

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

Wednesday, 15 July 2015

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.30pm

Closure: 8.26pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 19 August 2015.

SIGNED BY

 Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

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

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

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

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* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.00pm.

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

2.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

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

There were 27 members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Councillor Hawes, Shire President:

"With regard to items 9.1.5, I disclose that I have an association with the EBICG as Chairman of the group which provides advice on environmental issues that may affect planning decisions. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 Lee Martin, Great Northern Highway, Bindoon

Question 2: What future costs does the Shire expect to incur till completion of the project?

Answer 2: The Chief Executive Officer advised that council accepted a tender for \$2.4 million thereby fixing that part of the costs. He confirmed that the total budget for the project (Health Centre, excludes subdivision costs) was \$2.6m, and that currently the project was running to budget and on time. However, the supply of a breakdown of total costs (including subdivision of Lot 62, building construction and roads) would be taken on notice.

To date the building construction costs incurred are \$2,346,722. The tendered construction price was \$2,445,771. Council has made provision of \$2,634,000 in its 2014/15 Budget. The project is complete with one remaining progress payment outstanding, which is expected to be in the order of \$98,998, plus any further variations to the contract (if any). The project costs incurred for the subdivision of Lot 62 to date are \$472,554.83, including roads, power (new transformer) and water. A cost estimate was undertaken prior to advertising the construction tender (15 November 2013).

4.2 Public question time

4.2.1 Mary Day, Timaru Road, Muchea

Question 1: Is it possible for the item regarding "Poo for You" to be postponed as I have had no opportunity to prepare a deputation.

Answer 1: Through the Chair the Executive Manager Development Services advised that consultation had been undertaken to all property owners within a 900m radius.

Statement: Ms Day advised that she had received the original notification, however had not been given notice of the report being presented to Council.

Response: The Chief Executive Officer requested that the Executive Manager Development Services clarify the process undertaken.

Through the Chair the Executive Manager Development Services advised that the standard process was to notify submitters notice that the report was being presented to Council.

4.2.2 Marni, Ghost Gum Ridge, Chittering Rise

Question 1: Further to the above, I only received a letter this morning and would also request a postponement.

Answer 1: Through the Chair the Executive Manager Development Services clarified that the submissions received had been included in the report to Council.

4.2.3 Sam Young, Ghost Gum, Chittering Rise

Question 1: With regard to the Rosewood / Reserve item, the Plan in the Agenda is different to the one I received.

Answer 1: The Chief Executive Officer clarified that the report in this evening's Agenda was referring to rezoning rather than the Development Plan. He further explained that the applicant had already gained approval for the proposed 1 hectare lots, however there had been some minor alterations to the original plan following feedback received, in order to satisfy a requirement for higher density and to allow more conservation area.

Question 2: Will the new plan be re-advertised?

Answer 2: Through the Chair the Executive Manager Development Services advised that there was no statutory requirement for re-advertising minor alterations, however, submitters would receive notification.

4.2.4 Dale Schoppe, Rosewood Drive, Chittering

Question 1: With regard to the Rosewood / Reserve item, if this goes ahead will the rural residential rating [zoning] of our property change?

Answer 1: The Chief Executive Officer advised that there were no future plans to alter the land use classification "zoning" of other land.

4.2.5 Steve Vallance, Archibald Street, Muchea

Question 1: Most Councillors would be aware of the sacking of Dennis Harvey from the Muchea Brigade. Are you aware that his son and his young employee were summarily dismissed from the Muchea Brigade by text message and with no opportunity to defend themselves?

Answer 1: The Chief Executive Officer advised that they were not aware of this. The Shire had been advised that the two volunteers in questions had resigned.

Question 2: Since this is clearly not what happened who was it that told the Shire that they resigned? One of them may have resigned later but only because of this text sacking.

Answer 2: The Chief Executive Officer advised that it had been reported at BFAC by the Muchea Captain. He further advised that the matter would be followed up further.

The young men in question had driven the fire truck to Upper Swan to refuel it, removed rubbish from it, had not detailed it but it was going to be going out to a fire again.

Question 3: Is anything going to be done about the fact that the Shire had been given false report on the matter? Or is this sort of leadership going to be tolerated?

Answer 3: The Chief Executive Officer advised that the question would be taken on notice.

4.2.6 David Barnard, Santa Gertrudis Drive, Lower Chittering

Mr Barnard submitted the following questions and did not read them out:

Question 1: In view of the action taken yesterday to suspend the meeting on the grounds of interruptions, please explain why not only was I not afforded relief during the previous month's meeting but my text was deliberately excused from the minutes.

Question 2: Is Chittering Councils policy in line with the generally trusted belief that safety of the public life and property is their primary concern? But at the same time they have no concern about the proven appalling record of death, injuries and damage to property, caused by rallies run under CAMS regulations.

Answer: The Chief Executive Officer confirmed that the questions would be taken on notice.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Re 9.1.3 Proposed Scheme Amendment No. 57 Initiation – Lot 202 Wandena Road, Muchea

Mr Jadd Brown from Focus Demolition and Asbestos Removal Pty Ltd made a deputation on the Proposed Scheme Amendment No 57 Initiation.

5.3.2 Re 9.1.5 Proposed Scheme Amendment for Rezoning and Development Plan – Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering

Mr Lex Barnett from Taylor Burrell Barnett made a deputation to lend support to the Officer's Recommendation and to clarify matters in respect of the outstanding matters of the Development Plan.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 020715

Moved Cr Douglas/ Seconded Cr Rossouw

That the minutes of the Ordinary meeting of Council held on Wednesday, 17 June 2015 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

At the Ordinary meeting of Council on 17 June 2015, there were amendments made to the minutes of the 20 May 2015 Ordinary meeting of Council, however, the substantive motion was not voted on. Therefore the minutes of the Ordinary meeting of Council held on Wednesday 20 May 2015 with the amendments are now requested to be confirmed.

7.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 030715

Moved Cr Gibson/ Seconded Cr Norton

That the minutes of the Ordinary meeting of Council held on Wednesday, 20 May 2015 be confirmed as a true and correct record of proceedings with the following amendments:

1. That the words "*and agreed to its withdrawal*" be removed from page 88; and
2. That the leave of absence for Cr Norton be amended to read 16 (not 20) June 2015.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

9. REPORTS

9.1 DEVELOPMENT SERVICES

At the Ordinary meeting of Council held 17 June 2015, Council resolved to lay item '9.1.6 Retrospective Planning Approval for Conversion of Shed to Dwelling, Lot 125 Turtledove Drive, Lower Chittering' on the table for one month, to give the Proponent the opportunity to comply with the requirements associated with the conversion of the outbuilding (P118/11) to a Dwelling (P267/14).

9.1 PROCEDURAL MOTION

Moved Cr Gibson/ Seconded Cr Mackie

That item '9.1.1 Retrospective Planning Approval for Conversion of Shed to Dwelling, Lot 125 Turtledove Drive, Lower Chittering' be raised from the table.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.1 Retrospective Planning Approval for Conversion of Shed to Dwelling – Lot 125 Turtledove Drive, Lower Chittering*

Report date	17 June 2015, amended 30 June 2015
Applicant	J & S Ortin
File ref	A11300 P188/11 (Shed and Water Tank) P267/14 (Retrospective Planning Approval – Conversion of Shed to Dwelling Dwelling P268/14 (Retrospective Planning Approval – Patio Area)
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. Plans indicating the plans for the Shed (Approved 2011) 3. Pictures from Applicant indicating works undertaken in unapproved conversion of shed into a dwelling 4. Plans submitted by Applicant outlining the result of the conversion of the Shed to Dwelling with Patio 5. Officer's emails to Applicant dated 17 November 2014, 23 December 2014 requesting further information and clarifying process.

Background

Council's consideration is requested for a retrospective approval for the conversion of a non-habitable outbuilding to a dwelling at Lot 125 Turtledove Drive, Lower Chittering.

Date	Item/Outcome
2 May 2011	Planning Approval granted for a single 150m ² shed (Class 10A)
19 May 2011	Building Permit was granted for a Class 10A non-habitable building
17 September 2014	During a routine compliance check of outstanding conditions of planning approvals, it was brought to the Shire's attention that the Class 10A shed had been fitted out and was being used as a dwelling.
17 September 2014	Landowners met with Shire Officers, where they advised that they had fitted out their approved Class 10A shed with the intention of selling it as a residence (not approved).
18 September 2014	Application for retrospective Planning Approval was received for the conversion of the Class10A shed to a Class1A Dwelling
17 November 2014	Email from Shire Planning Officer to Applicant advising of outstanding information required to be submitted. The Officers email has been attached for Councils reference.
November 2014	A BA-13 Application for a Building Approval Certificate to convert the Class10A to a Class1A was lodged with the Shire along with; an Electrical Certificate and an Energy Efficiency Compliance Certificate for 7.8 Stars
19 December 2014	Meeting between landowners and Shire Officers to determine a path forward and to discuss outstanding information as detailed in email dated 17 November 2014.
23 December 2014	Follow up email was sent following the meeting held on the 19 December to clarify requirements and outstanding information required in order to progress this application. Email is attached for Councils reference (attachment 5).
17 June 2015	Application was presented to Council for its consideration, laid on the table pending further information.
15 July 2015	Application being presented to Council for consideration.

On 2 May 2011 the Shire granted Planning Approval for a 150m² (10m x 15m – outbuilding/shed), the subject of this application with a condition of approval noting that (3) *'the proposed shed is for storage purposes only and not for residential habitation'*. The Applicant had also signed a statutory declaration varying the Local Planning Policy advising that they would not use the shed for residential habitation. A Building License was granted on 19 May 2011 for a 'Class 10A – Non Habitable Outbuilding'.

Investigation by the Shire's Compliance Officer revealed the landowner had undertaken significant building works to the interior of the shed for the purposes of residential occupation and constructed patio additions and shed extension without prior approval.

As a result of the Shire's compliance actions, the landowner submitted an application for retrospective planning approval to convert the existing shed to a dwelling including the patio and shed extension.

The proposed floor plan reflects the existing fit out to the shed, although a 5m garage extension and patio has not been approved with the original shed. The landowner has also provided plans showing additions (improvements) to the existing shed to enhance the visual amenity.

The landowner is seeking approval to convert the shed to a dwelling to live on site.

Consultation

Internal consultation between the Applicant and the Shire's previous Planning Officer took place initially in November 2014.

In December 2014; the Applicant met with the Shire's Senior Planning Officer, Compliance Officer and Principal Building Surveyor and the issues discussed were reiterated via email (dated 23 December 2014) with the following key points outlined:

Consideration of Proposal

'the Shire's position for conversion of a shed to a dwelling is generally not to support given a shed is only for storage purposes (as declared by yourselves in the Statutory Declaration) and to approve a conversion sets a precedence of the Shire supporting unauthorised works and supporting the unauthorised fit out and occupation of sheds. This position is evident in a recent decision of a shed conversion that was refused at a recent Council Meeting. It will be difficult for the Shire to recommend Council to approve your proposal as it would undermine the previous decision and therefore it would be at Council's discretion, in which they have the ability, to go against the Shire's recommendation to approve it.

With the above being said if Council determine not to approve your conversion you do have the ability to have the decision reviewed by the State Administrative Tribunal (SAT) where the decision may be mediated. In this situation SAT would take a neutral stance and make their own assessment of the decision, which could either remain with the original decision or change it.

I understand with all the information the Shire has requested does seem like an effort for a proposal in which the Shire is in a difficult situation to approve however I feel you should be prepared for a decision either way and I can only comment on what we have considered previously. I can only reiterate what was suggested in the meeting, and that is to "put your best foot forward" and make the application, and all supporting documentation, as succinct as possible, in an effort to assist Council in making their decision'.

Statutory Environment

Local: Shire of Chittering Town Planning Scheme No. 6

The objectives of the Rural Residential in the *Shire of Chittering Town Planning Scheme No. 6* (Clause 4.2.6) are:

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

In the Rural Residential Zone, the *Town Planning Scheme No. 6* requires that for Planning Approval under Section 5.8.3 that:

'Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council'.

National: Building Code of Australia

It should be noted by Council that there is a significant structural difference between a Class 10A – shed and a Class 1A – Dwelling.

Class 10A, pursuant to the National Construction Code (NCC) is defined as a **Non Habitable structure**, such as a private garage, carport, shed or the like.

A Class 1A is a single dwelling, being a detached house or one of a group of two or more attached dwellings.

The NCC defines a Habitable Room as that used for normal domestic activities.

General differences

- a) Class 10A
- No damp proof membrane required under the slab.
 - No termite treatment required as the structure is generally concrete floor with steel frame. The only way to apply an effective under slab treatment is to use a 300mm “grid system” which requires core holes covering the entire slab, to ensure adequate coverage and compliance with AS 3660.1. This becomes cost prohibitive.
 - The slab is “generally” thinner, possibly 75mm, assuming the applicant is not thinking ahead about the conversion and the use is restricted to a 10a and the loads on the slab are not excessive.
 - Part 3.12 of the NCC, Energy Efficiency, will not apply to a Class 10A.
 - Smoke alarms do not apply.
- b) Class 1A
- Energy efficiency compliance is difficult to achieve in a building not designed for that purpose, (it should be noted that the applicant has supplied the Shire with confirmation that the building has met energy efficiency requirements).
 - Insulation is also a major problem as is the lack of damp proof membrane under the slab.
 - Sanitary facilities required that may not have been a problem with the shed.
 - Some weatherproofing requirements of the NCC are more stringent for Class 1A (dependent on type of construction) and the consequences of failure are more serious.

The major structural consideration with this proposed building conversion is the slab and footings as mentioned above the slab required for a Class 1A requires a membrane and needs to be thicker than for a 10A. It is considered that it may not be achievable to convert the slab and footings to a Class 1A standard and as the Applicant has not supplied details confirming it can (which have been outstanding for 6+ months now) it is considered that this is not achievable.

Policy Implications

Local: Local Planning Policy No 7 Outbuildings and Swimming Pools

Local: Local Planning Policy No 27 Living in Sheds

5. POLICY STATEMENT

5.1 *Living in sheds is prohibited;*

5.2 *Where a building permit for a dwelling is concurrently in force or an application has been lodged, Council may grant permission for occupation of a caravan on the lot for a period not exceeding 12 months;*

5.3 *The period of caravan occupancy may be extended, provided satisfactory progress is being made on the construction of the dwelling;*

- 5.4 Council approval is not required for short-term (week-end) caravan occupancy;
- 5.5 A pre-requisite for any long-term caravan occupancy is:
- a) water storage in tanks of not less than 120,000 litres capacity, as specified in Local Planning Policy No. 21 Fire Management Plans;
 - b) connection to an approved effluent disposal system;
- 5.6 Caravans used for short or long term occupancy may be stored in a shed or otherwise be provided with weather protection;
- 5.7 Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities (see also Local Planning Policy No. 7 Outbuildings).
- 5.8 Applications for caravan occupancy may be dealt with by the Chief Executive Officer under delegation issued by Council in accordance with Section 5.42 of the Local Government Act 1995.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspections have been undertaken by Shire Officers; the first site inspection which triggered the retrospective application and second inspection to view the proposal for the purpose of a thorough assessment. The inspection confirmed the subject structure is not visible from Turtledove Drive due to native vegetation and downward slope from the road. The Applicant has supplied a number of photographs indicating the works which have been undertaken in documenting the conversion of the shed to a dwelling and also the patio area (which does not have approval) as requested by the Shire. These can be viewed in attachment 3.

Triple Bottom Line Assessment

Economic implications

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

Social implications

The conversion of the shed into a dwelling provides an undesirable precedent in the Shire where it has clearly been stated that living in sheds is prohibited. Furthermore, it is considered that the support of permanent occupation of sheds would create undesirable development and amenity issues in the Shire. It is evident throughout the Shire that the general public have concerns of the negative impact on the visual amenity of their neighbourhood by sheds being occupied and the consistency of Council requirements (both planning and building) for construction of high standard dwellings in the Shire.

Environmental implications

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

Comment

Local Planning Policy No 27 Living in Sheds

The existing shed was granted planning approval as a shed (outbuilding) and a building permit as a 'non-habitable outbuilding'. The Policy was prepared and adopted to address the issues of the unauthorised 'fitout' and occupation of sheds in the Shire. To support the proposal to formalise the conversion of the shed to a dwelling would directly conflict with this Policy and its intentions and would undermine Council's direction to not support the unauthorised occupation of sheds.

Site inspection

As mentioned previously, the Shire's inspection of the site noted the existing shed structure is not visible from the road and hence the visual impact on the public is not existent. It is however visible from building envelopes on neighbouring properties, which still creates the same issues as if were visible to the general public from a road, albeit a lesser impact.

Compliance

The Shire has ongoing compliance issues with the unauthorised occupation of sheds; particularly in Rural Residential properties. Due to this issue, since the adoption of *Local Planning Policy No 7 Outbuildings and Swimming Pools* in 2008 (in particular 5.2(b)), the Shire does not accept applications for a shed on vacant land (except Agricultural Resource zoned land) and requires a building permit for a dwelling to be issued prior to or concurrently with a shed application. Whilst this does not stop landowners from building the shed prior to the dwelling, it does greatly reduce the likelihood of occupation of sheds, particularly long term occupation, and requires greater commitment by landowners to plan and build the dwellings on the property.

In regards to Lot 125 Turtledove Drive, the landowner was able to obtain planning approval for the shed prior to a dwelling in 2011 subject to a Statutory Declaration being provided stating they would not live in the shed. Since obtaining approval the landowner has undertaken significant works to the interior of the shed to make it suitable for living. Approval of the application would therefore set an undesirable precedent to approve the retrospective conversion of the shed to a dwelling, especially given the Shire's ongoing efforts to rectify the issue. This should also be considered not only in the future dealings of 'living in sheds' matter, but previous Council decisions to not support such conversions for the reasons set out in this report and the Officer Recommendation.

It is considered that there has been ample consultation between the landowners and Shire. The landowner met with the Shire's Officers on a number of occasions as detailed above. In these meetings and subsequent emails (attachment 5) it was outlined the information required by the Applicant to submit in order to proceed with the retrospective planning approval and also outlined the building requirements should planning approval be granted to avoid giving the landowners false hope (i.e. if retrospective building approval was not possible). The Shire has maintained the position at all times that the planning application would highly likely be recommended to be refused and that this application process would give the landowners the respect of due process being carried out. As detailed above there are detailed structural modifications required to achieve Class1A compliance, in addition to this, even if it were achievable to structurally meet the requirements, Council has numerous policies specifying its position not to support Class10A - shed to Class 1A- house conversions, ultimately this Class10A still has the appearance of a 10A shed not a Class 1A habitable dwelling.

In addition to the conversions of the shed to a dwelling, the application also retrospectively seeks approval for patio additions and the shed extension. The Shire considers these additions can be approved under delegated authority, however for simplicity and transparency has been incorporated into this report.

Based on the above, it is recommended that Council refuse the application for the conversion of the shed to a dwelling and patio.

9.1.1 OFFICER RECOMMENDATION

Moved Cr Douglas/ Seconded Cr Mackie

1. Refuse the retrospective approval for the conversion of the outbuilding (P118/11) to a Dwelling (P 267/14) on Lot 125 Turtledove Drive, Lower Chittering for the following reasons:
 - a. the proposal is inconsistent with *Local Planning Policy No. 27* in the following ways:
 - i. Does not meet the objective to *'ensure an adequate standard of residential accommodation'*.
 - ii. Policy Statement 5.1 states *'Living in sheds is prohibited'*.
 - iii. Policy Statement 5.7 states *'Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities'*.
 - b. the proposal contravenes Clause 5.8.3 of the Scheme:
'Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council'.
 - c. Approval of such would set an undesirable precedent to retrospectively support the unauthorised conversion of a structure approved and designed for the purpose of storage only.
 - d. Approval of such would contradict the Statutory Declaration made by the landowners stating *'no intentions to reside in the shed'* which was provided for the Shire to vary 5.2(b) of the Local Planning Policy No 7 in approving a shed on a vacant property.
2. Direct the landowner to remove all building works necessary for the outbuilding (P118/11) to comply with the approvals granted by the Shire within six (6) months to the satisfaction of the Chief Executive Officer.
3. Approve the Garage Extension (P268/14) to the outbuilding subject to the following conditions:
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.
 - b. Structure shall not be used for residential habitation.
4. Approve the 'Lean To addition (P268/14) to the outbuilding subject to the following condition:
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.

AMENDMENT

Moved Cr Rossouw / Seconded Cr Douglas

That approvals granted in 3 and 4 are subject to the fulfillment of Points 1 and 2 above.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/1

9.1.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION – 040715

Moved Cr Douglas/ Seconded Cr Mackie

1. Refuse the retrospective approval for the conversion of the outbuilding (P118/11) to a Dwelling (P 267/14) on Lot 125 Turtledove Drive, Lower Chittering for the following reasons:
 - a. the proposal is inconsistent with *Local Planning Policy No. 27* in the following ways:
 - i. Does not meet the objective to *'ensure an adequate standard of residential*

accommodation'.

- ii. Policy Statement 5.1 states *'Living in sheds is prohibited'*.
 - iii. Policy Statement 5.7 states *'Sheds may be provided with a toilet and hand basin/wash trough but no other plumbing facilities'*.
 - b. the proposal contravenes Clause 5.8.3 of the Scheme:
'Residential use will not be permitted in a building other than one approved by the Council for that purpose, except that Council may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before Council'.
 - c. Approval of such would set an undesirable precedent to retrospectively support the unauthorised conversion of a structure approved and designed for the purpose of storage only.
 - d. Approval of such would contradict the Statutory Declaration made by the landowners stating 'no intentions to reside in the shed' which was provided for the Shire to vary 5.2(b) of the Local Planning Policy No 7 in approving a shed on a vacant property.
2. Direct the landowner to remove all building works necessary for the outbuilding (P118/11) to comply with the approvals granted by the Shire within six (6) months to the satisfaction of the Chief Executive Officer.
 3. Approve the Garage Extension (P268/14) to the outbuilding subject to the following conditions:
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.
 - b. Structure shall not be used for residential habitation.
 4. Approve the 'Lean To addition (P268/14) to the outbuilding subject to the following condition:
 - a. Roofing to be tiled or pre-painted material such as the product colourbond.
 5. That the approvals granted in 3 and 4 are subject to the fulfillment of Points 1 and 2 above.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/1

9.1.2 Section 70A Notification Authorisation – Lots 5 and 62 Great Northern Highway, Bindoon*

Report date	15 July 2015
Applicant	Shire of Chittering
File ref	18/03/88
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Section 70A Notification document

Background

On 19 March 2014, the Western Australian Planning Commission granted a subdivision approval for two lots subject to several conditions. The subdivision is for two lots consistent with the layout of the Development Plan.

Condition N^o 8 of the subdivision approval requires a notification in the form of a Section 70A Notification pursuant to the *Transfer of Land Act 1893 (as amended)*, to be placed on the Certificate of Titles of the proposed lot(s). The purpose of the Section 70A Notifications is to advise the landowners that the lots that 'a reticulated sewerage service is not available to the lots'.

This report to Council is to seek authorisation from Council for the Common Seal to be affixed and for the President and Chief Executive Officer to sign the Section 70A Notification documents for their execution.

Consultation

Not applicable

Statutory Environment

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

Policy Implications

1.5 *Execution of Documents*

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

In order to satisfy Condition N^o 8 of the subdivision approval, the Applicant has provided the Section 70A Notification, pursuant to the *Transfer of Land Act 1893* (as amended) (attachment 1). The execution of this document requires the Shire President and Chief Executive Officer to sign and affix the Common Seal as a requirement of the subdivision clearance.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 050715

Moved Cr Mackie/ Seconded Cr Clarke

That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal in relation to the subdivision of Lots 5 and 62 Great Northern Highway, Bindoon on:

- 1. The Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating to a notice that ‘a reticulated sewerage service is not available to the lots’ on Lot 5 on Diagram 20541 and Lot 62 on Deposited Plan 33557.**
- 2. Any other relevant documents pertaining to subdivision WAPC 149152.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.3 Proposed Scheme Amendment No. 57 Initiation – Lot 202 Wandena Road, Muchea*

Report date	15 July 2015
Applicant	Swan Industrial Developments Pty Ltd
File ref	18/02/28; SA57
Prepared by	Stephanie Gladman, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Aerial of location for proposed Scheme Amendment2. Extract from Shire of Chittering Local Planning Strategy 2001 - 20153. Extract from Muchea Employment Node Structure Plan4. Letter of Support5. Images from site visit

Background

Council's consideration is requested to initiate a Scheme Amendment for an 'Additional Use –Industry-Noxious' on Lot 202 Wandena Road, Muchea.

The Applicant's report seeks approval for an Additional Use of 'Industry – Noxious', however due to the gazettal of Amendment No. 52 'Industry – Noxious' has been removed from the Scheme Text and therefore the Shire has assessed the appropriate use to be considered as "Landfill/Refuse Centre" which remains within the Scheme Text.

Lot 202 is comprised of 8.81ha of land and is currently zoned 'Agricultural Resource' in the Shire's *Town Planning Scheme No. 6*. The property falls within the 'Basic Raw Materials' Special Development Control Area and has been previously used by Midland Brick Pty Ltd for clay extraction (attachment 1). The property owners have undertaken some rehabilitation works of the land planting tree's however the large void dominates the land (attachment 5).

If the initiation to amend the Scheme is supported and approved, the Applicant would subsequently apply the Additional Use on Lot 202 Wandena Road to screen and crush building material to rehabilitate a large void on the site (as a result of the previous clay extraction (attachment 5)) and eventually develop it into industrial hardstand.

Consultation

Officers have met with the Applicant (and their representatives) at the Shire's office in February 2015 in addition to telephone and email consultation.

The Applicant and representative presented their proposal to Council in April 2015.

The Applicant has been in contact with surrounding landowners, with a letter of support pertaining to the long term rehabilitation of the property included in attachment 4.

If the initiation is approved, consultation with relevant public authorities and private bodies will be undertaken in accordance with the *Planning and Development Regulations 2009* so as to collect feedback in relation to the proposal and guide further decision making.

Statutory Environment

State: Planning and Development Act (2005)

75. Amending scheme

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

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

81. Proposed scheme or amendment to be referred to EPA

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

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

State: Planning and Development Regulations 2009

Local: Shire of Chittering Town Planning Scheme No. 6

Agricultural Resource Zone

4.2.3 Agricultural Resource Zone AMD 21 GG 3/4/09

- *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.*

4.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An Additional Use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in the zone that applies to the land.

Prior to the gazettal of *Scheme Amendment No. 52* the Applicant applied for the Scheme Amendment initiation to include an "Additional Use" for "Industry – Noxious".

"Industry – Noxious" was defined within the Scheme as meaning 'an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Act 1986 (as amended) and or means an industry in which the processes involved constitutes an offensive

trade within the meaning of the Health Act 1911 but does not include a Poultry Farm or piggery’.

Considering the removal of “Industry – Noxious” from the Scheme due to the gazettal of *Scheme Amendment No. 52*, the most closely aligned land use for this proposed additional use would be “Landfill/Refuse Centre”.

Landfill/Refuse Centre

means premises used in the disposal, storage and recycling of waste material.

Policy Implications

State: *Planning and Development Act 2005*

Financial Implications

Nil

Strategic Implications

Under the current Shire of Chittering’s *Local Planning Strategy 2001 - 2015*, Lot 202 Wandena Road has been identified as being a site for potential ‘*Future Industrial Zoning*’ and also falls within the ‘*Primary Clay Resources*’ area (attachment 2). The property has also been identified in the Western Australian Planning Commission’s ‘*Muchea Employment Node Structure Plan*’ for future industrial uses, located within ‘*Precinct 4 – East*’ area of the Structure Plan (attachment 3).

By initiating the Scheme Amendment to allow for the proposed use it would enable the existing void, previously used for clay extraction, to be filled and rehabilitated. Then when the time comes for the development of this area for industrial purposes as directed in the Muchea Employment Node Structure Plan, Lot 202 Wandena Road may, if approved, be finalising its rehabilitation to enable an ease into the development and establishment of industrial land uses.

Site Inspection

A site inspection was undertaken 8 July 2015 by the Shire’s Planning Officer. The officer observed that the owner had undertaken tree planning of a large portion of the site (attachment 5) which softens the extent of the large void which is proposed to be filled if the initiation to amend the Scheme is supported. The void is vast in size, with steep and soft walls and is currently filled with water.

Driving past the site, heading north along Wandena Road it would be difficult to see the large void area due to the elevated nature of the land and the trees which have been established along the road.

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

As part of the application for the Scheme Amendment, the Applicant has undertaken due diligence investigations and provided an Environmental Noise Impact Assessment in addition to a Risk Analysis. The Applicant and their consultants have liaised with the Department of Planning relating to the proposed future development who advised that ‘*the Shire of Chittering (in considering the DA) and DER (in considering*

an application for a clearing permit) would use existing controls open to the Shire with the Employment Node Structure Plan and the Shire’s Local Biodiversity Strategy’.

Initial comment was sought from the Ellen Brockman Integrated Catchment Group in relation to any environmental implications. Whilst they did not object at this stage to the type of use being proposed, they provided suggestions as to additional information which should be submitted if the initiation is supported and a development application be applied for.

Comment

The application for the initiation of a Scheme Amendment to include an Additional Use- ‘Landfill/Refuse Centre’ on Lot 202 Wandena Road, Muchea should be supported as it is a step towards providing a capacity to rehabilitating the site, which has been previously used for clay extraction, and develop it in the future for industrial uses aligned with its strategic location within Precinct No. 4 of the *Muchea Employment Node Structure Plan*.

The application was received prior to the gazettal of *Scheme Amendment No. 52* which removed the uses of ‘Industry – Noxious’ from the Scheme and therefore the accompanying report to support the initiation details the “Additional Use” as “Industry – Noxious” not “Landfill/Refuse Centre”.

Whilst ‘Landfill/Refuse Centre’ is currently an “X” use in the Agricultural Resource Zone, considering the property has been:

- previously been used for the extraction of Basic Raw Materials and there is a large existing void which would be required to have extensive filling prior to use for any industrial type land uses;
- identified for future Industrial uses in the Local Planning Strategy;
- identified in the Muchea Employment Node for Industrial land uses; and
- has a potential proponent envisaging to develop the land for a land use which is currently lacking in the Shire.

The initiation of the Scheme Amendment to have an Additional Use for ‘Landfill/Refuse Centre’ on Lot 202 Wandena Road should be supported with the modification listed below.

9.1.3 OFFICER RECOMMENDATION

That Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to support the initiation of amending the *Shire of Chittering Town Planning Scheme No. 6*, subject to modifying the proposed Additional Use from ‘Industry-Noxious’ to ‘Landfill/Refuse Centre’ by:

1. Modifying Schedule Three (3) ‘Additional Uses’ by inserting:

No.	Description of Land	Additional Uses	Conditions
A18	Lot 202 Wandena Road, Muchea	Landfill/Refuse Centre	Rehabilitation of former quarry void.

2. Amending the Scheme Map accordingly.
3. Forward the Scheme Amendment to the EPA prior to advertising in accordance with the *Planning and Development Regulations 2009*.

9.1.3 COUNCIL MOTION / COUNCIL RESOLUTION – 060715

Moved Cr Rossouw / Seconded Cr Mackie

That Council defer this item subject to the Applicant undertaking further liaison with Shire Officers in relation to possible alternatives; including, but not limited to, pursuing a Development Application for “a use not listed” or alternatively rezoning the whole site to industry in accordance with Muchea Employment Node Structure Plan.

THE MOTION WAS PUT AND DECLARED CARRIED 6/1



9.1.4 Proposed Industry 'Rural, Bagging of Manure and Compost' – Lot 12 (RN 101) Timaru Road, Muchea*

Report date	15 July 2015
Applicant	G. Jones
File ref	A5032; P130/15
Prepared by	Stephanie Gladman, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Planning Report Submitted by Applicant2. Map indicating Conservation Category and Multiple Use Wetlands3. Aerial of Lot 12 Timaru Road, Muchea4. Neighbourhood Consultation – Plan indicating extent of referral5. Schedule of Submissions6. Information from Applicant's product supplier7. Images from Site Visit

Background

The Shire received an application to establish an 'Industry - Rural' on Lot 12 (RN 101) Timaru Road (attachment 1), Muchea in the form of a sole trader undertaking the bagging of manure and compost.

The application for the 'Industry – Rural' is proposed to provide approval for the erection of a shed measuring 30m x 20m which will be used to store the manure to be bagged with an additional 20m x 10m concrete pad which is where the manure and compost will be delivered and then moved (via bobcat) to inside the shed.

The Applicant proposes to bag the manure and compost within the proposed shed and distribute the bagged products, comprising of cow and sheep manure sourced from feedlots and fully composted chicken manure to their clientele in Perth and surrounds. The product (manure and compost) is proposed to be delivered to the site on average twice a week via semi-trailers (i.e. a prime-mover with a semi-trailer (total length 19m) or prime-mover with two (2) trailers (long vehicle 27.5m).

The Applicant delivering the bagged product to customers is envisaged to be via a 4 wheel drive ute vehicle.

Lot 12 Timaru Road comprises 12.5 hectares and is zoned 'Agricultural Resource' in the *Shire of Chittering's Town Planning Scheme No. 6* and is contained within the 'Water Prone' Special Development Control Area. A conservation category wetland is located in the southern portion of the lot in addition to a multiple use wetland (attachment 2). Access to the property is via a shared battleaxe leg from Timaru Road.

Industry – Rural is considered a 'D' use in the Agricultural Resource Zone.

The aerial (attachment 3) indicates the location of an existing approved shed (and septic system) and the conservation category wetland to the south of the property in addition to the nearest residential property which is around 300m to the south west of Lot 12.

Council's consideration is requested in relation to this application.

Consultation

Advertising of the application was undertaken between 20 May 2015 and 18 June 2015. Advertising was in the form of a letter sent to nearby residents up to 900 metres away (attachment 4 –Neighbourhood Consultation), with the planning report which accompanied the application included in this (attachment 1).

The application was also referred to Chittering Landcare, the Department of Environmental Regulation and the Department of Water for their comment.

A total of 9 objections were received in relation to the application from residents with their concerns relating (primarily) to:

- Odour;
- Flies;
- Environmental Risk, i.e. groundwater contamination;
- Road Impact; and
- Safety.

Details of the submissions received, the Applicants and the Shire's Planning Officer's response to the submissions is included in attachment 5 'Schedule of Submissions'.

Statutory Environment

Local: Shire of Chittering Town Planning Scheme No. 6

4.2.3 Agricultural Resource Zone AMD 21 GG 3/4/09

- *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.*

Industry - Rural means-

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

6.3 WATER PRONE AREA – ELLEN BROOK PALUSPLAIN

6.3.1 *Land subject to Inundation or flooding are delineated on the Scheme Map. Planning Approval is required for any development within the Special Control Area.*

6.3.2 Purpose

- a) To manage development in areas where there is high risk of inundation so as to protect people and property from undue damage and where there is a potential risk to human health.*
- b) To preclude development and the use of land which may increase the amount of nutrients from entering the surface and/or sub-surface water systems. Shire of Chittering TPS 6 Page No. 33*
- c) To ensure that wetland environmental values and ecological integrity are preserved and mentioned.*

6.3.3 Planning Requirements

The Local Government will impose conditions on any Planning Approval relating to-

- a) the construction and occupation of any dwelling or outbuilding;
- b) the type of effluent disposal system used in this area shall be high performance with bacterial and nutrient stripping capabilities to the specifications of Council and the Health Department and shall be located in a position determined by Council.;
- c) minimum floor levels for any building above the highest known water levels;
- d) any land use that may contribute to the degradation of the surface or subsurface water quality.
- e) no development other than for conservation purposes will be permitted within 30 metres of any natural water body;
- f) damming, draining or other developments which may alter the natural flow of surface water will not be permitted unless such works are part of an approved Catchment Management Plan.

6.3.4 Relevant Considerations

In considering applications for Planning Approval, the Local Government shall have regard to-

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

Policy Implications

State: *Planning and Development Act (2005)*

Local: *Shire of Chittering Town Planning Scheme No. 6*

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

The Planning Officer undertook a site inspection on 8 July 2015. Observations of the property indicated that the lot was very sandy in nature and had been used previously for grazing.

An existing, approved shed is located in the north-west corner and is on an elevated pad.

The proposed shed is to be located in the far-east corner (attachment 5) and is quite a distance from the Conservation Category Wetland.

The entrance to the battleaxe leg would need to be upgraded which will include widening to enable safe delivery of the product as too significant improvements to the battleaxe drive (attachment 5).

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

Liaising with Chittering Landcare, they indicated that the proposed shed is positioned in a suitable setback to the conservation category wetland (attachment 5 'Schedule of Submissions') but would require the applicant to adhere to comprehensive conditions to minimise any environmental impact.

Comment

The application subject of this report proposes to establish an 'Industry - Rural' on Lot 12 (RN 101) Timaru Road (attachment 1), Muchea in the form of a sole trader undertaking the bagging of manure and compost, the construction of a shed (30m x 20m with an additional 20 x 10m concrete apron) is required for this proposed use and also makes part of this application. Industry – Rural is considered a 'D' use in the Agricultural Resource zone land use in the *Shire of Chittering's Town Planning Scheme No. 6*.

Consultation

Nine (9) submissions were received from local residents in the form of objections, with the Applicant addressing the concerns in the Schedule of Submissions (attachment 5). Their key concerns were in relation to the following:

- Odour;
- Flies;
- Environmental Risk, i.e. groundwater contamination;
- Road Impact; and
- Safety.

In addressing the above, the officer's comments provides the following

Odour

The Applicant has addressed the issue of odour in the Schedule of Submission (attachment 5) as too the Applicant's supplier (attachment 6) stating that *'the finished compost smells like soil as all of the ammonia has been converted to nitrates and nitrites by the microbes'* (email 21/5/2015).

Furthermore, the manure and compost will be stored in a sealed shed, unlike the manure at nearby chicken farms which are stockpiled frequently and are fully exposed to the elements.

Under the *Shire of Chittering's Health Local Law 1998*, the Applicant is required to adhere to stringent conditions pertaining to nuisance such as odours and the like to prevent or diminish the offensiveness of a trade or to safeguard the public health.

It is considered should Council grant approval, it should impose a condition of approval requiring compliance with the management plan included in the application and the Shire's Health Local Law.

Sourcing of Manure and Compost

The Applicant in providing further information to the Shire's Officer has outlined the following in relation to their methodology in sourcing of manure and compost (refer attachment 5).

The compost is sourced from a business in the Shire of York. The proprietor states that:

"The compost ingredients is 50% sheep manure, 30% straw, and 20% broiler litter.

The product starts at a 25:1 CN ratio and finishes at about 7:1 . It remains at 55% moisture throughout. It stays between 55 - 70 degrees Celsius for around 40 days then enters a minimum maturation for 30 days before being sold. The compost gas remains above 5% oxygen and below 20% carbon monoxide to keep it aerobic. If my gas meter or thermometer show that the compost mix is outside any of the aforementioned parameters then the compost gets "turned" with a windrow machine.

The finished compost smells like soil as all of the ammonia has been converted to nitrates and nitrites by the microbes".

The manure products (cattle and sheep) is sourced from feedlots. The Applicant has advised that:

"All the manure that I buy is sourced from feedlots to provide my customers with a product that will not introduce weeds into their gardens. The digestive systems of sheep and cattle will not break down seeds, so any seeds consumed will remain in the manure and germinate.

The sheep/cattle that produce the manure that I supply are fed solely on pellets which are produced by crushing and steaming the grass/grain. This process eliminates the ability of the seeds to germinate preventing the spread of unwanted plant species" (email dated 18/6/2015).

Flies

In liaising with Chittering Landcare, they advised that to minimise fly risk and the effect on adjacent land owners, that a William Trap may be installed to mitigate any issues (attachment 5 'Schedule of Submissions'). Further to this, the Shire's Principal Environmental Health Officer contacted Dr David Cook, Etymologist (fly expert) who is contracted to the Department of Agriculture for the stable fly program and also Don Telford at the Department of Agriculture. In an email dated 25 May 2015 Dr Cook states *"we are of the opinion that the processing of the chicken manure in low proportion mixed with other manures and composted in the manner described below is sufficient treatment and should abate any potential fly breeding"*.

Environmental Risk

Whilst it is acknowledged that Lot 12 Timaru Road has both a conservation category and multiple use wetland, the proposed shed is envisaged to be setback around 80-90 metres from the conservation category wetland which generally is required a 100m setback. The proposed shed and concrete pad used to receive deliveries are envisaged to be constructed on an elevated concrete pad to the engineer's specifications for land within water prone areas.

Runoff from the 20 x 10 concrete pad will be directed into a collection and treatment system approved by the Department of Health.

Comment sought from the Department of Water indicated that the application be referred to the Department of Parks and Wildlife to ensure sufficient separation distance between the proposal and the wetland. Verbal discussion with the Department of Water and the Principal Environmental Health Officer indicated that they were agreeable to the proposal provided that no wastewater was disposed directly to ground.

Comment was also sought from the Department of Environmental Regulation however a response was not received prior to the completion of this report after significant engagement with the Department to have a response provided.

Road Impact

Whilst it is acknowledged that there will be some impact on the road from the deliveries, the Applicant has noted on average, deliveries of the product (un-bagged) to Lot 12 Timaru Road is envisaged to be less than 2 semi loads per week. Additionally the property is located 1km from the intersection of Brand Highway which means that a considerable portion of Timaru Road should not be used or affected by the vehicles used for deliveries. It is considered that the vehicles and movements proposed as part of this application would not impact the road above any other normal rural activity that occurs in this area.

In respect to the battleaxe access, the Applicant has advised of their willingness (attachment 5 'Schedule of Submissions') to engage in upgrading it to a higher standard than what currently exists.

Should Council grant approval, it is recommended that a condition be imposed requiring the applicant to upgrade the crossover accessway and any delivery areas to the satisfaction of the Chief Executive Officer.

Operations

In the report submitted with their application for planning approval (attachment 1) the Applicant outlined the basis of the operations of the business, indicating that he is the sole operator, with the possibility of an additional employee to help during busy periods.

Deliveries of the bagged product would be made from the property by the owner.

The Applicant has outlined the hours of operations as Monday to Saturday 7am – 6pm, with a large degree spent on deliveries with bagging possibly occurring 2 or 3 times per week.

The Applicant has also provided the following information in relation to the proposed Annual Manure Consumption and Stored Amounts:

"Based on current levels this is my approximate annual usage:

- Cow Manure 300m³
- Compost 350m³
- Sheep Manure 1500m³

I have a very good supply of all 3 products so would not have the need to stockpile so the amounts below are absolute maximum amounts for unbagged product:

- Cow 30m³
- Compost 20m³
- Sheep Manure 60m³

I would envisage a maximum of 600 bags in stock at any time although in reality this figure would be closer to 200 most of the year. This equates to a maximum of 50m³" (email dated 21 May 2015).

Due to concerns raised in the public submissions it is recommended that should approval be granted a condition be imposed restricting all activities during rainy periods to reduce the likely nature of moisture getting into the manure.

Conclusion

The application to construct a shed (20 x 30m including a 20 x 10m concrete apron) and allow for an additional use for 'Industry – Rural' on Lot 12 Timaru Road Muchea should be approved based on the following:

- The use of bagging manure and compost meets the objectives outlined in the definition of 'Industry – Rural' in that it is '*an industry handling, treating, processing or packing rural products*';
- The product (manure and compost) will be stored in a sealed shed which is 300m from the nearest residential dwelling;
- The proposed shed is of a sufficient setback to the conservation category wetland;
- The proposed shed and concrete pad for deliveries will be elevated on a sand and concrete pad to ensure that the product delivered and stored does not come in contact with the ground; and
- Liaison with referral authorities (such as Chittering Landcare) and other health professionals advised that the establishment of such a business should not significantly enhance already established issues (i.e. odour, flies) however strict conditions and compliance of such would need to be implemented to ensure no adverse effects to surrounding properties and the wetlands and ground water.

It is considered that the proposed land use is suitable for this area and will not impact surrounding landowners above what is normally experienced in a rural area.

9.1.4 OFFICER RECOMMENDATION

That Council grant temporary planning approval for 5 years for the proposed 'Industry – Rural' at Lot 12 (RN 101) Timaru Road, Muchea subject to the following conditions:

1. Planning permission is granted for the construction of a 20m x 30m Agricultural Shed in addition to a 20 x 10m concrete apron.
2. The shed is to be constructed with gutters and downpipes with all stormwater managed onsite.
3. Stormwater is to be collected in a minimum 20,000L tank for dust suppression.
4. The shed is to be constructed within the setback requirements for Agricultural Resource zoned land including a minimum 80m setback from the Conservation Category Wetland.
5. The proposed shed and concrete pad are to be built on an elevated sand pad and concrete pad to the satisfaction of the Shire's Principal Building Surveyor.
6. The Applicant is to construct an industrial crossover within 3 months of approval being granted prior to the construction of the shed and deliveries of products to the satisfaction of the Chief Executive Officer.
7. The Applicant is to submit a staged plan for the resurfacing of the battle-axe leg to the satisfaction of the Chief Executive Officer with its implementation within 3 months of approval being granted.
8. The Applicant is to have an average of 2 deliveries (delivered by vehicle no longer than 27.5metres) of the product per week with any additional deliveries requiring additional planning permission.
9. The hours of operation are to be Monday to Saturday; 7.00am – 6.00 pm.
10. All loads are to be delivered covered and transferred inside the shed as soon as practicable.
11. The Applicant is to install 2 x William Traps (for stable fly) prior to the delivery of manure and compost onto Lot 12 Timaru Road.
12. Deliveries and loading is not to be undertaken on days of high winds or high rainfall.

Advice Notes

1. All bagged products are to be correctly labelled as per Department of Health requirements.
2. The delivery pad is to incorporate a wastewater collection system capable of preventing wastewater entering the surrounding environment.
3. The wastewater collection and treatment system is to be approved by the Department of Health.

4. The premises are to be registered annually as an “Offensive Trade” under the provisions of the *Health Act 1911* and the *Shire of Chittering Health Local Law 1998* subject to payment of the prescribed fee and satisfactory compliance with Conditions of Approval.
5. The Shire’s Principal Environmental Health Officer to issue relevant conditions of operation to control nuisances relating to dust, odour and the storage of materials.
6. Noise levels are to comply with the requirement of the *Environmental Protection (Noise) Regulations 1997*.

9.1.4 COUNCIL MOTION / COUNCIL RESOLUTION – 070715

Moved Cr Norton / Seconded Cr Mackie

That the item 9.1.4 ‘Proposed Industry ‘Rural, Bagging of Manure and Compost’ – Lot 12 (RN 101) Timaru Road, Muchea’ be deferred to the August 2015 Ordinary Council Meeting.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Cr Hawes declared an impartiality interest in item 9.1.5 as Chairman of the Ellenbrook Integrated Catchment Group (EBICG).

9.1.5 Proposed Scheme Amendment for Rezoning and Development Plan – Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering*

Report date	15 July 2015
Applicant	Taylor Burrell Barnett Town Planning and Design
File ref	18/02/27; 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	<ol style="list-style-type: none">1. Ordinary Council Minutes 18 February 2015 (item 9.1.7)2. Applicant submission outlining support for proposal3. Locality Plan4. Proposed Development Plan5. Existing endorsed Development Plan6. Schedule of Submissions7. EPA Referral Comment8. Consultation Plan

Background

Council's consideration is requested for a proposed Scheme Amendment for rezoning and Development Plan for Lot 2 Reserve Road and Lot 9001 Rosewood Drive, Chittering.

Council at its 18 February 2015 Ordinary Council Meeting determined to initiate the Scheme Amendment:

9.1.7 COUNCIL RESOLUTION – 090215

Moved Cr Douglas/ Seconded Cr Mackie

That Council:

1. *In pursuance of section 75 of the Planning and Development Act 2005, resolves to initiate an amendment to the Shire of Chittering Town Planning Scheme No 6 by:
 - a. Rezoning Lot 2 Reserve Road, Chittering from "Rural Residential" to "Residential R2";
 - b. Rezoning Lot 9001 Rosewood Drive, Chittering from "Rural Residential" to "Rural Conservation"; and
 - c. Amend the Scheme Map accordingly.*
2. *Advise the Applicant that prior to endorsing the Development Plan, the Applicant enter into a Deed of Agreement with the Shire in relation to the provision of Community Infrastructure including Public Open Space, playing equipment, BBQ and ablution facilities on Lot 2 Reserve Road, Chittering. This Deed of Agreement shall be prepared by the Shire's solicitors and costs associated with the Deed of Agreement will be at the cost of the Applicant.*
3. *Numbers the proposed amendment as 'Amendment No 55' of the Shire of Chittering Town Planning Scheme No 6 and forwards to the Environmental Protection Authority for assessment in accordance with Section 81 of the Planning and Development Act 2005, prior to advertising in accordance with the Town Planning Regulations 1967.*
4. *Advise the Applicant that a reticulated potable water supply must be provided by a licensed water service provider, licensed under the provisions of the Water Services Act 2012, and connected to all lots for domestic and firefighting purposes.*
5. *Advise the Applicant to undertake a bushfire hazard assessment prior to considering the Development Plan, Local Biodiversity Strategy and Fire Management Plan for the Council's further consideration.*

6. *Advise the Applicant that multiple conservation lots are not supported and should only be of a single title.*
7. *Advise the Applicant that development provision 10 is to be deleted and replaced with the following:*

“A Bush Fire Management Plan in accordance with the Western Australian Planning Commissions’ relevant Bush Fire Management Plan policies, is to be prepared to accompany any future subdivision application to the satisfaction of the local government and relevant State Authority for Fire and Emergency Services. Land subject of this Development Plan is considered to be in a designated ‘Bushfire Prone Area’ for the purposes AS 3959 (as amended) – Construction of Building in Bushfire Prone Areas.”

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

Following Council’s initiation, the Shire referred the Scheme Amendment to the Environmental Protection Authority (EPA), to which the proposal was determined not to be assessed but provided comments on the proposal (attachment 7). Following EPA’s advice, the Scheme Amendment and Development Plan was advertised as detailed in the ‘Consultation’ section below.

It should be noted the Applicant has revised the Development Plan from what Council considered for initiation and has provided a draft Fire Management Plan. The changes to the Development Plan modified the 2 large Conservation lots to 1 large Conservation lot and reconfigured the general lot layout of Lot 9001 for the reasons set out in the Applicant’s submission (attachment 2).

Consultation

External

The Shire advertised the Scheme Amendment concurrently with the Development Plan in accordance with the *Planning and Development Regulations 2009*. The advertising period was 42 days concluding on 22 May 2015.

The following methods of consultation were undertaken by the Shire:

- i. Referral letters to relevant agencies;
- ii. Referral letters to likely affected landowners (Consultation Plan – Attachment 8);
- iii. 2 advertising signs at the subject properties;
- iv. The Advocate newspaper advertisement;
- v. The West Australian newspaper advertisement; and
- vi. Shire website advertisement.

A Schedule of Submissions has been attached to this report (attachment 6).

Internal

Jamie O’Neill – Community Emergency Services Manager
Bronwyn Southee – Executive Manager Development Services

Statutory Environment

State: *Planning and Development Act 2005*
Planning and Development Regulations 2009

Local: Shire of Chittering Town Planning Scheme No 6

The subject lots are currently zoned "Rural Residential". The objectives of the zone are:

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

The proposal is to rezone the properties to "Residential R2" for Lot 2 Reserve Road and "Rural Conservation" for Lot 9001 Rosewood Drive.

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 5000m²*
- *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'.

Policy Implications

State: Planning for Bush Fire Protection Guidelines

Liveable Neighbourhoods 2009

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 this application.

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

The Applicant has submitted a Development Plan and report consistent with LPP 32.

Financial Implications

Nil

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.

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

Shire Officers inspected the site with the landowners and Department of Planning Officers.

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 economic benefit to the Shire.

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.

Environmental implications

The public submissions and submission from the Ellen Brockman Integrated Catchment Group raise strong concerns the development (particularly Lot 9001) will have significant impact on wildlife habitat and clearing of vegetation identified for conservation.

Comment

Public Open Space

Council's 18 February 2015 Resolution (outlined in the 'Background' of this report) supported the initiation of the proposed rezoning and one condition of this Resolution required a Deed of Agreement for the POS development to be entered into prior to Council considering endorsing the Development Plan. The Deed has not been progressed by the Applicant at this point, however the Shire has investigated this matter and can confirm the provision of Public Open Space (POS) in residential areas is a State Policy requirement (DCP 2.3) and is not required to be secured through a Deed of Agreement. It is understood this was placed as a

condition due to the Shire's previous dealings with Rural Residential developments where POS is not a requirement of subdivision however the proposed development is for 'Residential R2' and DCP 2.3 is applicable. The POS requirement has been confirmed with the Department of Planning.

The Shire has discussed the Deed requirement with the Applicant and the Applicant fully supports the requirement of a Deed to provide Council with assurance the developer has every intention to provide and develop the POS. The Shire therefore recommends a Deed be progressed detailing the commitment of the developer to providing and developing the POS with community infrastructure, however allow for the Development Plan to progress without the finalisation of the Deed due to the POS being secured through State Policy.

Town Planning Scheme

The Scheme Amendment proposes Lot 2 to be rezoned to 'Residential R2' and Lot 9001 to 'Rural Conservation'. Lots 2 and 9001 are currently zoned 'Rural Residential' with existing endorsed Development Plans and subdivision approvals.

Due to the provision of a reticulated potable water supply and no known environmental issues, rezoning Lot 2 to 'Residential R2' is considered to be appropriate and meets the objectives of that zone. The Shire acknowledges public submissions making comment on the smaller 5,000sqm lots not fitting in the area, however the Shire believes the lack of remnant vegetation on Lot 2 and provision of road connections with the adjoining estate generally meet the zone objectives.

The rezoning of Lot 9001 to 'Rural Conservation' is supported for the reason of providing better conservation opportunities for the site which is identified in the Shire's Local Biodiversity Strategy. On this basis the Shire believes the Scheme Amendment to rezone the subject lots should be supported.

Local Planning Strategy (LPS)

The Shire has not identified Residential R2 development outside of the Bindoon Townsite area in the LPS due to the unavailability of a reticulated potable water supply. The Applicant however has the opportunity to provide a reticulated potable water supply to the proposed development using the existing water licence allocation (subject to ERA approval) with the landowner. The landowner has expressed interest in providing reticulated water supply for the Muchea Employment Node if the opportunity arises.

While the current Strategy identifies the site for 'Rural Residential' development, the Shire's draft Strategy (currently under review) incorporates the Local Biodiversity Strategy IHCVA's into the document and is updated to include the more recent 'Rural Conservation' zone. This has resulted in Lot 9001 being altered on the LPS Map to Rural Conservation to respond to the Local Biodiversity Strategy.

Local Biodiversity Strategy

Lot 9001 is an IHCVA and the remnant vegetation is rated as being in very good condition. The vegetation complex on Lot 9001 is identified as being protected at less than 10% regionally and therefore a minimum of 30% should be protected for any development to meet the protection targets and objectives (Principles) of the Local Biodiversity Strategy.

Lot 9001 is proposed to be rezoned from 'Rural Residential' to 'Rural Conservation' to respond to the biodiversity assets of the site. The existing endorsed Development Plan and current subdivision approval for Rural Residential lots would not meet the objectives and targets of the Biodiversity Strategy.

Bush Fire Management

The Applicant has submitted a draft Bush Fire Management Plan (BMP) as requested by the Shire. The Shire's Community Emergency Services Manager has reviewed this document (detailed in 'Consultation' section of this report). It has been assessed the BMP generally complies with the information required by the Bushfire Guidelines and *Local Planning Policy No 21* with some minor changes required. As a BMP is required by condition of subdivision, the fine minor details of it can be dealt with at a later date however the document has been requested to ensure the proposed development of the site can occur in compliance with the Bushfire Guidelines.

The bush fire hazard of the site is a requirement to assess whether the subject site should be developed or if the proposed development is suitable to the corresponding assessed hazard level. The principles of the Bushfire Guidelines aim to avoid development in extreme hazard areas however the site is subject to current subdivision approvals for Rural Residential lots and therefore consideration must be given as to what provides the best outcome. The Council Report for the 18 February 2015 initiation outlined the Shire's expectation that the BMP/hazard assessment should include consideration of surrounding hazards. The Shire's CESM has reviewed the BMP and does not agree this has been accounted for. It is recommended this be revised prior to the Development Plan being considered.

One aspect which the BMP does not make clear is how the bush fire fuel loads were determined. The default fuel load for the vegetation on Lot 9001 is 25t/ha however the BMP states it to be 6-8t/ha with landowner management. The Shire considers the fuel load assessment to be critical as it will determine the level of clearing (and fuel load reduction) which will directly impact the biodiversity targets and objectives for Rural Conservation development. It is recommended a Fuel Load Assessment across Lot 9001 be undertaken prior to the Development Plan being considered.

Officer Recommendation

As stipulated above the Shire considers the following recommendations should be actioned by the Applicant:

- 1. Revise the BMP to take into account the hazard assessment of surrounding bush as identified in Council's 18 February 2015 Agenda report.*
- 2. The draft BMP mentions various fuel loads of Lot 9001. To ensure accuracy the Shire recommends a Fuel Load Assessment be carried out. This will provide current fuel loads (not documented by vegetation type fuel loads) and will provide the Shire with the necessary information to assess the extent of vegetation clearing/reduction for Hazard Separation Zones and its impact in connection with the Local Biodiversity Strategy (as well as concerns raised by the Ellen Brockman Integrated Catchment Group).*
- 3. Revise the BMP to the satisfaction of the Shire's Community Emergency Services Manager, including such matter as addressing the fire hydrant/backup water supply options (i.e. water tanks), reflect the Shire's Firebreak Notice and consider additional emergency egress north to Old Gingin Road.*

Submissions

As mentioned in the 'Consultation' section of the report, the Scheme Amendment and Development Plan were advertised concurrently. This was done to avoid duplication and to provide residents with an overall view of the proposed development. All the submissions have been tabled in the Schedule of Submissions (attachment 6) and a Consultation Plan (attachment 8) indicates the residents that were sent a letter.

Public

In total there were 10 public submissions of which all objected to the proposal. The common reasons of objection and concerns made were generally regarding the proposed Development Plan, which included:

- i. 5,000sq m lots being far too small for the area;
- ii. Significant clearing and impact of vegetation on Lot 9001;
- iii. Proposal doesn't fit with the Chittering Rise estate;
- iv. Development would result in increase in antisocial behaviour;
- v. Increased traffic is undesirable; and
- vi. Impact on the groundwater table for domestic bore users.

Agency

The Shire received 5 agency submissions. DPaW supported the shift to the Rural Conservation type development but expressed concern of dieback management. The Ellen Brockman Integrated Catchment Group did not support the development of Lot 9001 due to the significant impact on the conservation value vegetation and requested an Environmental Management Plan to be prepared. Main Roads WA did not support the development until such time as a Traffic Impact Statement was prepared and assessed to allow the consideration of the increased traffic on existing road infrastructure and strategic plans. Department of Water requested a Local Water Management Strategy be submitted which would support an Urban Water Management Plan at subdivision stage. The Department of Fire and Emergency Services had no comment but advised the Shire as the responsible authority for fire protection matters.

Officer Recommendation

The Shire acknowledges the public objections and concerns which generally relate to the proposed design of the Development Plan and smaller lots of the Residential R2 zone. The Shire considers the Residential R2 zone is appropriate for this site as the supporting report and documentation for both the rezoning and development plan clearly state that through certain management measures such as the provision of a reticulated water service, retention of existing vegetation (in accordance with the Biodiversity Strategy) and implementation of exclusion zones the proposed lot size's (minimum 5000m²) can be accommodated on this land. It is considered that the rezoning of Lot 9001 from Rural Residential to Rural Conservation is considered to result in a better outcome for the protection of vegetation and biodiversity values than what is currently approved on the site.

MRWA have objected to the Scheme Amendment until a Traffic Impact Statement (TIS) is submitted and addresses traffic management and road upgrade measures. The Department of Water have requested a Local Water Management Strategy (LWMS) be undertaken, which later feeds into the preparation of an Urban Water Management Plan for the subdivision of the site. The Ellen Brockman Integrated Catchment Group (EBICG) have stated their objection to the Scheme Amendment until a number of environmental concerns are addressed (as per Schedule of Submissions).

The Shire recommends:

- The TIS and associated documentation to satisfy MRWA requirements be undertaken prior to the Development Plan being considered by Council (as opposed to deferring the Scheme Amendment for rezoning) as the Development Plan determines the lot yield and facilitates subdivision of the land.
- The Applicant prepare and submit a LWMS to the Department of Water prior to the Development Plan subject to the same reasons outlined above.
- The Shire assess the concerns of the EBICG with the consideration of the Development Plan and include a provision on the Development Plan for an Environmental Management Plan.

It is considered this is a reasonable way forward to progress the overall development with respect to the requirements and expectations of the relevant agencies. It is considered the proposed zones are appropriate for the site however concerns with the Development Plan need to be addressed.

During the Shire officer's assessment of the Development Plan and Scheme Amendment documentation, it was also determined that a number of minor amendments are also required to be made to the Development Plan, including removal of building envelopes in the residential zone and replacement with exclusion zones and inclusion of a provision requiring compliance with AS3959. These minor amendments will be required to be made prior to the Development Plan being referred to Council for final consideration.

Conclusion

As mentioned above, the consideration of the Development Plan is to be deferred until a TIS, LWMS and minor amendments are made to the Development Plan. The Scheme Amendment to rezone the subject land can still be considered by Council separate to the Development Plan, but due regard should be given to the Development Plan as it should complement the zoning. Furthermore the Shire has assessed the Scheme Amendment and Development Plan in light of the existing endorsed Development Plan and current subdivision approval for Rural Residential.

The Shire considers the proposed rezoning to Residential R2 and Rural Conservation to be a more suitable outcome than the current Rural Residential zone. The Residential R2 zone makes provision for reticulated potable water supply which is considered to be a valuable and scarce commodity in the Shire and its benefits could be spread into the region. Further to this the land proposed for Residential R2 zoning contains minimal remnant vegetation and has been used for wildflower production. It is not believed the change in minimum lot size from 1 hectare (Rural Residential) to 5,000sqm is detrimental to the area. The proposed Rural Conservation zoning for Lot 9001 better responds to the conservation value vegetation classification of the site than the current Rural Residential zone and existing subdivision. The Rural Conservation zone allows for more clustered development to limit the impact and fragmentation of vegetation and puts in measures (conservation covenants) to protect the vegetation from excessive clearing to assist in preserving biodiversity values. Whilst the Shire's preference for IHCVA's is to remain as a single lot, strong consideration must be given to the existing approvals for the site which are still current. The Shire believes the proposed development provides a good balance when comparing the existing zoning/subdivision approval and to what is proposed.

Officer's Recommendation

It is the Officer's Recommendation that Council support the proposed Scheme Amendment to rezone Lot 2 Reserve Road to 'Residential R2' and Lot 9001 to 'Rural Conservation' and inserting Lot 9001 into Schedule 12 to set out conditions of the 'Rural Conservation' land subject to the inclusion of 'no livestock' being inserted for clarity.

The Shire has recently engaged McLeods to prepare the Deed relating to community infrastructure of the proposed POS which was required by Council's 18 February 2015 Resolution. The delay in the preparation of the Deed was not the intention of the Applicant and a written undertaking has been provided to the Shire for their commitment to the Deed, all costs and development of the POS. The Shire considers the Deed does not need to be executed prior to consideration of the Development Plan (as mentioned in above comments due to DCP 2.3) but acknowledges it must progress expediently.

The Shire recommends that the consideration of the Development Plan should be supported by further information to clearly address concerns raised in the advertising process and to allow the Shire to fully assess the Development Plan for Council's endorsement as listed in the Officer's Recommendation below.

9.1.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 080715

Moved Cr Gibson/ Seconded Cr Rossouw

That Council:

1. In pursuance of section 87 of the *Planning and Development Act 2005* and regulations 17(2)(a) and 25 of the *Planning and Development Regulations 2009* resolves to adopt Scheme Amendment No 55 with the following modification:
 - a. Insert condition in Schedule 12 stating 'no livestock permitted'.
2. Amend the Scheme Map accordingly.
3. Forward the Scheme Amendment to the Western Australian Planning Commission.
4. Defer final consideration of the Development Plan until the applicant provides the following information:
 - a. Amendments to Bushfire Management Plan as specified by the Community Emergency Services Manager.
 - b. 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.
 - c. A Local Water Management Strategy (LWMS) being prepared and submitted to the satisfaction of the Department of Water.
 - d. And any other minor amendments considered required by Shire Officers.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 30 June 2015*

Report date	15 July 2015
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Financial Statements for period ending 30 June 2015
Attachments	1. Statement of Financial Activity for period ending 30 June 2015 Bank reconciliation for period ending 30 June 2015 List of accounts paid for June 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 June 2015, financial statements, bank reconciliation and list of accounts paid for the period ending 30 June 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.

It is to be noted that these financial statements are not the final statements for the 2014-2015 financial year as further adjustments will be required for yearend accruals.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 090715

Moved Cr Douglas/ Seconded Cr Mackie

That Council:

1. endorse the list of payments:
 - a. PR3535
 - b. PR3539
 - c. EFT 11079 - EFT 11223
 - d. Municipal Fund Cheques 13905 – 13927
 - e. BPV53 – BPV53
 - f. Direct Debits and Transfers as listed
 - g. Trust Fund Cheques 462 - 464totalling \$1,268,855.79 for the period ending 30 June 2015.
2. receive the bank reconciliation for the period ending 30 June 2015.
3. receive the financial statements for the period ending 30 June 2015.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.2 Community Sporting and Recreation Facilities Fund

Report date	15 July 2015
Applicant	Shire of Chittering
File ref	15/01/15
Prepared by	Karen Dore, Economic Development/Communications Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Council is requested to prioritise grant applications for Community Sports and Recreation Facilities Fund Grants (CSRFF).

CSRFF funding for the 2015-2016 financial year, through the Department of Sport and Recreation (DSR) is currently open for sporting clubs. Part of the application procedure is for all submissions to be assessed by the Local Government Authority (LGA) and ranked in order of priority. The applications are then forwarded to DSR for their consideration. The deadline for these applications to be received by DSR is Friday 28 August 2015.

The Economic Development/Communications Officer liaised with the DSR representative, Ms Jannah Stratford, on 26 June 2015 to discuss the three possible projects:

- (i) Bindoon Cricket Club – Replacement Practice Nets, estimated cost \$20,000
- (ii) Lower Chittering Cricket Club – Replacement Cricket Wicket, estimated cost \$20,000
- (iii) Shire of Chittering – Chittering Regional Sports Project Feasibility Study, estimated cost \$90,000

Following further consultation with the two cricket clubs the Shire of Chittering proposes to lodge one application, for the preparation of a Chittering Regional Sports Project Feasibility Study.

A further application will be lodged in the Summer round of 2015-2016 for the Lower Chittering Cricket Club and another application in the Winter round of 2016-2017 for the Bindoon Cricket Club.

Consultation

Bindoon Cricket Club

Community, through the Chittering Sport and Recreation Plan 2012-2022

Community, through the Chittering Strategic Community Plan 2012-2022

Jenifer Collins and Jannah Stratford – Department of Sport and Recreation

Lower Chittering Cricket Club

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council has made a provision of \$90,000 for the proposed project during the 2015–2016 budget considerations, to be funded by \$25,000 CSRFF funding and \$65,000 transfer from Reserve.

Strategic Implications

Strategy:	Develop recreational areas for future generations
Key priority:	Explore options to build a multipurpose recreational centre(s)
Measurable result:	Undertake feasibility study to establish community needs for new sporting facilities
Timeframes:	0-10yrs

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no significant economic implications associated with this report.

Social implications

There are no significant social implications associated with this report.

Environmental implications

There are no significant economic implications associated with this report.

Officers Comment

DSR have two rounds of funding per year. This round's applications have to be submitted by Friday 28 August 2015. There is one application for this round which is required to be endorsed by Council. A copy of the Council Minutes confirming financial contributions must be included with the application form.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 100715

Moved Cr Rossouw/ Seconded Cr Gibson

That Council endorses a Priority 1 ranking for the application to prepare the Chittering Regional Sports Facility Feasibility Study and confirms that \$65,000.00 (excluding GST) is available for this project subject to grant approval from the Community Sporting and Recreation Facilities Funding Round 2015-2016, by the Department of Sport and Recreation.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Prior to Council considering the item 9.3.3 the CEO advised the meeting that the Officer recommendation had been amended to include the following:

Subject to the following amendments:

- 1) *Council, pursuant to Section 6.47 of the Local Government Act 1995 provide a concession to cap the 2015-2016 rate increase on all properties to a maximum of \$300.*
- 2) *Note 8 of the 2015-2016 Annual Budget be amended to reflect the concession granted.*
- 3) *Note 12 of the 2015-2016 Annual Budget be amended to list all of the individual properties that will receive the concession and provide the reasoning behind the concession.*
- 4) *An expense line item be included under operating revenue of Schedule 3 in the Operating Statement to account for the concession of \$186,586.*
- 5) *That the following items be amended in the 2015-2016 Draft Budget;*
 - i. Remove GP Contribution GL Expense 16012: \$20,800*
 - ii. Reduce Transfer to Waste Reserve GL Expense 27034 by: \$55,786*
 - iii. Remove Purchase of St John Ambulance Building GL Expense 16004: \$380,000*
 - iv. Remove Sale of Portion of Lot 5 Great Northern Highway GL Expense 16025: \$270,000*

9.3.3 Adoption of the 2015-2016 Budget*

Report date	15 July 2015
Applicant	Shire of Chittering
File ref	12/07/3
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. 2015-2016 Draft Budget

Background

Local Governments must prepare annual budgets in the format prescribed in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

The Shire of Chittering commenced the 2015-2016 budget process in March 2015. At this time members of the public were invited to seek sponsorship and submit requests for works and services to be considered during the budget deliberations.

Shire Officers were also requested to make submissions and recommendations for budget inclusions. This was to ensure that not only the standard functions of Council, but also other projects identified within strategic planning documents, would be appropriately included in the budget for Council consideration.

Budget workshops were held on 20 May 2015 and 27 May 2015. The draft budget was presented to Council at a workshop on 24 June 2015.

Consultation

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

Statutory Environment

State: *Local Government Act 1995*

Local Government (Financial Management) Regulations 1996 (as amended)

Policy Implications

Not applicable

Financial Implications

This agenda item provides for the adoption of the budget and the imposition of rates and fees and charges for the 2015-2016 financial year.

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The draft 2015-2016 budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for the Council and the community.

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

Budget

The 2015-2016 budget seeks to provide a useful management tool with additional diagnostic reporting tools for the benefit of management and elected members to ensure compliance with Australian Accounting Standards, the *Local Government Act 1995* and associated regulations.

The new budget sees the implementation of the rating strategy. 1642 properties were approved by the Minister for Local Government to have their valuation changed from UV (Unimproved Value) to GRV (Gross Rental Value). This was gazetted on 5 May 2015.

The draft budget has been prepared with a nil increase to the total rate revenue that was budgeted to be collected in the previous financial year. This approach to a nil overall rate revenue increase has been recommended to avoid community concerns to the rating strategy being a "money grab", as has been indicated on more than one occasion.

However, throughout the distribution of rates there will be some assessments that will have increases and some assessments that will have decreases. This is due to the rate burden being spread more evenly throughout the shire. UV rated properties have an average 11% decrease and properties that were previously rated as GRV (Mucnea, Wannamal and Bindoon town sites) have an average 18.41% decrease.

The Landfill Maintenance Levy has been reduced from \$60 per assessment to \$45 per assessment. In addition to this reduction, the landfill passes will now have the capacity for six (6) free bulk waste or unsorted waste visits to the landfill per year. Should the ratepayer require more than the allocated six (6), additional passes can be purchased.

Highlights of the budget include:

Capital

- Completion of the Chittering Health Centre - \$158,194
- Installation of Solar Panels on the Administration Building - \$35,000
- CCTV Upgrades for Muchea Hall and Sussex Bend - \$37,000 (subject to grant funding)
- Commencement of the Binda Place Upgrade - \$686,566 (funded by Roads to Recovery and Wheatbelt Development Commission)
- Land Swap with St John Ambulance (6152 Great Northern Highway for a portion of Lot 62 Great Northern Highway)
- Toilet Facility at Sussex Bend - \$58,000
- Upgrade to tennis seating and shaded area and Air Conditioning – Wannamal Hall - \$42,000 (Air conditioning subject to grant funding)
- Disabled Toilet/Shower facility – Lower Chittering Oval/Hall - \$72,000 (subject to grant funding)
- Upgrade to Car park at Clune Park and Muchea Hall - \$118,000 (part funded by Age Friendly grant)
- Roadworks on Chittering Road - \$750,067 (partly funded by Regional Road Group)
- Black Spot Roadworks on Julimar Rd, Muchea East/Wandena Roads and Blue Plains/Maddern Roads - \$813,300 (100% funded by MRWA BlackSpot)
- Roadworks on Parkside Gardens, North Road, Archibald Street - \$456,646 funded by Council.
- Footpaths on Ridgetop Ramble - \$147,000
- Purchase of Trucks x 2 - \$228,000
- Purchase of Backhoe - \$170,000
- Purchase of Road Broom - \$60,000
- Purchase of Light Fleet - \$162,000
- Purchase of Portable Generator for Landfill Site - \$8,000
- Transfer to various reserves of \$424,216

Ms Dore left Chambers at 7.47pm and returned at 7.49pm.

AMENDMENT

Moved Cr Gibson / Seconded Cr Norton

That Council retain all light vehicles with less than 70,000km travelled.

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

Cr Rossouw advised the meeting that Council had already workshopped this issue a number of times and had sort staff advice in regards to appropriate change over times and costs.

AMENDMENT

Moved Cr Gibson / Seconded Cr Norton

That Council retain all heavy vehicles with less than 500,000km travelled.

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

Cr Gibson advised the meeting that he had vast knowledge on trucks and driving them on gravels roads, further stating he believed the heavy vehicles should be held for longer.

Cr Mackie stated this matter had also previously been considered at length by Council prior to tonight.

Cr Norton stated that more needs to be done in relations to costs.

The CEO advised that costs had been reduced; in particular employee costs have been reduced by over \$100,000.

AMENDMENT

Moved Cr Gibson / Seconded Cr Norton

That Council look at a 10% reduction in Administration Costs.

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

The Executive Manager Corporate Services advised that administration costs have reduced if you remove the additional/higher depreciation charges that have resulted due to the change in asset valuation method (Fair value).

COUNCIL MOTION

Moved Cr Gibson / Seconded Cr Norton

That this item be laid on the table.

THE MOTION WAS PUT AND DECLARED LOST 2/5

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 110715

Moved Cr Douglas/ Seconded Cr Clarke

1. That Council, pursuant to the provision of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the budget for the Shire of Chittering for the 2015-2016 financial year which includes the following:

- a. Statement of Comprehensive Income by Nature and Type
- b. Statement of Comprehensive Income by Program
- c. Statement of Cash Flows
- d. Rate Setting Statement
- e. Notes to and forming part of the Budget
- f. Budget Programme Schedules
- g. Other Supporting Documents and Schedules
- h. Transfers to/from Reserve accounts.

Subject to the following amendments:

- a. Council, pursuant to Section 6.47 of the *Local Government Act 1995* provide a concession to cap the 2015-2016 rate increase on all properties to a maximum of \$300.
- b. Note 8 of the 2015-2016 Annual Budget be amended to reflect the concession granted.
- c. Note 12 of the 2015-2016 Annual Budget be amended to list all of the individual properties that will receive the concession and provide the reasoning behind the concession.
- d. An expense line item be included under operating revenue of Schedule 3 in the Operating Statement to account for the concession of \$186,586.
- e. That the following items be amended in the 2015-2016 Draft Budget;
 - i. Remove GP Contribution *GL Expense 16012*: \$20,800
 - ii. Reduce Transfer to Waste Reserve *GL Expense 27034* by: \$55,786
 - iii. Remove Purchase of St John Ambulance Building *GL Expense 16004*: \$380,000
 - iv. Remove Sale of Portion of Lot 5 Great Northern Highway *GL Expense 16025*: \$270,000.

2. That Council, pursuant to Sections 6.32, 6.34 and 6.35 of the *Local Government Act 1995* impose the following:
 - a. Where the General Rate is to apply, for all rateable properties with Gross Rental Valuations a rate of 0.093728 cents in the dollar, with a minimum rate of \$1000.00 be imposed.
 - b. Where the General Rate is to apply, for all rateable properties with Unimproved valuations a rate of 0.006010 cents in the dollar, with a minimum rate of \$950.00 be imposed.
3. That Council, pursuant to Section 6.51 (1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 11% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
4. That Council, pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option.
5. That Council, pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, offer the following payment options:
 - a. **Option 1**
To pay the total of rates and charges included on the rate notice in full by the due date 28 August 2015, which is thirty five (35) days after the date of service. Failure to pay such costs will attract penalty charges.
 - b. **Option 2**
To pay by two (2) instalments. Details of these dates and amounts are included on the rate notice. Failure to pay such costs by the due dates will attract penalty charges. This option can only be selected where the first instalment including arrears (if any) is paid by the due date.
Payment dates are:
 - i. 28 August 2015
 - ii. 5 January 2016
 - c. **Option 3**
To pay by four (4) instalments. Details of these dates and amounts are included on the rate notice. Failure to pay such costs by the due dates will attract penalty charges. This option can only be selected where the first instalment including all arrears (if any) is paid by the due date.
Payment dates are:
 - i. 28 August 2015
 - ii. 30 October 2015
 - iii. 8 January 2016
 - iv. 12 March 2016
6. That Council, pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment charge where the owner has elected to pay rates (and charges) through an instalment option of \$10.00 for each instalment after the initial instalment is paid.

7. That Council, pursuant to Section 67 of the *Waste Avoidance and Resource Recovery Act 2007*, impose a Waste Collection Fee in the compulsory areas, as following:
 - a. \$310.00 per annum – for one (1) refuse mobile garbage bin (collected weekly) and one (1) recycling mobile garbage bin (collected fortnightly)
 - b. \$170.00 per annum – for any additional recycling mobile garbage bins (collected fortnightly)
 - c. \$140.00 per annum – for any additional refuse mobile garbage bins (collected weekly).
8. That Council, pursuant to Section 66 of the *Waste Avoidance & Resource Recovery Act 2007*, adopts the following waste services rate and minimum payment to fund the operations of the Bindoon & Muchea Landfill Centres:
 - a. GRV base rate \$0.000023;
 - b. UV base rate \$0.000023; and a
 - c. Minimum payment of \$45 to apply to both GRV and UV rated land.
9. That Council accepts as part of the budgetary process the Fees & Charges Schedule as adopted in Item 9.3.4 at the Ordinary Meeting of Council held on 20 May 2015.
10. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 18 June 2014*, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - a. President \$23,800
 - b. Councillors \$12,600
11. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 18 June 2014*, adopts the following annual allowances for elected members:
 - a. Reimbursement of Expenses Allowance \$3,500
12. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 18 June 2014*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. President \$15,000
13. That Council, pursuant to the *Salaries and Allowances Tribunal determination dated 18 June 2014*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. Deputy President \$3,750
14. That Council, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, adopts a variance of 10% and a minimum of \$10,000 to be used in the statements of financial activity and annual budget review.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2
BY AN ABSOLUTE MAJORITY

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Chief Executive Officer – Annual Leave Request

Report date	15 July 2015
Applicant	N/A
File ref	22/10/59
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

The Chief Executive Officer requires Annual Leave between 22 August 2015 to 30 August 2015 (inclusive) and also from 23 January 2016 to 14th February 2016 (inclusive).

Council's consideration is requested to approve the annual leave request and appoint an Acting Chief Executive Officer during these periods.

Consultation

Shire President

Statutory Environment

State: *Local Government Act 1995*

Policy Implications

3.14 Appointment of an Acting Chief Executive Officer

Financial Implications

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

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 120715

Moved Cr Mackie / Seconded Cr Clarke

That Council:

- 1. approve the annual leave of the Chief Executive Officer for the period commencing Saturday, 22 August 2015 and ending on Monday, 31 August 2015.**
- 2. appoint the Executive Manager Technical Services as the Acting Chief Executive Officer for the period commencing Saturday, 22 August 2015 and ending on Monday, 31 August 2015.**
- 3. approve the annual leave of the Chief Executive Officer for the period commencing Saturday, 23 January 2016 and ending on Monday, 15 February 2016.**
- 4. appoint the Executive Manager Corporate Services as the Acting Chief Executive Officer for the period commencing Saturday, 23 January 2016 and ending on Monday, 15 February 2016.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

13.1 Urgent Business – Muchea Employment Node and Special Control Area

PROCEDURAL MOTION

Moved Cr Norton / Seconded Cr Rossouw

That Council considers items of urgent business regarding the Muchea Employment Node and Special Control Area.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

COUNCILLOR MOTION / COUNCIL RESOLUTION – 130715

Moved Cr Norton / Seconded Cr Rossouw

That Council instructs the Executive Manager Development Services to:

1. prepare a report for the introduction of a moratorium on all Scheme Amendments, except those within the Muchea Employment Node, until the LPS has been formalised; and
2. prepare a draft Local Planning Policy in relation to Transport Depots.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

The Shire President acknowledged the diligent work undertaken by the Corporate Services department in relation to the rating strategy.

The Shire President acknowledged that this would be the last Council meeting for Cr Mackie and thanked her for her contribution.

14. MEETING CLOSED TO THE PUBLIC

Nil

15. CLOSURE

The Presiding Member declared the meeting closed at 8.26pm.



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