently underway to provide a costing for this.*

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

Nil

### 14. MEETING CLOSED TO THE PUBLIC

#### 14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 221215

Moved Cr Rossouw/ Seconded Cr King

That Council moves into a confidential session to discuss items 14.1, 14.2 and 14.3 under the terms of the *Local Government Act 1995, Section 5.23(2)(b)*:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to member 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;*

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

At 9.30pm the meeting went behind closed doors.

#### 14.1 Matters for which the meeting may be closed

##### 14.1.1 Premier's Australia Day Active Citizenship Awards 2016\* (Confidential report)

Report Date	16 December 2015
Applicant	Shire of Chittering
File ref	02/01/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Minutes from the Chittering Australia Day Advisory Group meeting held on 1 December 2015

##### 14.1.2 Educational Scholarships 2016 (Confidential report)

Report Date	16 December 2015
Applicant	Shire of Chittering
File ref	15/01/4
Prepared by	Lisa Kay, Community and Club Development Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	Nil

#### 14.1.3 Assignment of Copyright\* (**Confidential report**)

Report Date	16 December 2015
Applicant	Shire of Chittering
File ref	12/07/4
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	<b>Absolute Majority</b>
Documents tabled	Nil
Attachments	1. Deed of Agreement - Assignment of Copyright

#### PROCEDURAL MOTION

Moved Cr Tilbury/ Seconded Cr Rossouw

That the meeting come out from behind closed doors.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

#### 14.2 Public reading of resolution that may be made public

At 9.34pm the meeting was re-opened to the public and two members of the gallery returned to the meeting.

#### 14.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 231215

Moved Cr Houston/ Seconded Cr Rossouw

That Council endorse the Chittering Australia Day Advisory Group recommendations as outlined in the report.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

#### 14.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 241215

Moved Cr Rossouw/ Seconded Cr Osborn

That Council endorse the Chittering Education Scholarship Advisory Group recommendation as outlined in the report.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

#### 14.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 251215

Moved Cr Rossouw/ Seconded Cr Houston

That Council endorse the recommendation as contained within report 14.1.3.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

## 15. CLOSURE

The Presiding Member declared the meeting closed at 9.35pm.



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